

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION AUTHORIZING AMENDMENT NO. 04 TO AGREEMENT NO. 148-2019MA WITH APEX COMPANIES, LLC FOR CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$220,000.00 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$759,922.80 TO \$979,922.80. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM FOR THE SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION AND THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECTS. THIS ACTION DOES NOT INCREASE THE PROJECT BUDGETS

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, development at the Chula Vista Bayfront (CVB) is ongoing and includes the recent completion of the Costa Vista RV Park, Sweetwater Bicycle Path and Promenade, and the pending start of onsite development for the Site H23 Phase 2 Grading project and the RIDA development of the Gaylord Pacifica resort hotel and convention center (Gaylord); and

WHEREAS, the District has placed approximately 200,000 cubic yards of imported pre-qualified soil at the future Gaylord facility and Site H3; and

WHEREAS, the District will place an additional 100,000 cubic yards of imported pre-qualified soil at existing Site H23 to prepare for the pending RIDA development which will construct the Gaylord facility and adjacent public improvement streets, utilities at Site H3, and utilize adjacent Site H23 for construction staging related to their development; and

WHEREAS, the soil import sites require Storm Water Pollution Prevention Plan (SWPPP) inspection, maintenance, repair, and reporting requirements

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imposed by the State of California's Construction General Permit (CGP) and the District's Jurisdictional Runoff Management Program (JRMP); and

WHEREAS, these requirements are the responsibility of the District until the RIDA mobilizes onto the sites at the start of the Gaylord project; and

WHEREAS, the SWPPP services at the CVB project site is provided by Apex through the Agreement No. 148-2018MA authorized by the Board on November 5, 2019; and

WHEREAS, the current Apex amendment, Amendment No. 03, increased the previous amendment to the agreement by \$126,653.80 from a total of \$633,269.00 to a new, not to exceed, total amount of \$759,922.80, which increased the maximum expenditure of the Initial Term in an amount not exceed \$183,269.00 with the maximum expenditure of the 32-month Optional Term not to exceed amount of \$576,653.80; and

WHEREAS, due to a time extension for the RIDA development, staff has determined the current Apex agreement expenditure amount is insufficient for the ongoing SWPPP requirements; and

WHEREAS, staff recommends authorization to amend this agreement to add an additional \$220,000.00 capacity for the cost to continue to address the SWPPP requirements on an ongoing basis until RIDA mobilizes onto the import sites and assumes responsibility for the SWPPP requirements; and

WHEREAS, funds for this service, if needed, will be sourced from the South Campus Pavement and Foundation Demolition and the Site Preparation at Chula Vista Bayfront projects in the FY 2019-2023 CIP as approval of this agenda will authorize the expenditure of up to \$979,922.80 from the Capital Improvement Program funding appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port commissioners of the San Diego Unified Port District that does hereby authorize the Executive Director or his designee to execute Amendment No. 04 to Agreement No. 148-2019MA with Apex Companies, LLC for Chula Vista Bayfront Storm Water Pollution Prevention Plan (SWPPP) Services to increase the agreement amount by \$220,000.00 increasing the aggregate total of the agreement from \$759,922.80 to \$979,922.80.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Senior/Deputy

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PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 15th day of June 2021, by the following vote: