

**RESOLUTION 2016-68**

**RESOLUTION AUTHORIZING CONTINUED  
ACTION FOR THE EMERGENCY WHARF REPAIR  
AT NORTH EMBARCADERO**

**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 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 and the BPC is requested to consider this action; and

**WHEREAS**, on April 14, 2016, the BPC approved a resolution ratifying the emergency action taken by the Executive Director and authorized 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; and

**WHEREAS**, this agenda allows the BPC to review the emergency action and determine that continued action is needed in accordance with Public Contract Code 22050 and District Resolution 2000-03; and

**WHEREAS**, the District issued an Agreement (No. 87-2016) with a structural engineering consultant, Moffatt & Nichol (M&N) to conduct the structural investigation and prepare construction documents for the repair; an Emergency Contract (No. 2016-11) with the contractor, Greenfield Fence, Inc. (Greenfield) to repair the damaged guardrail and trench drain; and an Emergency Contract (No. 2016-12) with the contractor, R.E. Staite Engineering, Inc. (RES) to repair the damaged wharf structure; and

**WHEREAS**, the BPC's continued authorization for emergency services in accordance with Public Contract Code 22050 and District Resolution 2000-03 is necessary until the contractors' work is completed.

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

That the continued action for the emergency wharf repair at North Embarcadero in accordance with Public Contract Code 22050 and District Resolution 2000-03 is hereby authorized and approved.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL



By: ~~Assistant~~/Deputy

2016-68

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of May, 2016, by the following vote:

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

NAYS: None.

EXCUSED: Moore and Valderrama.

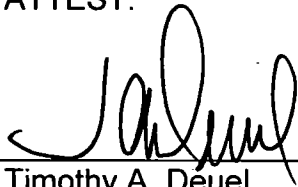
ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)