

RESOLUTION 2014-88

RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT NUMBER 47-2011 WITH ARCADIS U.S., INC. TO INCREASE THE AGREEMENT AMOUNT BY \$287,526.40 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$2,335,901.72 TO \$2,623,428.12 AND EXTENDING THE TERM OF THE AGREEMENT FROM THE CURRENT TERMINATION DATE OF SEPTEMBER 30, 2014 TO A NEW TERMINATION DATE OF DECEMBER 31, 2014 FOR CONSTRUCTION AND PROJECT MANAGEMENT SERVICES TO ADDRESS FINAL PHASE DESIGN MODIFICATION TO GLASS STRUCTURES AND OTHER VARIOUS ELEMENTS

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 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 establishing a procedure for the administration of contracts and the purchasing of supplies, materials, and equipment and establishing a policy governing the processing and administration of contracts; and

WHEREAS, the BPC authorized Agreement No. 47-2011 on August 9, 2011 with Arcadis U.S., Inc. (Arcadis) for \$1,697,278.72 to provide construction and project management services for the North Embarcadero Visionary Plan (NEVP) Phase 1 Project (Project) prior to the bid opening and during construction; and

WHEREAS, pursuant to Resolution 2013-145 adopted by the BPC on September 10, 2013 the District entered into Amendment No. 3 to Agreement No. 47-2011 with Arcadis to increase the Agreement amount by \$513,623 and extend the term of the Agreement from December 31, 2013 to September 30, 2014; and

WHEREAS, the NEVP project contractor, USS Cal Builders, is approximately 80% complete with the contract work on the project and significant progress has been made along the N. Harbor Drive and W. Broadway roadways and within the North and South Promenade area along the waterfront; and

WHEREAS, with this progress, significant challenges have been encountered resulting in necessary changes to the project scope of work and wherein these challenges began early in the construction of the project, some challenges continue to this date; and

WHEREAS, some of the challenges were addressed in May 2013 with BPC action that authorized an increase in contract time in the amount of 243 calendar days and compensation in the amount of \$571,050; and

WHEREAS, that increase addressed all project challenges encountered up to January 31, 2014; and

WHEREAS, since then additional challenges have been encountered, all due to the need to address constructability and functionality issues; and

WHEREAS, staff proposes Amendment No. 4 to the Agreement to increase the Agreement by a lump sum amount of \$287,526.40 to cover the additional time and services required to complete the construction phase of the NEVP project; and

WHEREAS, this will increase the agreement amount from \$2,335,901.72 to \$2,623,428.12; and

WHEREAS, Amendment No. 4 also includes increasing the duration of services from the current termination date of September 30, 2014 to a new termination date of December 31, 2014; and

WHEREAS, the additional duration of services is required for completion of the contract work plus the services needed during the project close-out phase and post construction consultation.

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

That the Executive Director or his designated representative is hereby authorized to enter into Amendment No. 4 to Agreement 47-2011 with Arcadis U.S. Inc. for construction and project management services for the North Embarcadero Visionary Plan Phase 1 Project to increase the agreement amount by \$287,526.40, increasing the aggregate total of the Agreement from \$2,335,901.72 to \$2,623,428.12 and extending the term of the Agreement from the current termination date of September 30, 2014 to a new termination date of

2014-88

December 31, 2014 for construction and project management services to address final phase design modification to glass structures and other various elements.

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 6th day of May 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:



Laura Nicholson
Deputy District Clerk

(Seal)