

RESOLUTION 2016-49

RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION TAKEN BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY WHARF REPAIR AT NORTH EMBARCADERO INCLUDING PROCUREMENT OF CONSULTANT FOR INVESTIGATING THE EXTENT OF THE DAMAGE, PROVIDING DESIGN RECOMMENDATIONS FOR REPAIR AND COST, AND PROCUREMENT OF A CONTRACTOR TO REPAIR THE DAMAGE

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, on October 6, 1981, the Board of Port Commissioners (BPC) adopted Resolution 81-328, establishing BPC Policy No. 110, (as amended), governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

WHEREAS, Section 58 of the Port Act grants authority to the BPC to place into effect any emergency rule or regulation, for periods not exceeding thirty (30) days; and

WHEREAS, on January 11, 2000, the BPC adopted Resolution 2000-03, pursuant to California Public Contracting Code Section 22050, establishing contracting procedures in the event of an emergency or disaster allowing contracts without bids, and empowering the Executive Director of the District to waive normal bidding procedures, enter into any necessary contract and commit District funds without first obtaining BPC approval; and

WHEREAS, on the afternoon of March 31, 2016, the Adventure Hornblower vessel collided with the Embarcadero wharf just north of the Navy Pier; and

WHEREAS, this incident caused substantial structural damage to the property including the concrete sheet piles, pile cap, wales, utilities, handrails, walkway pavers, and surrounding area causing an immediate threat to public safety; and

WHEREAS, the damaged area spans a footprint of approximately 16 by 12 feet and is currently barricaded for public safety; and

WHEREAS, urgent repair is required to secure the wharf's structural integrity, resume its function, and provide a safe walkway for the public; and

WHEREAS, pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03, the Executive Director declared an emergency on April 4, 2016 and authorized the immediate execution of contracts to investigate, quantify, and repair the damage to protect District owned property; and

WHEREAS, the declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding \$175,000 as required by the State of California Public Contract Code, the BPC is requested to consider this action; and

WHEREAS, pursuant to Board Resolution 2000-03, a 4/5 affirmative vote of the BPC is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, hereby ratifies by a 4/5 vote the emergency action taken by the Executive Director and authorizes continued action for the emergency wharf repair at North Embarcadero including procurement of consultant for investigating the extent of the damage, providing design recommendations for repair and cost, and procurement of a contractor to repair the damage.

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 14th day of April 2016, by the following vote:

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

NAYS: None.

EXCUSED: None.

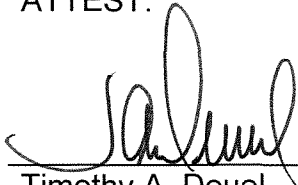
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)