

DRAFT

RESOLUTION 20xx-xxx

RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH HAWTHORNE MACHINERY CO. FOR THE PURCHASE OF AN EXTENDED REACH FORKLIFT IN AN AMOUNT NOT TO EXCEED \$300,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET

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, the Fiscal Year 2023 Equipment Outlay budget includes the purchase of one (1) Caterpillar Telehandler (extended reach forklift); and

WHEREAS, a Caterpillar Telehandler is an extended reach forklift that will meet the operational requirements of the District by supporting operations and maintenance at District facilities, cruise ship terminals and marine terminals; and

WHEREAS, the new Caterpillar Telehandler will replace an existing extended-reach forklift that is over 20 years old and meets replacement criteria due to high maintenance costs, inability to obtain specific parts, and frequent equipment breakdowns; and

WHEREAS, District staff reviewed all available options for all-electric extended reach forklifts to help meet the District's Maritime Clean Air Strategy (MCAS) and zero-emission vehicle/equipment procurement goals; however, none of the current all-electric models met the District's operational requirement of having a lifting capacity greater than 10,000 pounds; and

WHEREAS, to facilitate the purchase, the proposed purchase agreement will be coordinated through a cooperative purchasing agreement with Sourcewell under a contract with Caterpillar, Inc., pursuant to BPC Policy No. 110, Section III.D.; and

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WHEREAS, Sourcewell is a service cooperative created by the Minnesota legislature as a local unit of government that is governed by local elected municipal officials and school board members; and

WHEREAS, Caterpillar, Inc. was awarded the Sourcewell contract under a competitively solicited process covering numerous heavy equipment manufacturers utilized by public fleets; and

WHEREAS, the equipment will be purchased through Hawthorne Machinery Co., a California Corporation with its headquarters in San Diego, CA and a local Caterpillar equipment sales dealer located in Chula Vista, CA; and

WHEREAS, the proposed BPC action, including without limitation, authorizing a purchase agreement with Hawthorne Machinery Co. for the purchase of an extended reach forklift, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur; and

WHEREAS, the proposed BPC action complies with Sections 21 and 35 of the Port Act, which allows the BPC to pass resolutions; and to do all acts necessary and convenient for the exercise of its powers; and

WHEREAS, the proposed BPC action is consistent with the Public Trust Doctrine because the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine.

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 his designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into a Purchase Agreement with Hawthorne Machinery, Co., for the purchase of one (1) extended range forklift in an amount not to exceed \$300,000.

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 13th day of September 2021, by the following vote: