

RESOLUTION 2014-09

**RESOLUTION AMENDING THE FY2009-2013
CAPITAL IMPROVEMENT PROGRAM AND
AUTHORIZING A BUDGET INCREASE IN THE
AMOUNT OF \$179,409 FOR THE BROADWAY
PIER SURFACE ENHANCEMENTS PROJECT
FROM \$1,000,000 TO \$1,179,409**

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, 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 No. 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

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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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District that a budget increase in the amount of \$179,409 for the Broadway Pier Surface Enhancements project from \$1,000,000 to \$1,179,409 and the amendment to the Fiscal Year 2009-2013 Capital Improvement Program is hereby approved and adopted.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY

A handwritten signature in black ink, appearing to read "A. [unclear]", written over a horizontal line.

By: ~~Assistant~~/Deputy

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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.

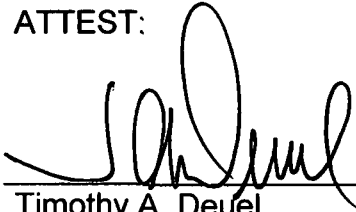
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)