

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION CONSENTING TO ASSIGNMENT  
AND ASSUMPTION OF AN AGREEMENT FOR AS  
NEEDED PROJECT MANAGEMENT SERVICES  
FROM ACME BUSINESS CONSULTING, LLC TO  
EXCELERATE LLC**

**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**, the Board of Port Commissioners (BPC) adopted BPC Policy No. 110 to establish a policy governing the processing and administration of public projects, consulting and service agreements, the purchasing of supplies, materials, and equipment, and grants; and

**WHEREAS**, on October 14, 2014 the Board of Port Commissioners adopted a resolution authorizing an agreement with ACME Business Consulting, LLC (ACME) for as-needed services to the Information Technology Project Management Office; and

**WHEREAS**, ACME was acquired by a firm that no longer does business in San Diego and has indicated that it cannot carry out the demands of the contract; and

**WHEREAS**, ACME has agreed to assign all of its San Diego business to Excelsate, LLC (Excelsate); and

**WHEREAS**, Excelsate is a company that was created by a former principal of ACME, who established a company which would continue to do business in San Diego; and

**WHEREAS**, District IT staff has done due diligence and determined Excelsate is proficient in all areas of expertise which ACME possessed and staff recommends this assignment to Excelsate.

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

That the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to consent to Assignment and Assumption of a Professional Services Agreement for as-needed Project Management Services from ACME Business Consulting, LLC to Excelsate, LLC.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8<sup>th</sup> day of November, 2016, by the following vote: