

DRAFT

RESOLUTION 20xx-xxx

**RESOLUTION AUTHORIZING A FOURTH
AMENDMENT TO TETRA TECH, INC. LITIGATION
ENVIRONMENTAL SUPPORT AGREEMENT
INCREASING THE MAXIMUM AMOUNT PAYABLE
UNDER THE AGREEMENT BY \$400,000 FOR A
NEW MAXIMUM AMOUNT PAYABLE UNDER THE
AGREEMENT OF \$1,766,000, AND EXTENDING
THE TERMINATION DATE TO JUNE 30, 2018**

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 Office of the General Counsel is responsible for providing legal advice and representation to the Board of Port Commissioners, the CEO and executive team, as well as all departments of the District, which includes defending the District in litigation and administrative procedures, as well as advising the District on transactions, policies and other matters; and

WHEREAS, in order to best advise and defend the District, in addition to the in-house attorneys, the Office of the General Counsel sometimes utilizes the services of expert witnesses and consultants to assist the District in legal matters; and

WHEREAS, expert services are needed for the Chula Vista Bayfront regarding environmental contamination in the area referred to as the "South Campus"; and

WHEREAS, the General Counsel seeks Board approval to continue to utilize its current environment expert, Tetra Tech, Inc. and execute Amendment No. 4 to the Agreement with Tetra Tech, Inc., increasing the maximum amount payable under the Agreement by \$400,000 for a new maximum amount payable under the Agreement of \$1,766,000, and extending the term through June 30, 2018.

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

That the General Counsel or his designated representative is hereby authorized and directed on behalf of the San Diego Unified Port District to enter into a Fourth Amendment with Tetra Tech, Inc. to the Litigation Environmental Support Agreement, increasing the maximum amount payable under the Agreement by \$400,000 for a new maximum amount payable under the Agreement of \$1,766,000, and extending the termination date to June 30, 2018.

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 20th day of June, 2017, by the following vote: