

**RESOLUTION 2014-48**

**RESOLUTION WAIVING BPC (BOARD OF PORT COMMISSIONERS) POLICY NO. 110, PART 1.G.3, TO INCREASE THE EXECUTIVE DIRECTOR'S CHANGE ORDER AUTHORITY FROM 4% TO 7% OF THE ORIGINAL CONTRACT AMOUNT FOR CONTRACT NO. 2010-06R TO OFFSET CHANGE ORDER NO. 2**

**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 District adopted the Uniform Public Construction Cost Accounting Act (Accounting Act) procedures of the CPCC to apply to public projects of the District; and

**WHEREAS**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 incorporating the provisions of the Accounting Act to govern the processing and administration of public projects; and

**WHEREAS**, in 1999, the District entered into a Relocation Agreement with Rohr, Inc. operating as BF Goodrich Aerostructures Group (BF Goodrich), the City of Chula Vista which committed the District to construct the H Street Extension project; and

**WHEREAS**, the District is currently constructing the H Street Extension project in Chula Vista; and

**WHEREAS**, in November 2013, BF Goodrich identified an area of roughly 100 feet by 150 feet within the H Street corridor that contains Polychlorinated Biphenyls (PCBs) exceeding human health and safety criteria; and

**WHEREAS**, the District and BF Goodrich, in coordination with the California Regional Water Quality Control Board have developed a plan to remove and properly dispose of the PCB contaminated soil in a manner that will minimize impacts to the schedule of the H Street construction; and

**WHEREAS**, change order No. 2 will allow the District's contractor, LB Civil, to address the PCB contaminated soil recently identified and related to the

former BF Goodrich South Campus site and will allow construction of the H Street Extension to proceed without significant delay while environmental conditions in the H Street corridor are addressed in an appropriate and timely manner; and

**WHEREAS**, the proposed change order in the amount of \$211,956.44 will increase the contract amount to \$7,408,898.81 and increase the contract time by seven calendar days to 375 calendar days; and

**WHEREAS**, the current change order contingency is \$287,663.30 and to restore adequate funding to complete the H Street Extension project, staff recommends that the change order amount of \$211,956.44 be transferred from the FY 2014-2018 Capital Improvement Program (CIP) Contingency to the H Street Extension project, reducing the CIP Contingency from \$721,700.00 to \$509,743.56; and

**WHEREAS**, pursuant to BPC Policy No. 110, Part 1.G.3, the Executive Director's change order authority for this project is 4% of the original contract amount and change order No. 2 is almost 3% of the original contract amount; and

**WHEREAS**, staff recommends that the BPC waive BPC Policy No. 110, Part 1.G.3 to increase the change order authority of the Executive Director for this project from 4% to 7% of the original contract award increasing the Executive Director's change order execution authority from \$287,663.30 to \$503,410.77.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Port Commissioners of the San Diego Unified Port District, hereby waives Board Policy No. 110, Part 1.G.3 and increases the Executive Director's change order execution authority from 4% to 7% of the original contract amount from Contract No. 2010-06R to offset Change Order No. 2.

APPROVED AS TO FORM AND LEGALITY:  
PORT ATTORNEY

  
By: Assistant/Deputy

2014-48

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 4<sup>th</sup> day of March, 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

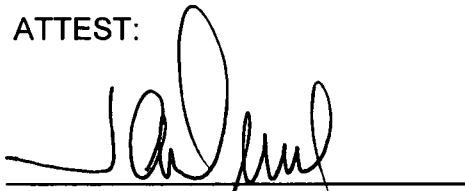
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)