

**ORDINANCE 2752**

**ORDINANCE AMENDING THE FY13/14 BUDGET,  
INCREASING THE FY13/14 CAPITAL  
IMPROVEMENT PROGRAM APPROPRIATIONS  
PURSUANT TO BPC 90 BY TRANSFERRING  
\$179,409 FROM THE FY13/14 PERSONNEL  
EXPENSE APPROPRIATIONS**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 21 of the Port Act requires that the adoption of an annual budget be by ordinance; and

**WHEREAS**, Board of Port Commissioner (BPC) BPC Policy No. 090 requires BPC approval for any transfer within the Capital Improvement Program; and

**WHEREAS**, the Broadway Pier Surface Enhancements and Security Fence and Gate System project combines two separately funded projects into one construction contract to allow their construction to be carefully coordinated with each other and the surrounding North Embarcadero Visionary Plan (NEVP) Phase 1 project; and

**WHEREAS**, the overall scope of the combined project will provide comfortable and safe facilities for the region's residents, visitors, and the cruise ship industry at Broadway Pier; and

**WHEREAS**, the surface enhancements portion of the project includes site furnishings, flag poles, surface treatments, and other amenities that are being provided at the Broadway Pier pursuant to a condition of approval of the Coastal Development Permit for the NEVP; and

**WHEREAS**, the surface enhancements are funded through a \$1,000,000 contribution from Civic San Diego (formerly the San Diego Center City Development Corporation), and are separate from the \$28.6 million funding for the NEVP; and

**WHEREAS**, the security fence and gate system portion of the project includes two fence and gate systems that will provide permanent security measures required by the U.S. Coast Guard for cruise ship terminal operation with funding through a security grant from the US Department of Homeland

Security and cannot be utilized for any improvements other than security measures; and

**WHEREAS**, the design concept for the project was approved by the Board of Port Commissioners (BPC) at its April 2012 meeting; and

**WHEREAS**, the final design, prepared by District consultant Civitas, Inc. was coordinated through a series of meetings with stakeholder representatives from Civic San Diego and the District's General Services, Marine Operations, and Marketing departments with the construction budget determined on the available funding, committed soft costs, and construction contingency; and

**WHEREAS**, on September 9, 2013, the contract documents were advertised, and on October 7, 2013, four bids were received with base bid amounts ranging from \$1,029,800 to \$1,380,000; and

**WHEREAS**, all bids exceeded the overall budget so District staff met with the project stakeholder representatives to review options and determine how to proceed with the result being an agreement by the stakeholder representatives to recommend rejection of all bids and request authorization to revise the scope and re-advertise the project for new bids; and

**WHEREAS**, District staff prepared agenda item #10 for the BPC meeting on December 10, 2013, and the BPC reviewed the item and continued it until the January 14, 2014 BPC meeting and directed District staff to determine how to provide additional funding that will allow the BPC to award the contract to the lowest responsive bidder; and

**WHEREAS**, District staff reviewed the current funding sources, analyzed the budget needs to award the contract, and identified areas in the District's various budget sources to locate additional funds for the project; and

**WHEREAS**, District staff determined the additional funding required to award a construction contract to the lowest responsive and responsible bidder which required separate analysis of each funding source compare to the bid breakdown of the associated project improvements; and

**WHEREAS**, the soft costs and a 6% contingency were deducted from each funding source amount (the 6% contingency amount is required pursuant to BPC Policy 110 Section 1-C(2) for contracts between \$1,000,000 and \$5,000,000); and

**WHEREAS**, an alternate calculation was also required because the bid savings from the grant funded security fence and gates could not be applied to offset the bid overage of the surface enhancements thus the bid overage of the

surface enhancements, \$179,409 drives the additional funding to award the bid contract; and

**WHEREAS**, District staff also reviewed other budgets to determine how additional funds could be reallocated into the P0413 – Surface Enhancements budget; and

**WHEREAS**, the resulting recommendation is to utilize the budget from the District's Personnel Expense Appropriations.

The Board of Port Commissioners of the San Diego Unified Port District do ordain as follows:

Section 1. That the amendment to the budget increasing Fiscal Year 2013-2014 Capital Improvement Program appropriations pursuant to BPC Policy No. 090 by transferring \$179,409 from the Fiscal Year 2013-2014 Personnel Expense Appropriations is hereby adopted.

Section 2. This ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
PORT ATTORNEY



By: ~~Assistant~~ Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14<sup>th</sup> day of January 2014, by the following vote:

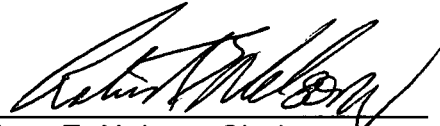
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

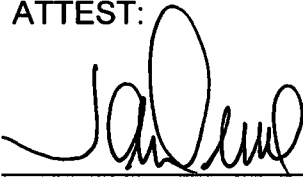
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)