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**FIRST AMENDMENT TO CONTRACT BETWEEN THE CITY OF SAN DIEGO AND
USD'S ENERGY POLICY INITIATIVES CENTER FOR CLIMATE ACTION PLAN
MONITORING AND IMPLEMENTATION SERVICES**

This First Amendment to the Contract Between the City of San Diego and USD's Energy Policy Initiatives Center for Climate Action Plan Monitoring and Implementation Services (First Amendment) is made and entered into by and between the City of San Diego (City) and USD's Energy Policy Initiatives Center (Contractor), also referred to individually as "Party" and collectively as the "Parties."

RECITALS

1. City entered into a contract with Contractor for Climate Action Plan (CAP) monitoring and implementation services pursuant to San Diego Municipal Code Section 22.3210, resulting in a contract between the City and Contractor (Contract). The Contract is comprised of the Contract and all Exhibits thereto, and the City's General Contract Terms and Provisions.

2. The Contract may be amended by written agreement executed by duly authorized representatives of both Parties.

3. The Parties wish to amend the Contract to extend the term for two (2) years and to increase the total compensation under the Contract to an amount not to exceed \$943,962.

TERMS

1. Section 2.1 of the Contract is revised in its entirety to read as follows:

2.1 Contract Term. This Contract shall be effective on the date it is executed by the last Party to sign the Contract, and approved by the City Attorney in accordance with San Diego Charter Section 40. This First Amendment shall be effective retroactively to July 1, 2021, once it is executed by the last Party to sign the First Amendment and it is approved by the City Attorney in accordance with San Diego Charter Section 40. Unless otherwise terminated, this Contract shall be effective until completion of the Scope of Services or July 1, 2023, whichever is earlier. Any extension of this Contract beyond July 1, 2023 must be approved by City Council through ordinance.

2. Section 3.1 of the Contract is revised in its entirety to read as follows:

3.1 Amount of Compensation. The City shall pay the Contractor for performance of all services rendered in accordance with this Contract, including reasonably related expenses, in an amount not to exceed \$943,962.

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3. All provisions of the Contract not addressed in this First Amendment remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment is executed by City and Contractor acting by and through their authorized officers.

Contractor

City of San Diego

By: Eileen K. Fry-Bowers

By: C. Abarca

Name: Eileen K. Fry-Bowers, PhD, JD

Name: Claudia C. Abarca

Title: Associate Provost for Research Administration

Title: Director, Purchasing & Contracting

Date: 5/11/2021

Date: July 13, 2021

Approved as to form this 14th day of July, 2021.

MARA W. ELLIOTT, City Attorney

By: Nicole M. Denow
Deputy City Attorney

Nicole M. Denow
Print Name

0-21324

54
6/8/2021

(O-2021-126)

ORDINANCE NUMBER O- 21324 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 14 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SAN DIEGO AND UNIVERSITY BUSINESS CENTER FOR THE UNIVERSITY OF CALIFORNIA SAN DIEGO'S ENERGY POLICY INITIATIVES CENTER FOR CLIMATE ACTION PLAN MONITORING AND IMPLEMENTATION SERVICES.

WHEREAS, on August 3, 2016, the City entered into a contract with the University of San Diego's Energy Policy Initiatives Center (Contractor) pursuant to San Diego Municipal Code Section 22.3210 for Climate Action Plan Monitoring and Implementation Services for an amount not to exceed \$683,022 (Contract); and

WHEREAS, the Contract was effective until completion of Services or July 1, 2021, whichever occurred earliest; and

WHEREAS, the City and Contractor are currently in the process of updating the Climate Action Plan (CAP), originally adopted in 2015; and

WHEREAS, the Contractor is a non-profit organization with expertise in developing, implementing, and monitoring climate action plans in the region and has experience and specialized knowledge regarding technical support needed for the City's CAP; and

WHEREAS, without an extension to this Contract, annual monitoring and reporting on the CAP would be impacted, and the Sustainability Department would lose critical support for policy development, access to expertise and databases that incorporate best practices across the region and state, and the ability to monitor the City's GHG inventory; and

WHEREAS, this action requests authorization to execute a First Amendment to the Contract to increase the not-to-exceed amount of the Contract by \$260,940, from \$683,022 to an amount not to exceed \$943,962 for the entire Contract, and extends the Contract until July 1, 2023; and

WHEREAS, once approved and executed, the First Amendment shall be effective retroactively to July 1, 2021; and

WHEREAS, under Charter section 99, no contract, agreement, or obligation extending for a period of more than five (5) years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or designee, is authorized to execute, for and on behalf of the City, the First Amendment to the Contract Between the City of San Diego and USD's Energy Policy Initiatives Center for Climate Action Plan Monitoring and Implementation Services, increasing the not-to-exceed amount of the Contract by \$260,940 from \$683,022 to \$943,962 and extending the Contract term through July 1, 2023, and otherwise modifying the Contract pursuant to the terms and conditions set forth in the First Amendment to the Contract, on file in the office of the City Clerk as Document No. OO- 21324

Section 2. That the Chief Financial Officer is hereby authorized to expend an amount not to exceed \$943,962 from Fund 100000, General Fund, over the term of the Contract, contingent upon the adoption of the Annual Appropriations Ordinance for the applicable fiscal

year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Nicole M. Denow
Nicole M. Denow
Deputy City Attorney

NMD:jdf
05/11/2021
Or.Dept: Sustainabilty Dept.
Doc. No.: 2658909

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 06/08/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

Approved: 6/14/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 08 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 14 2021

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 25 2021, and on JUN 14 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21324

Passed by the Council of The City of San Diego on June 8, 2021, by the following vote:

YEAS: LACAVA, CAMPBELL, WHITBURN, MONTGOMERY STEPPE, VON WILPERT, CATE, CAMPILLO, MORENO, & ELO-RIVERA,

NAYS: NONE.

NOT PRESENT: NONE.

RECUSED: NONE.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Connie Patterson, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of ORDINANCE NO. **O-21324** (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on **May 25, 2021**, and on **June 14, 2021**.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: Connie Patterson, Deputy