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RESOLUTION 2016-39

**RESOLUTION SELECTING AND AUTHORIZING A
THREE-PARTY AGREEMENT WITH ASPEN
ENVIRONMENTAL GROUP FOR
ENVIRONMENTAL REVIEW CONSULTING
SERVICES FOR THE MITSUBISHI CEMENT
CORPORATION WAREHOUSE C – BULK CEMENT
WAREHOUSE AND LOADING FACILITY PROJECT
IN AN AMOUNT NOT TO EXCEED \$318,000 FOR A
PERIOD OF 24 MONTHS**

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 I (Port Act); and

WHEREAS, Section 21 of the Port Act states that the District Board of Port Commissioners (BPC) may pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the BPC has 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, on June 11, 2015, the BPC granted a Conditional Agreement with a term sheet to Mitsubishi Cement Corporation (MCC) to facilitate project submittal and review for a proposed cement importation terminal at the District's Tenth Avenue Marine Terminal (TAMT); and

WHEREAS, in September 2015, MCC submitted the Mitsubishi Cement Corporation at Warehouse C – Bulk Cement Warehouse and Loading Facility (Project), which proposes improvements to Warehouse C at the TAMT to support the import and distribution of cement throughout San Diego County (County); and

WHEREAS, the Development Services team within the District's Real Estate Development Department (Development Services) maintains a list of qualified consultants for the preparation of environmental review documents and technical studies for these projects consistent with BPC Policy No. 110; and

WHEREAS, from this list, Development Services has selected Aspen Environmental Group (Aspen) to prepare an Environmental Impact Report (EIR) under CEQA for the Project and has recommended entering into a three-party agreement with Aspen and MCC, whereby MCC will be solely responsible for the

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costs of retaining Aspen, and Aspen will perform the required services under the direction of the District; and

WHEREAS, in accordance with BPC Policy No. 106, MCC will be responsible for staff costs to process the EIR.

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 her authorized designee is hereby authorized on behalf of the San Diego Unified Port District to enter into a three-party agreement with Aspen Environmental Group for Environmental Review Consulting Services for the Mitsubishi Cement Corporation Warehouse C – Bulk Cement Warehouse and Loading Facility Project in an amount not to exceed \$318,000 for a period of 24 months.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April 2016, by the following vote:

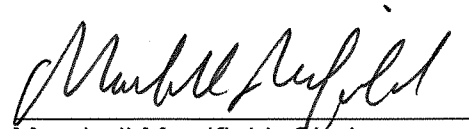
AYES: Bonelli, Malcolm, Merrifield, Castellanos, Moore, Nelson and Valderrama.

NAYS: None.

EXCUSED: None.

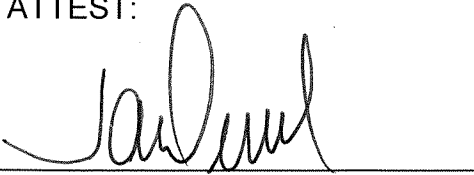
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)