

RESOLUTION 2016-06

**RESOLUTION BY A 4/5 VOTE RATIFYING THE
EMERGENCY ACTION TAKEN BY THE
EXECUTIVE DIRECTOR AND RATIFYING AND
APPROVING THE AWARD OF CONTRACT NO.
2015-34 PURSUANT TO BOARD RESOLUTION
2000-03 FOR SHORELINE STABILIZATION AT
BAYSIDE PARK WITH ANTON'S SERVICE INC., IN
AN AMOUNT NOT TO EXCEED \$350,000**

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 (PCC) apply to public projects of the District; and

WHEREAS, the District adopted the Uniform Public Construction Cost Accounting Act (Accounting Act) procedures of the PCC to apply to public projects of the District; and

WHEREAS, Accounting Act Section 22035 allows government bodies in cases of emergency to proceed to at once replace or repair any public facility without adoption plans and specifications or give notice for bids to let contracts as long as the government agency complies with Accounting Act Section 22050; and

WHEREAS, Accounting Act Section 22050(a) (1) provides that in the case of an emergency, a public agency, pursuant to a four-fifths (4/5) vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, Accounting Act Section 22050(b)(1) provides that the governing body, by a four-fifths (4/5) vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a); and

WHEREAS, the Board of Port Commissioners (BPC) of the District adopted Resolution 2000-03 on January 11, 2000 which sets forth the procedure for the District to follow in an emergency and authorizes the Executive Director to

enter into any contracts, without the necessity of advertising for bids, to provide for the immediate execution of contract and further to expend the necessary funds; and

WHEREAS, severe erosion which occurred at Bayside Park in Chula Vista during the record-breaking tides in late November 2015 and December 2015; and

WHEREAS, immediate corrective action was necessary to protect public safety and to prevent additional loss of District property due to upcoming high tides and/or El Niño storm events; and

WHEREAS, Bayside Park has approximately 2,000 linear feet of frontage on the San Diego Bay; and

WHEREAS, the erosion has recently migrated inland to a point where the timber fence posts and portions of park hardscape have been undercut and dropped to the beach; and

WHEREAS, the proposed project will cut the eroded bank to a flatter, more stable slope and protect it with rounded cobble and sand; and

WHEREAS, to implement the project, staff negotiated with and awarded Contract No. 2015-34 to Anton's Service, Inc. based on their good performance and reputation for Shoreline Stabilization at Bayside Park in amount not to exceed \$350,000; and

WHEREAS, the Office of the General Counsel has reviewed and approved said Contract 2015-34 as to form and legality; and

WHEREAS, in accordance with Resolution 2003-03, on December 29, 2015, the Executive Director informed the BPC, of a declaration of emergency; and

WHEREAS, in further accordance with Resolution 2000-03, at its next regularly scheduled meeting no later than fourteen (14) days after the action, and, by a four-fifths (4/5) vote, the BPC will consider ratification and approval of the contract with Anton's Service, Inc. in an amount not to exceed \$350,000, pursuant to Public Contract Code Section 22050.


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

That by a 4/5 vote of the BPC the emergency action taken by the Executive Director is hereby ratified and that the award of Contract No. 2015-34 with Anton's Service, Inc. is hereby ratified and approved for Shoreline

2016-06

Stabilization at Bayside Park in an amount not to exceed \$350,000.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of January, 2016, by the following vote:

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

NAYS: None.

EXCUSED: None.

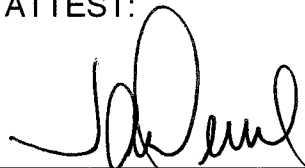
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)