

RESOLUTION 2017-052

RESOLUTION BY A 4/5 VOTE AUTHORIZE AND APPROVE DECLARATION OF EMERGENCY BY THE EXECUTIVE DIRECTOR ON APRIL 6, 2017 PURSUANT TO PUBLIC CONTRACT CODE SECTIONS 22035 AND 22050 AND DISTRICT RESOLUTION 2000-03, FOR EMERGENCY RAIL VAULT REPAIRS AT TENTH AVENUE MARINE TERMINAL INCLUDING PROCUREMENT OF A CONTRACTOR TO REPAIR THE DAMAGE IN ORDER TO PROVIDE FOR CONTINUATION OF ESSENTIAL PUBLIC SERVICES AND MITIGATION OF FUTURE DAMAGES TO DISTRICT FACILITIES, AND FINDING THAT THE EMERGENCY WILL NOT PERMIT DELAY RESULTING FROM COMPETITIVE SOLICITATION OF BIDS

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, California Public Contract Code Sections 22035 and 22050(a)(1) provides that a public agency pursuant to a four-fifths (4/5) vote of its governing body, may repair or replace a public facility and take action directly related by an emergency without giving notice for bids to let contracts; and

WHEREAS, Section 58 of the Port Act grants authority to the Board of Port Commissioners (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 Sections 22035 and 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, to enter into any necessary contract and commit District funds without first obtaining BPC approval; and

WHEREAS, on April 4, 2017 the paved cover of an abandoned underground rail line vault system located in the main approach lanes for truck traffic into the Dole facility at Tenth Avenue Marine Terminal (TMAT) collapsed; and

WHEREAS, the collapse was due to crane equipment transferring windmill tower components travelling over the rail vaults; and

WHEREAS, the incident caused an interruption of essential public services which require immediate repair and staff has proceeded with implementing repairs to the affected structures; and

WHEREAS, due to an incident on April 4, 2017, in order to address the damage which occurred at the TAMT, the Executive Director of the District declared an emergency on April 6, 2017; and

WHEREAS, the declaration of an emergency waives the necessity of formal and informal bidding procedures for contracts as required by the State of California Public Contract Code; and

WHEREAS, the emergency repairs and replacement will be carried out pursuant to BPC Policy No. 110, Section I(F)(5); and

WHEREAS, this agenda requests the BPC to authorize and approve by a 4/5 vote the declaration of emergency action by the Executive Director in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03.

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

Adopt a resolution by a four-fifths (4/5) vote authorizing and approving the declaration of emergency by the Executive Director on April 6, 2017 pursuant to Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03, for emergency rail vault repairs at Tenth Avenue Marine Terminal including procurement of a contractor to repair the damage in order to provide for continuation of essential public services and mitigation of future damages to District facilities, and finding that the emergency will not permit delay resulting from competitive solicitation of bids.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of April, 2017, by the following vote:

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Deputy

2017-052

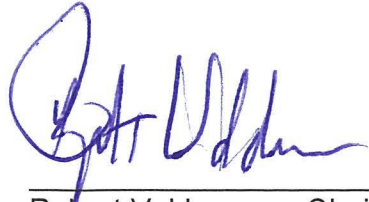
AYES: Moore, Nelson, Castellanos, Malcolm, Merrifield and Valderrama

NAYS: None.

EXCUSED: Bonelli

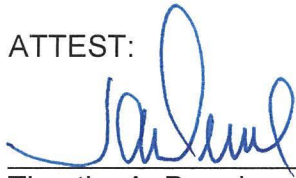
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)