

RESOLUTION 2014-122

RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH TETRA TECH, INC. FOR LITIGATION AND ENVIRONMENTAL SUPPORT SERVICES RELATED TO THE CHULA VISTA BAYFRONT FOR A TERM OF THREE YEARS IN AN AMOUNT NOT TO EXCEED \$576,000

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 1999, the District entered into a Relocation Agreement with Rohr Industries, Inc. operating as BF Goodrich Aerostructures Group, a United Technologies Aerospace Systems Company (Rohr), the City of Chula Vista (City), and the Redevelopment Agency of the City of Chula Vista; and

WHEREAS, the Relocation Agreement provided for a series of land transactions that included the transfer of uplands portion of Rohr's industrial campus located south of H Street (referred to as the South Campus) from Rohr to the District, and in exchange a portion of District tidelands north of H Street was provided to Rohr known as New Campus; and

WHEREAS, the South Campus contained sixty-three industrial buildings with approximately 870,000 square feet in gross building area previously used by Rohr for aviation and aerospace industrial manufacturing; and

WHEREAS, the Relocation Agreement committed the District to dismantle, demolish and remove all structures and associated materials located on the South Campus, with Rohr responsible for remediation of conditions that occurred as a result of Rohr activities; and

WHEREAS, the above ground building structures have been demolished and the District is currently removing the concrete covering the South Campus and any remaining below ground structures that are encountered during demolition of the concrete, and remediation of the site by Rohr is ongoing and is expected to continue during and after the demolition activities are complete; and

WHEREAS, in 1999, the District acquired the South Bay Power Plant (SBPP) in order to facilitate its removal from the tidelands located on the Chula Vista Bayfront and entered into a lease agreement with Duke Energy South Bay (Duke) and thereafter consented to the assignment of the SBPP lease and associated agreements to Dynegy South Bay, LLC (Dynegy); and

WHEREAS, on October 25, 2011, the District and Dynegy entered into a letter agreement formalizing previous negotiations regarding proposed demolition of the SBPP, whereby Dynegy agreed to a process for demolition and removal of both above ground and below ground structures and infrastructures and remediation; and

WHEREAS, Dynegy is in the process of demolishing below ground structures at the SBPP; and

WHEREAS, on December 13, 2011, the Board adopted Resolution 2011-174 authorizing an agreement with Tetra Tech, Inc. to provide environmental services to the District regarding discovery of contaminants in the soil and bay sediments at the SBPP site; and

WHEREAS, on September 10, 2013, the Board adopted Resolution 2013-147 authorizing an agreement with Tetra Tech, Inc. to provide litigation support services to the Office of the Port Attorney regarding the redevelopment and remediation of the Chula Vista Bayfront; and

WHEREAS, since 2011, Tetra Tech, Inc. has been the District's primary environmental consultant for issues related to contamination and remediation at SBPP and South Campus; and

WHEREAS, in October 2013, the City of Chula Vista, in its capacity of the Successor Agency to the Chula Vista Redevelopment Agency, initiated litigation in state court against Rohr seeking injunctive relief, cost recovery, and declaratory relief pursuant to its authority under the California Health and Safety Code Section 33459 et seq. otherwise known as the Polanco Redevelopment Act; and

WHEREAS, on November 11, 2013, the Board authorized litigation against Rohr to recover costs incurred by the District as a result of Rohr's contamination, and to ensure that the contamination is appropriately remediated,

and on January 29, 2014, the District accepted service of Rohr's cross-complaint and on February 6, 2014, the District fled its cross-complaint against Rohr; and

WHEREAS, both the South Campus Site and the South Bay Power Plant Site (Sites) contain contamination resulting from the previous operations at the Sites and are in the process of being remediated by third parties, and in addition to those Sites, other areas of the Chula Vista Bayfront are being redeveloped by the District, such as the Sweetwater parcel, which may require environmental analysis; and

WHEREAS, the District continues to require the services of an expert environmental consultant firm in order to ensure that the District's contamination concerns at the Sites are properly addressed through the permitting process, and that the Sites are remediated to appropriate standards; and

WHEREAS, the District requires an expert environmental consultant to provide litigation support services to the Office of the Port Attorney, including the provision of peer-review services and oversight related to environmental, demolition, remediation, and redevelopment activities regarding contamination on the Sites; and

WHEREAS, on March 26, 2014, the District advertised Request for Qualifications (RFQ) 14-12 "Environmental Consultant for Litigation Services"; and

WHEREAS, on May 1, 2014, the District received nine responses and based on the responses to the RFQ, five firms were chosen for interviews; and

WHEREAS, a panel consisting of District staff from Real Estate, Environmental and Land Use Planning, Engineering, and the Office of the Port Attorney interviewed the firms, focusing on experience of the firm's staff, approach to the project, capability to perform, the firm's relevant experience, and cost to perform; and

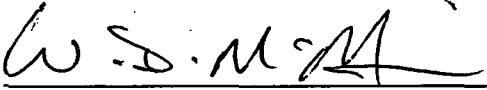
WHEREAS, the panel found Tetra Tech, Inc. to be the most qualified environmental consultant to provide litigation support services to the Office of the Port Attorney regarding the Chula Vista Bayfront.

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

The Port Attorney or authorized designee is hereby authorized and directed to enter into an agreement on behalf of the San Diego Unified Port District, with Tetra Tech Inc., for litigation environmental support services related

to demolition and remediation of the Chula Vista Bayfront project for a period of three years in an amount not to exceed \$576,000.

APPROVED AS TO FORM AND LEGALITY:



DEPUTY PORT ATTORNEY

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10TH day of June 2014, by the following vote:

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

NAYS: None.

EXCUSED: Moore and Valderrama.

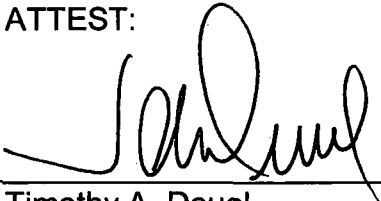
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)