

RESOLUTION 2014-17

**RESOLUTION AUTHORIZING EXECUTIVE
DIRECTOR OR HIS DESIGNEE TO TERMINATE
FOR CAUSE ALL OR ANY PART OF
CONSTRUCTION CONTRACT NO. 2011-27 WITH
KHAVARI CONSTRUCTION, INC.**

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, Section 37 of the Port Act requires that the California Public Contract Code (CPC) apply to public projects of the District; and

WHEREAS, the Imperial Beach Pier is a fishing and recreational facility located on Tidelands at the west end of Evergreen Street in the City of Imperial Beach; and

WHEREAS, the Imperial Beach Pier Deck Refurbishment Project was identified as a priority through existing conditions assessments, and will replace the weathered decking and provide a uniform walking surface on the Pier; and

WHEREAS, on November 13, 2012, Construction Contract No. 2011-27; was awarded to Khavari Construction, Inc. (Khavari), the lowest bidder on the project and a Notice to Proceed was issued on December 4, 2012; and

WHEREAS, after performing approximately 9% of the work, Khavari has failed to perform further and is in breach of the contract; and

WHEREAS, District staff recommends that the Board of Port Commissioners authorize Executive Director or his designee to terminate for cause all or any part of Construction Contract No. 2011-27 with Khavari.

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

The Executive Director or his designated representative is hereby authorized to terminate for cause all or any part of Construction Contract No. 2011-27 with Khavari Construction, Inc. for the Imperial Beach Pier Deck Refurbishment Project.

2014-17

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of February, 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

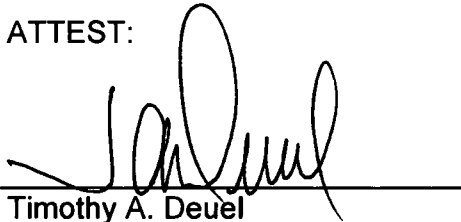
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)