

**RESOLUTION 2014-18**

**RESOLUTION AWARDING CONTRACT NO 2011-27 TO THE SECOND LOWEST BIDDER, JUST CONSTRUCTION, INC. FOR BID SCHEDULES A, B, C, AND D IN THE AMOUNT OF \$420,000.80 CONTINGENT UPON THE EXECUTION OF CONTRACT CHANGE ORDER NO. 1**

**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 (CPCC) 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**, on February 11, 2014 the Board of Port Commissioners (BPC) authorized Executive Director or his designee to terminate for cause, all or any part of Construction Contract No. 2011-27 with Khavari; and

**WHEREAS**, the original successful bidder, has failed to execute the work, in accordance with CPCC Section 5106, without limitation, the BPC may award the contract to the second lowest, responsive, and responsible bidder, Just Construction, Inc. in the amount of its original bid.

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

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That it is in the best interests of the District that the second-lowest bid submitted by Just Construction, Inc., in the amount of \$420,000.80, for Bid Schedules A, B, C, and D is hereby accepted and the Executive Director or his designated representative is hereby authorized and directed to execute Construction Contract No. 2011-27 on behalf of the San Diego Unified Port District with Just Construction, Inc., for the Imperial Beach Pier Deck Refurbishment Project, as authorized by the Board of Port Commissioners in the FY13/14 Major Maintenance budget, contingent upon the execution of Change Order No. 1 to account for already-completed work, and the District-provided lumber.

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 11<sup>th</sup> 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.



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Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)