

RESOLUTION 2014-11

RESOLUTION WAIVING BPC POLICY NO. 110, PART II.C, AND AUTHORIZING AN AGREEMENT WITH LOWE ENTERPRISES REAL ESTATE GROUP FOR CONSULTING SERVICES IN RELATION TO PURSUING THE AVAILABILITY OF NEW MARKET TAX CREDITS ASSOCIATED WITH SAN DIEGO UNIFIED PORT DISTRICT PROJECTS CONDITIONED ON EXECUTIVE DIRECTOR AND PORT ATTORNEY DETERMINATION THAT SUCH AGREEMENT IS APPROPRIATE AND LEGAL

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, pursuant to BPC Policy No. 110, service and consulting agreements in excess of \$175,000 shall be authorized by the BPC, after solicitation of written responses through publication or electronic notification and interviews; and

WHEREAS, New Market Tax Credits (NMTC) is a program directed by the Internal Revenue Service (IRS) to provide subsidies for community development in economically distressed areas, and the opportunity to participate in the subsidy is time sensitive not allowing for the process required by BPC Policy No. 110; and

WHEREAS, Lowe Enterprises Real Estate Group (Lowe) advised the District that projects underway by the District may be eligible for up to \$2.0 Million of subsidies; and

WHEREAS, Lowe has experience working with public agencies seeking subsidies related to NMTC; and

WHEREAS, staff recommends waiving BPC Policy No. 110 (Part II.C) and authorizing an agreement with Lowe for consulting services in relation to pursuing the availability of NMTC associated with District projects in an amount

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not to exceed two hundred and sixty basis points (2.60%) of the total NMTC qualified investment project (approximately \$500,000 in compensation).

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 solicitation procedures in BPC Policy No. 110, Part II.C, and authorizes the Executive Director or his designated representative to enter into an agreement with Lowe Enterprises Real Estate Group for consulting services in relation to pursuing the availability of NMTC associated with District projects in an amount not to exceed two hundred and sixty basis points (2.60%) of the total NMTC qualified investment project (approximately \$500,000 in compensation) conditioned on Executive Director and Port Attorney determination that such agreement is appropriate and legal.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



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:

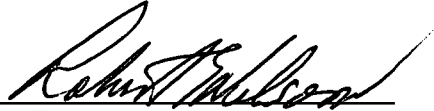
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

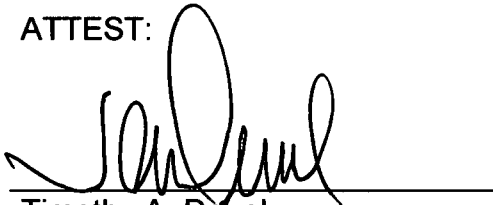
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)