

RESOLUTION 2017-005

**RESOLUTION WAIVING BPC POLICY NO. 110,
PART 1.G.3 TO INCREASE THE EXECUTIVE
DIRECTOR'S CHANGE ORDER EXECUTION
AUTHORITY FROM 4% TO 20% OF THE ORIGINAL
CONTRACT AMOUNT FOR CONTRACT NO. 2014-
29 TO ALLOW FOR STORMWATER TREATMENT
OF EIGHT ADDITIONAL ACRES BEYOND THE
CURRENT LIMITS OF THE APPROVED PROJECT
AT THE NATIONAL CITY MARINE TERMINAL**

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, pursuant to Board of Port Commissioners (BPC) Policy No. 110 Part 1.G.3. BPC approval is required for change orders in amounts exceeding an aggregate of 4% of the original contract award; and

WHEREAS, on February 9, 2016 the BPC awarded Contract No. 2014-29 to Reyes construction, Inc. in the amount of \$6,132,400 and a contract time of 420 days for the construction of the National City Marine Terminal Berth 24-10 Structural and Mooring Repairs project; and

WHEREAS, the current Structural and Mooring Repairs project includes the installation of a structural treatment control best management practice (BMP) that is designed to treat approximately one acre of stormwater runoff equal to the project impact area at the NCMT, in compliance with approved Municipal Stormwater Permit requirements; and

WHEREAS, following the design and construction commencement of the Structural and Mooring repairs project, District staff determined that additional BMPs should be implemented at the NCMT as part of this project to expand the treatment capacity up to nine acres; and

WHEREAS, based on the Engineer's preliminary estimate, the probable cost of expanding the storm water treatment system is approximately 15% of the original contract amount; and


WHEREAS, BPC Policy No. 110 Part 1.G.3 limits the Executive Director's change order authority to 4% for this contract; and

WHEREAS, the recommended action will allow a construction change order for the NCMT Berth 24-10 Structural and Mooring Repairs Project to be processed without a significant delay to the schedule and will increase the stormwater treatment area from one acre to 9 acres.

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

That the Board of Port Commissioners hereby waives the change order limits of BPC Policy No. 110 Part 1.G.3. to increase the Executive Director's change order execution authority from 4% to 20% of the original contract amount for Contract no. 2014-29 to allow for stormwater treatment of eight additional acres beyond the current limits of the approved project at the National City Marine Terminal.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of January, 2017, by the following vote:

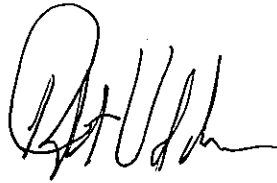
AYES: Bonelli, Nelson, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: None.

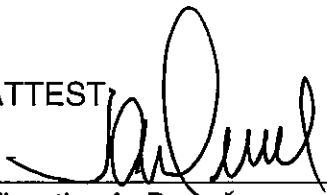
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST



Timothy A. Deuel
District Clerk

(Seal)