

RESOLUTION 2014-08

**RESOLUTION WAIVING BPC POLICY NO. 110,
PART II.C TO AUTHORIZE AMENDMENT NO. 4 TO
THE AGREEMENT WITH NINYO & MOORE
GEOTECHNICAL AND ENVIRONMENTAL
SCIENCES CONSULTANTS FOR THE
CONSTRUCTION OVERSIGHT SERVICES OF
NORTH EMBARCADERO VISIONARY PLAN, PHASE
1 CONSTRUCTION SERVICES TO INCREASE THE
AGREEMENT AMOUNT BY \$75,000, INCREASING
THE AGGREGATE TOTAL OF THE AGREEMENT
FROM \$508,814 TO \$583,814**

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, in accordance with California Government Code, Section 4526, Design Professional Services, defined as architectural, engineering, environmental, land surveying, or construction project management, must be selected based on demonstrated competence and qualifications, and fair and reasonable prices; and

WHEREAS, construction oversight services (due to potentially contaminated soils) for NEVP Phase 1 are required pursuant to the Mitigation Monitoring and Reporting Program (MMRP) previously adopted by the BPC, which is incorporated as Special Condition No. 8 of the Coastal Development Permit (CDP) for NEVP Phase 1; and

WHEREAS, the District entered into an agreement for Construction and Oversight Services with Ninyo & Moore dated January 18, 2012 (Clerk's Document No. 58424); and

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

WHEREAS, a second amendment 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, on April 9, 2013 the BPC approved a third amendment to the agreement to add \$188,842 to the budget, increase the duration of work efforts, and extend the agreement to December 31, 2014, on file in the Office of the District Clerk as Document No. 60351; and

WHEREAS, pursuant to BPC Policy No. 110 Section II.C, service and consulting agreements in excess of \$175,000 require solicitation and written proposals prior to entering into an agreement; and

WHEREAS, staff recommends waiving BPC Policy No. 110 (Part II.C) and authorizing a fourth amendment to add \$75,000 to the agreement with Ninyo & Moore to continue construction oversight services during construction of NEVP Phase 1.

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

That the Board of Port Commissioners hereby waives the bidding procedures in BPC Policy No. 110, Part II.C and authorizes the Executive Director or his designated representative to enter into Amendment No. 4 to the agreement with Ninyo & Moore Geotechnical and Environmental Sciences Consultants for the Construction Oversight Services of North Embarcadero Visionary Plan, Phase 1 Construction Services to increase the agreement amount by \$75,000, increasing the aggregate total of the agreement from \$508,814 to \$583,814.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: ~~Assistant~~ Deputy

2014-08

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

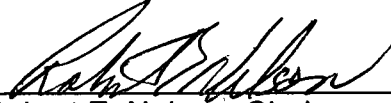
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

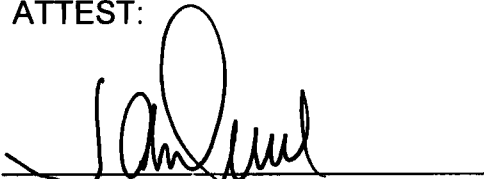
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)