

RESOLUTION 2013-47

RESOLUTION WAIVING BOARD POLICY 110, PART II.C TO AUTHORIZE AMENDMENT NO. 3 TO THE AGREEMENT WITH NINYO & MOORE FOR CONSTRUCTION OVERSIGHT SERVICES DURING CONSTRUCTION OF THE NORTH EMBARCADERO VISIONARY PLAN PHASE 1 TO INCREASE THE AMOUNT PAYABLE UNDER THE AGREEMENT BY \$188,842, FOR A NEW AGGREGATE AMOUNT PAYABLE UNDER THE AGREEMENT OF \$508,814 AND EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2014

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, the District entered into an agreement with Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Ninyo & Moore) for Construction Oversight Services for the North Embarcadero Visionary Plan (NEVP), Phase 1, on file in the Office of the District Clerk as Document No. 58424 dated January 18, 2012; and

WHEREAS, the agreement was negotiated directly with Ninyo & Moore due to their relevant experience, knowledge, and expertise on North Embarcadero area projects including Lane Field and the 1999 Environmental Impact Report for the North Embarcadero Alliance Visionary Plan; and

WHEREAS, on September 19, 2012 the BPC approved a first amendment to the agreement to add \$195,000 to the budget, increase the duration of the work efforts and extend the agreement to March 31, 2014, on file in the Office of the Clerk as Document No. 59365; and

WHEREAS, a second amendment to the agreement was administratively approved to provide further clarification to the allowable reimbursable expenses, on file in the Office of the District Clerk as Document No. 59526; and

WHEREAS, unanticipated site conditions resulting in additional work efforts and an extended work schedule have caused the original scope, schedule and budget to be extinguished faster than anticipated; and

WHEREAS, earthmoving operations have been longer than originally anticipated because of encountering unexpected underground conditions and additional delay from utility relocation activities undertaken by the utility companies; and

WHEREAS, these unanticipated site conditions and the need for extra on-site equipment have resulted in additional work efforts (e.g., night work) and costs not originally anticipated in the original scope, schedule, and budget; and

WHEREAS, additional unanticipated work efforts and site conditions such as double shifts required for construction oversight services during night work in the intersections of West Broadway/N. Harbor Drive and West Broadway/Pacific Highway; and

WHEREAS, additional construction oversight services due to unanticipated site conditions encountered by the NEVP Phase 1 contractor; and

WHEREAS, as a result, staff recommends waiving BPC Policy No. 110, (Part II.C) to authorize Amendment No. 3 to the agreement with Ninyo & Moore Geotechnical and Environmental Sciences Consultants for construction oversight services during construction of the North Embarcadero Visionary Plan Phase 1 to increase the agreement amount by \$188,842, increasing the aggregate total of the agreement from \$319,972 to \$508,814 and extending the term of the agreement to December 31, 2014.

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

The Board of Port Commissioners hereby waives the bidding procedures enumerated in Board Policy No. 110, and the Executive Director or his designated representative is hereby authorized to enter into Amendment No. 3 to the agreement, on behalf of the District with Ninyo & Moore Geotechnical and Environmental Sciences Consultants, a California corporation for construction oversight services for the North Embarcadero Visionary Plan Phase 1, to increase the amount payable under the agreement by \$188,842, for a new aggregate amount payable under the agreement of \$508,814, and extending the term of the agreement to December 31, 2014.

2013-47

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of April, 2013, by the following vote:

AYES: Malcolm, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

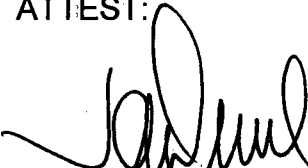
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)