

RESOLUTION 2013-172

**RESOLUTION GRANTING INDEMNITY TO THE CITY
OF SAN DIEGO TO ALLOW THE SAN DIEGO
UNIFIED PORT DISTRICT TO PARTICIPATE IN THE
CITY, COUNTY, PORT CONSULTANT ROTATION
LIST**

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 I, (Port Act); and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 establishing a procedure for the administration of contracts and the purchasing of supplies, materials, and equipment and establishing a policy governing the processing and administration of contracts; and

WHEREAS, at the November 13, 2001 BPC meeting, the BPC approved modifications to BPC Policy No. 110, Procedure for the Administration of Contracts, Agreements and the Purchasing of Supplies, Materials and Equipment to allow the District to participate in the City of San Diego's (City) City, County, Port Consultant Rotation List to increase efficiency and reduce administrative costs in the Request for Qualification process for individual projects; and

WHEREAS, staff entered into an agreement with the City on March 7, 2002 for a period of ten years; and

WHEREAS, the City had presented the District with a new agreement that requires that the District indemnify the City; and

WHEREAS, the latest version of BPC Policy No. 110 was adopted by the BPC on February 12, 2013, and continues to provide for use of the City, County, Port Consultant Rotation List with a raised upper value limit of \$350,000; and

WHEREAS, staff recommends that the District continue to participate in this program as allowed in BPC Policy No. 110 as a cost effective and efficient public procurement option; and

WHEREAS, entering into this agreement with the City presents very little risk to the District as the only service the City will be performing for the District is the running of the solicitation, the review and rating of the firms submitting, the establishment and management of the lists, and the establishment of short lists.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or his designated representative is hereby authorized to grant indemnity to the City of San Diego to allow the District to participate in the City, County, Port Consultant Rotation List as follows:

“The Port District agrees to defend and indemnify the City and to hold it harmless if any lawsuit or claim arises out of the Port District’s use of any list of consultants obtained from the City pursuant to this Agreement.”

APPROVED AS TO FORM AND LEGALITY:



PORT ATTORNEY

2013-172

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th day of October, 2013, by the following vote:

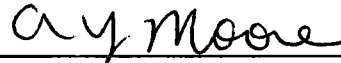
AYES: Castellanos, Malcolm, Merrifield, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: Moore

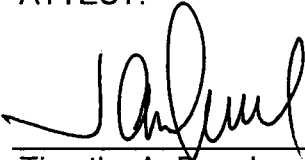
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)