

RESOLUTION 2013-187

RESOLUTION AUTHORIZING A CREDIT TO THE EXECUTIVE DIRECTOR'S CHANGE ORDER AUTHORITY IN THE AMOUNT OF \$90,002 TO CONTRACT NO. 2011-49 WITH NEWEST CONSTRUCTION COMPANY FOR THE TENTH AVENUE MARINE TERMINAL COLD IRONING (SHORE POWER) PROJECT

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, on April 9, 2013 the BPC awarded the Tenth Avenue Marine Terminal (TAMT) Cold Ironing (Shore Power) Project (Contract No. 2011-49) to NEWest Construction Company, Inc. in the amount of \$2,943,460; and

WHEREAS, approximately half of the contract work has been completed to date and Dole Fresh Fruit Company (Dole) requested additional work which requires a change order in the amount of \$90,002; and

WHEREAS, Dole has agreed to reimburse the District for this change order in the form of installment payments; and

WHEREAS, Pursuant to BPC Policy No. 110, the Executive Director is authorized to execute change orders up to six percent (6%) of the contract amount for a total of \$176,607.60; and

WHEREAS, the cost of the current executed Change Order No. 1 through 4 is \$147,010, which includes Change Order No. 3 in the amount of \$90,002 for the additional work initiated by Dole; and

WHEREAS, although Change Orders No. 1 through 4 have been authorized by staff in accordance with BPC Policy No. 110, the Dole initiated change order has reduced the remaining change order contingency amount within the Executive Director's authority to \$29,597.60; and

2013-187

WHEREAS, staff recommends a credit of \$90,002 to the Executive Director's change order authority to replenish the project change order contingency with Dole reimbursement fund, for future unforeseen conditions.

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

That a credit to the Executive Director's change order authority in the amount of \$90,002 to Contract No. 2011-49 with NEWest Construction Company, Inc. for the Tenth Avenue Marine Terminal Cold Ironing (Shore Power) Project is hereby authorized.

APPROVED AS TO FORM AND LEGALITY:



PORT ATTORNEY

2013-187

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 19th day of November, 2013, by the following vote:

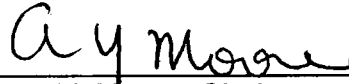
AYES: Castellanos, Merrifield, Moore, Nelson, Smith,

NAYS: None.

EXCUSED: Malcolm, Valderrama

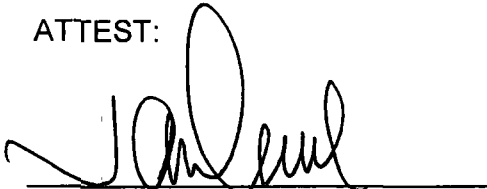
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)