

**RESOLUTION 2014-146**

**RESOLUTION WAIVING THE BIDDING REQUIREMENTS OF BPC POLICY NO. 110, SECTION II.C AND AUTHORIZING AN INTERIM, AS-NEEDED SERVICES AGREEMENT WITH NISSHO OF CALIFORNIA, INC. TO PROACTIVELY ADDRESS START-UP MAINTENANCE SERVICES AT THE BROADWAY PASEO AND BROADWAY LANDING (KNOWN UNDER THE PROJECT NAMES NEVP PHASE I AND BROADWAY PIER SURFACE ENHANCEMENTS) FROM JULY 10, 2014 TO DECEMBER 31, 2015 IN AN AMOUNT NOT TO EXCEED \$750,000 PENDING ISSUANCE OF A COMPREHENSIVE REQUEST FOR PROPOSALS FOR LONG-TERM MAINTENANCE SERVICES BEGINNING DURING FY 15/16**

**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**, Section 21 of the Port Act states that the Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, Section 35 of the Port Act states that the BPC may do all other acts necessary and convenient for the exercise of its powers; and

**WHEREAS**, District will become responsible for maintenance of the Broadway Paseo and Broadway Landing (known under the project names NEVP Phase I and Broadway Pier Surface Enhancements) as these facilities complete construction; and


**WHEREAS**, until construction is completed and all areas are ready for public use, the scope of services for long-term maintenance of these areas remains uncertain and not clearly identifiable, making a comprehensive Request for Proposals process precluded at this time; and

**WHEREAS**, to ensure that maintenance of these new areas begins and is sustained from the date that District assumes responsibility, staff recommends the BPC waive certain bidding requirements of BPC Policy No. 110, Section II.C and authorize staff to negotiate an interim, as-needed services agreement with Nissho of California, Inc., the District's service provider at Ruocco Park, for 18-months in an amount not to exceed \$750,000, after which a comprehensive RFP process will be used to select a long-term maintenance provider.

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


That the bidding requirements of BPC Policy No. 110, Section II.C are hereby waived and the Executive Director or his designated representative is hereby authorized to negotiate and enter into an agreement with Nissho of California, Inc., for an interim, as-needed service agreement for 18 months for an amount not to exceed \$750,000 for the Broadway Paseo and Broadway Landing.

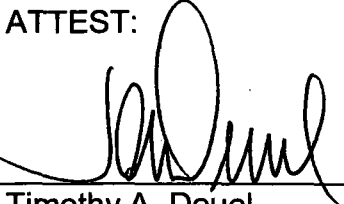
APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

  
\_\_\_\_\_  
By: ~~Assistant~~/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8<sup>th</sup> day of July 2014, by the following vote:

- AYES: Bonelli, Castellanos, Malcolm, Merrifield, Nelson, and Valderrama.
- NAYS: None.
- EXCUSED: Moore.
- ABSENT: None.
- ABSTAIN: None.

  
\_\_\_\_\_  
Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:  
  
\_\_\_\_\_  
Timothy A. Deuel  
District Clerk

(Seal)