

**DRAFT**

**RESOLUTION 20xx-xxx**

**RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15303, AND 15304 AND APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-03 TO THE RYAN COMPANY INC. IN THE AMOUNT OF \$7,182,700 FOR THE SHORE POWER INSTALLATION AT NATIONAL CITY MARINE TERMINAL BERTHS 24-10 AND 11 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 proposed project for Shore Power Installation at National City Marine Terminal (NCMT) is part of the San Diego Unified Port District's effort to comply with the California Air Resources Board (CARB) at berth regulations which require certain vessels coming into a regulated California port to either use shore power or a CARB-approved control technology to reduce harmful emissions; and

**WHEREAS**, this project advances electrification efforts to meet the CARB at berth regulations, improving air quality, and reducing greenhouse gas emissions benefiting the communities within the vicinity of the working waterfront at National City Marine Terminal; and

**WHEREAS**, the construction contract was advertised on February 24, 2023. Construction bids were opened on March 28, 2023. Six (6) bidders responded with bids ranging from \$7,182,700 to \$8,576,000. The lowest responsive and responsible bid was received from The Ryan Company Inc. in the amount of \$7,182,700. Additional funding is anticipated to complete the construction of this work, therefore, the approval of this item increases the Equipment Outlay and Other Capital appropriation by \$5,450,970; and

20xx-xxx

**WHEREAS**, the Port has been awarded \$2,500,000 in grant funding from the Volkswagen (VW) Environmental Mitigation Trust (Trust) for California to install one shore power plug at the National City Marine Terminal (NCMT). In addition, \$3,500,000 is budgeted in the Economic Recovery Program (ERP); and

**WHEREAS**, \$400,000 of ERP funds have already been allocated for design costs resulting in \$3,100,000 remaining for construction. Additionally, the District has received easement revenue from IQHQ in the amount of \$3,500,000 of which \$2,500,000 will be used towards this project. To complete the funding for the project, \$450,970 is requested from Low Carbon Fuel Standards (LCFS) credit reserves; and

**WHEREAS**, due to disruptions in the supply chain, current economic climate, and contingencies the recommended budget is \$8,550,970; and

**WHEREAS**, staff recommends a resolution approving plans and specifications and awarding contract No. 2022-03 to The Ryan Company Inc. in the amount of \$7,182,700 for the Shore Power Installation at National City Marine Terminal Berth 24-10 and 11 project, San Diego, California as authorized by the Board in the FY 2022 Economic Recovery Program appropriation.

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

1. Based on the entire administrative records, the Board finds that approving plans and specifications and awarding Contract No. 2022-03 to The Ryan Company Inc. in the amount of \$7,182,700 for the Shore Power Installation at National City Marine Terminal Berths 24-10 and 11 Project, San Diego, California, as authorized by the Board in the FY 2022 Economic Recovery Program Appropriation, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) and 3.a.(7), 3.c.(2)(3), and 3.d.(7) of the District's Guidelines for Compliance with CEQA because the project would consist of minor construction at an existing marine terminal that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, and would not involve the removal of mature, scenic trees.

2. The Board hereby adopts the plans and specifications and the Executive Director or his designated representative is hereby authorized and directed to enter into Contract No. 2022-03, to The Ryan Company Inc. for the Shore Power Installation at National City Marine Terminal Berth 24-10 and 11 Project, San Diego, California in the amount of \$7,182,700.

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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 11<sup>th</sup> day of April 2023, by the following vote: