

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING BASE BID SCHEDULE AND ADDITIVE BID SCHEDULES A THROUGH D OF CONTRACT NO. 2022-01R TO AMG DEMOLITION & ENVIRONMENTAL SERVICE, INC. IN THE AMOUNT OF \$4,666,497.79 FOR THE STORAGE TANKS DEMOLITION AND STORM WATER IMPROVEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION**

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 21 of the Port Act authorizes the Board of Port Commissioners (Board) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the Storage Tank Demolition and Storm Water Improvements at TAMT project will demolish and remove of three welded steel storage tanks and associated tank piping and foundations; and

WHEREAS, the work will also include the demolition of the perimeter containment wall; site piping and utilities, and electrical system; salvaging of steel material, and lead-containing materials abatement; and

WHEREAS, the plans and specifications define the contract work which includes but is not limited to the following:

- Base Bid Schedule: Includes the demolition and removal of three welded steel storage tanks and associated tank piping, foundations, perimeter containment wall, and reinforced concrete footing, reinforced concrete pump pit, valve vault, vault staircase, fencing, valves and piping, tank piping, above grade and below grade yard piping, and for removal and proper disposal of hazardous export soil material;
- Additive Bid Schedule A: Includes the removal and proper disposal of unsuitable hazardous materials, export of soil material, and excavated materials handling for backfill and compaction;
- Additive Bid Schedule B: Includes the electrical pad equipment relocation, conduit, and electrical improvements;

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- Additive Bid Schedule C: Includes storm drain improvements incorporating demolition, backfilling, and grading operations for RCP storm drain, concrete storm drain structures, and stormwater quality BMP treatment based on 25-year storm events;
- Additive Bid Schedule D: Comprises of grading and reinforced Portland cement concrete pavement suitable for heavy loads; and

WHEREAS, Additive Bid Schedules A through D allow for the development of the site suitable for lease to a new tenant; and

WHEREAS, originally this project was scoped to only address the demolition of the storage tanks at Tenth Avenue Marine Terminal, as indicated in the budgeted project title (Removal of Molasses Tanks); and

WHEREAS, the project has gone through considerable vetting from various stakeholders through the design phase, resulting in additional design elements such as storm water improvements, relocation of electrical systems, and heavy-duty pavement for cargo operations; and

WHEREAS, the purpose for incorporating these additional design elements into the project include the following:

- Heavy-Duty Pavement: Equipping the project area with the appropriate pavement loading capacity will maximize the commercial and operational capabilities of the terminal;
- Relocation of Electrical Systems: In order to maximize the commercial and operational capabilities of the terminal, the electrical infrastructure within this area needs to be relocated;
- Storm Water Improvements: The addition of heavy-duty pavement to the project introduces areas of disturbance that trigger additional storm water quality treatment improvements, pursuant to the Municipal Stormwater Permit; and

WHEREAS, the project benefits TAMT in several ways: (1) Provides short-term storage and staging for cargo, generating an estimated \$120K/year; (2) Allows for front gate realignment, improving operational efficiency; (3) Enhances the value proposition for the Consolidated Bulk Facility (CBF), boosting revenue potential for bauxite, soda ash, and sugar movement; (4) Develops outdoor Foreign Trade Zone (FTZ) space; (5) Improves rail alignment, benefiting military deployments and general rail access; (6) Furthermore, the project aligns with water quality improvement goals and compliance with the Municipal Stormwater Permit¹. It will remove potential sources of pollutants and enable stormwater treatment on a 0.6-acre area; and

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WHEREAS, the construction contract was advertised on August 24, 2023; and

WHEREAS, construction bids were opened on October 11, 2023 and three (3) bidders responded with bids ranging from \$4,666,497.79 to \$6,746,928.00; and

WHEREAS, the lowest responsive and responsible bid was received from AMG Demolition & Environmental Service, Inc. in the amount of \$4,666,497.79; and

WHEREAS, the proposed Board of Port Commissioners (BPC) actions of approving plans and specifications and awarding Base Bid Schedule and Additive Bid Schedules A through D of Contract No. 2022-01R to AMG Demolition and Environmental Service, Inc. were adequately analyzed in the Final Environmental Impact Report (FEIR) for the Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component (UPD# EIR-2015-39, SCH #2015-031046, Clerk Document No. 65901) prepared and certified by the District on December 13, 2016 (Resolution No. 2016-199); and

WHEREAS, the proposed project is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.); and

WHEREAS, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the FEIR, the District finds and recommends that the proposed Board actions do not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the previous FEIR due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the previous FEIR, (b) identifies significant impacts more severe than those analyzed in the previous FEIR, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, or (d) shows mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment; and

WHEREAS, the proposed BPC actions are merely a step in the furtherance of the original project for which environmental review was performed

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and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required; and

WHEREAS, the proposed BPC actions comply with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation; and

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; and

WHEREAS, the proposed BPC actions are consistent with the Public Trust Doctrine; and

WHEREAS, the proposed BPC actions are consistent with the Coastal Development Permit (CDP) for the Storage Tank Demolition and Stormwater Improvements at Tenth Avenue Marine Terminal Project (CDP-2022-05; Clerk Document No. 74483) approved for issuance by the District on August 9, 2022 (Resolution No. 2022-082) and issued September 27, 2022;

WHEREAS, no additional action under the California Coastal Act is required.

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

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC, including without limitation, the Final Environmental Impact Report (FEIR) and the findings set forth in this Resolution, the BPC finds that the Project, including without limitation, a resolution approving plans and specifications and awarding a contract to AMG Demolition & Environmental Service, Inc., were adequately analyzed in the FEIR for the Tenth Avenue Marine Terminal Redevelopment Plan and Demolition and Initial Rail Component (UPD# EIR-2015-39, SCH #2015-031046, Clerk Document No. 65901) prepared and certified by the District on December 13, 2016 (Resolution No. 2016-199).

3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or their designated representative is hereby authorized and directed to enter into Contract No. 2022-01R with AMG Demolition and Environmental Service, Inc. for the Storage Tanks

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Demolition and Storm Water Improvements at Tenth Avenue Marine Terminal Project.

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 November 2023, by the following vote: