RESOLUTION 2018-139

RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION TAKEN BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY MARINE FENDER REPLACEMENT AT BROADWAY PIER 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, 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 Contract Code (PCC) 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 June 25, 2018, while the 499-feet long vessel Golden Bear was pulling into the Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system; and

WHEREAS, the accident caused severe structural damage to the timber fender piles, timber walers and connecting hardware and warranted a temporary closure of Broadway Pier to berthing ships; and

WHEREAS, urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier; and

WHEREAS, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential; and

WHEREAS, pursuant to PCC Sections 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03, the Executive Director declared an emergency on August 2, 2018 and authorized the immediate execution of contracts to investigate, quantify, and repair the damage to protect District owned property; and

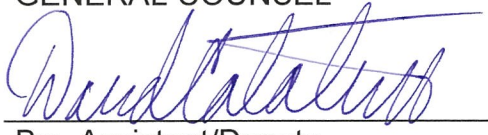
WHEREAS, the declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding $175,000 as required by the State of California PCC, the Board is requested to consider this action; and

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

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 August 2, 2018, pursuant to Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03, for emergency marine fender replacement at Broadway Pier including procurement of a consultant for investigating the extent of the damage, providing design recommendations for repair and costs, and 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.

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 August 2018, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Moore, Valderrama, and Zucchet
NAYS: None.
EXCUSED: Merrifield
ABSENT: None.
ABSTAIN: None.

Rafael Castellanos, Chairman
Board of Port Commissioners

ATTEST:

Donna Morales
District Clerk

(Seal)