

DRAFT

RESOLUTION 20xx-xxx

**RESOLUTION BY A FOUR-FIFTHS VOTE
AUTHORIZING CONTINUED ACTION FOR THE
EMERGENCY MARINE FENDER REPLACEMENT
AT BROADWAY PIER**

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 58 of the Port Act grants authority to the Board of Port Commissioners (BPC) to place into effect any emergency rule or regulation, for periods not exceeding thirty (30) days; and

WHEREAS, on January 11, 2000, the BPC adopted Resolution 2000-03, pursuant to California Public Contract Code (PCC) Sections 22035 and 22050, establishing contracting procedures in the event of an emergency or disaster allowing contracts without bids, and empowering the Executive Director of the District to waive normal bidding procedures, to enter into any necessary contract and commit District funds without first obtaining BPC approval; and

WHEREAS, on June 25, 2018, while the 499-feet long vessel Golden Bear was pulling into the District's Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system; and

WHEREAS, the accident caused severe structural damage to the timber fender piles, timber walers and connecting hardware and warranted a temporary closure of Broadway Pier to berthing ships; and

WHEREAS, urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier; and

WHEREAS, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential; and

WHEREAS, on August 2, 2018, the Executive Director declared an emergency pursuant to PCC Sections 22035 and 22050 and District Resolution 2000-03; and

WHEREAS, on August 14, 2018, the BPC approved a resolution ratifying the emergency action taken by the Executive Director and authorized continued action for the emergency marine fender replacement at Broadway Pier including

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procurement of a consultant for investigating the extent of the damage, providing design recommendations for repairs and cost and procurement of a contractor to repair the damage; and

WHEREAS, pursuant to PCC Sections 22035 and 22050 and Board Resolution 2000-03, the Executive Director declared an emergency on August 2, 2018 and authorized the immediate execution of contracts to investigate, quantify, and repair the damage to protect District owned property; and

WHEREAS, the declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding \$175,000 as required by the State of California PCC, the Board is requested to consider this action; and

WHEREAS, pursuant to Board Resolution 2000-03, a four-fifths (4/5) affirmative vote of the Board is required.

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

Adopt a resolution by a four-fifths (4/5) vote authorizing continued action for the emergency marine fender replacement at Broadway Pier in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03, for the emergency marine fender replacement at Broadway Pier including procurement of a consultant for investigating the extent of the damage, providing design recommendations for repairs and cost and procurement of a contractor to repair the damage, in order to provide for continuation of essential public services and mitigation of future damages to District facilities.

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 12th day of September 2018, by the following vote: