

SAN DIEGO UNIFIED PORT DISTRICT

MEMORANDUM

Date: August 9, 2018

To: Board of Port Commissioners

From: Randa J. Coniglio
President/CEO

Subject: Emergency Marine Fender Replacement at Broadway Pier

On June 25, 2018, while the 499-foot long vessel Golden Bear was docking into the Broadway Pier attempting to lay flat against available Yokohama fenders positioned along the pier's north side, it made direct contact onto a single Yokohama fender, which overloaded the supporting marine timber fender system. The accident caused structural damage to timber fender piles, timber walers and connecting hardware (Attachment A) warranting temporary closure of Broadway Pier to berthing ships.

Initial consultation with Maritime was that an emergency declaration, which would expedite the process, was not needed because Port pilots could still utilize the pier and that ships needing berthing could be accommodated.

Once Engineering staff conducted a thorough top side and in water inspections of all structural damage, it became clear the damage was more severe than expected and required permanent closure of the pier to any berthing. This closure severely impacts our business services essential to District customers and if not expedited, will impact our upcoming 2018/2019 Cruise Ship calls.

Pursuant to Board Resolution 2000-03 (Attachment B), I declare this repair to be an emergency to protect District property and to continue services that are essential to the District, the District's tenants, and customers. An agenda item has been added to the August 14, 2018 Board Meeting to ratify this emergency action and allow the work to continue.

The District will seek reimbursement from Golden Bear's owner, California State University Maritime Academy, for the damaged property and subsequent repairs and for all costs related to the incident; the Port of San Diego's executed Berthing Agreement

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with the vessel Owner holds persons, vessels or companies financially responsible for damages to Port property. Further, as secondary means for compensation, a claim will be submitted to the Port's insurance. Total costs to address this emergency are estimated to be approximately \$250,000.

If you have any questions, please feel free to contact the Chief Engineer, Ernesto Medina at (619) 686-7229 or emedina@portofsandiego.org.

Attachments:

Attachment A: Photographs

Attachment B: Board Resolution 2000-03

Attachment A: Photographs





Attachment B: Board Resolution 2000-03

ATTACHMENT B - Board Resolution 2000-03

Re Emergency Procedures]
_____]

RESOLUTION 2000-03

WHEREAS, in the event of an emergency or disaster, the District has no procedure in effect for immediate response; and

WHEREAS, “emergency” is defined as the actual or threatened existence of conditions such as any hurricane, tornado, storm, high water, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, civil disturbance, other catastrophe, or threat that causes or may cause substantial damage or injury to persons or property within the District’s boundaries or area of jurisdiction; such other catastrophe or threat includes, but is not limited to failure of electrical, plumbing, communications or network systems or devices, which may cause an immediate treat to health and safety; and

WHEREAS, the California Public Contract Code, Division 2, Part 2, Chapter 2.5 entitled “Emergency Contracting Procedures”, and in particular Section 22050 thereof entitled “Contracts Without Bids, Procedures”, allows the governing body of a public agency, by a four-fifths (4/5) vote, to delegate a non-elected agency officer, by resolution, the authority to order any action to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to award contracts; and

WHEREAS, pursuant to Public Contract Code Section 22050, in the event of a disaster or an emergency, the governing body of the District, the Board of Port Commissioners (Board), desires to empower an agency officer, the Executive Director of

the District, to waive normal bid procedures, enter into any necessary contracts and commit District funds without first obtaining Board approval, NOW, THEREFORE,

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

1. Pursuant to San Diego Unified Port District Act, Section 58, in the event of a disaster or emergency, the Executive Director is hereby authorized to enter into any contracts, without the necessity of advertising for bids, provided immediate execution of the contract is necessary to protect human life or safety on property owned or controlled by the District, to protect District property, or to allow the District to reinstate or continue services that are essential to the District or to the District's tenants or customers, and further to expend the necessary funds therefor; said contracts to be approved, before execution, as to form and legality by the Port Attorney for the District. Such contracts shall be limited to those immediately necessary to remedy emergency conditions.

2. The Executive Director shall report to the Board at its next meeting the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

3. If the Executive Director orders any action, the Board shall initially review the emergency action not later than Seven (7) days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than Fourteen (14) days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action, unless the Executive Director has terminated that action prior to the Board reviewing the emergency action and making a determination pursuant to said Public Contract Code Section 22050.

4. When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice calling for bids for the necessary construction projects.

ADOPTED this 11th day of January, 2000.

SW
1/11/2000

San Diego Unified Port District

Office of the Clerk

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port

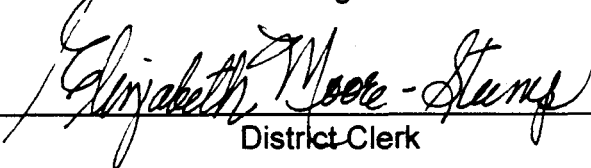
District on January 11, 2000, by the following vote:

<u>Commissioners</u>	<u>Yeas</u>	<u>Nays</u>	<u>Excused</u>	<u>Absent</u>	<u>Abstained</u>
Stephen P. Cushman	<u> </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Susan Lew	<u> X </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
David Malcolm	<u> X </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Patricia A. McQuater	<u> X </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Paul H. Speer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Frank J. Urtasun	<u> </u>	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Jess Van Deventer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

AUTHENTICATED BY:


Chair of the Board of Port Commissioners

ELIZABETH MOORE-STUMP
Clerk of the San Diego Unified Port District

By: 
District Clerk

(Seal)

Resolution Number: 2000-03

or

Ordinance Number:

Adopted: 01/11/2000