

RESOLUTION 2014-19

**RESOLUTION AUTHORIZING CONTRACT
CHANGE ORDER NO. 1 TO CONTRACT NO.
2011-27 WITH JUST CONSTRUCTION, INC.,
DECREASING THE AGGREGATE
CONSTRUCTION AMOUNT FROM 420,000.80 TO
\$334,000.80**

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; and

WHEREAS, on February 11, 2014, the BPC awarded Contract No. 2011-27 to Just Construction, Inc., contingent upon the execution of Change Order No. 1 to account for already-completed work, and the District-provided lumber; and

2014-19

WHEREAS, District staff recommends the District enter into Change Order No. 1 to reduce the aggregate construction amount from \$420,000.80 to \$334,000.80 to account for already-completed work, and the District-provided lumber.

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 and directed to execute Change Order No. 1 to 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, reducing aggregate construction amount from \$420,000.80 to \$334,000.80 to account for already-completed work, and the District-provided lumber.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: Assistant/Deputy

2014-19

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.

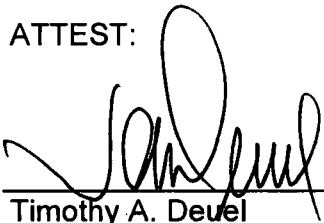
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Devel
District Clerk

(Seal)