



Legislation Text

File #: 2018-0364, **Version:** 1

DATE: August 14, 2018

SUBJECT:

RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION TAKEN BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY MARINE FENDER REPLACEMENT AT BROADWAY PIER INCLUDING PROCUREMENT OF CONSULTANT FOR INVESTIGATING THE EXTENT OF THE DAMAGE, PROVIDING DESIGN RECOMMENDATIONS FOR REPAIR AND COST, AND PROCUREMENT OF A CONTRACTOR TO REPAIR THE DAMAGE

EXECUTIVE SUMMARY:

On June 25, 2018, while the 499-foot long vessel Golden Bear was pulling into the Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system. 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. Urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier. Furthermore, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential.

Pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, 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. The declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding \$175,000 as required by the State of California Public Contract Code; the Board is requested to consider this action. Pursuant to Board Resolution 2000-03, a 4/5 affirmative vote of the Board is required.

RECOMMENDATION:

Adopt a resolution by a 4/5 vote ratifying the emergency action taken by the Executive Director and authorizing continued action for the emergency marine fender replacement at Broadway Pier including procurement of consultant for investigating the extent of the damage, providing design recommendations for repair and cost, and procurement of a contractor to repair the damage.

FISCAL IMPACT:

This action is not anticipated to have a fiscal impact to the District as the vessel's owner is fully responsible for reimbursing the District for all costs associated with the incident; however, should the vessel owner renounce liability, fiscal impact to the District will be \$100,000 for insurance deductible.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

DISCUSSION:

On June 25, 2018, while the 499-foot long vessel Golden Bear was pulling into the Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system. 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. Urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier. Furthermore, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential.

A recommendation for emergency declaration had been withheld initially because the early indication from Port pilots was the pier may still be usable. However, upon request, the Engineering staff scheduled and conducted thorough top side and in water inspections of all structural damage, conducted general structural evaluations and finally determined that the damage was severe enough to close the pier to berthing ships. Engineering has coordinated with Maritime and the General Counsel's office on this matter and both departments support this decision.

Engineering staff is working on obtaining the necessary permits to commence the work as soon as possible, and a consultant is being retained to provide a structural analysis and recommendations to repair the pier. Prior to developing a complete scope of work for the repair, the consultant will investigate critical pile availability to minimize delivery time and for consistency with adjacent and future Broadway Pier improvements. Further, concurrent with repair plan development, the Engineering staff is coordinating with potential marine contractors to procure work proposals.

Pursuant to Public Contracting Code Section 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03, the Executive Director declared an emergency on August 2, 2018 and authorized Port staff to begin measures to repair the damage to the Broadway Pier.

Public Contracting Code Sections 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03 requires that the Board review actions exercised by the Executive Director pursuant to a declaration of emergency and authorizes continued action. The recommended action complies with that requirement. A 4/5 affirmative vote is required pursuant to Board Resolution 2000-03.

General Counsel's Comments:

The Office of the General Counsel has reviewed the issues presented in the Executive Director's declaration of emergency and the agenda sheet requesting Board ratification and approves as to form and legality.

Environmental Review:

This Board item to authorize continued action for the emergency marine fender replacement at Broadway Pier is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and Sections 3.a (1) and (9) and 3.b (1) of the District's Guidelines for Compliance with CEQA because the proposed project involves marine fender replacement to an existing pier, that would involve no expansion of use beyond the existing uses at Broadway Pier. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2) because the project is not located in an area that would impact an environmental resource of hazardous or critical concern, would not have cumulative impact of successive projects of the same type in the same place, would not have a significant effect on the environment due to unusual circumstances, is not within a highway officially designated as a state scenic highway, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and would not cause a substantial adverse change in the significance of a historical resource.

This Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was established by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

Finally, the proposed Board direction or action is considered "excluded development" pursuant to Sections 8.a. (10) (Existing Facilities) and 8.b. (3) (Replacement or Reconstruction), of the District's Coastal Development Permit Regulations because the project in question would involve negligible expansion of use beyond that previously existing, would be located essentially on the same site and would have substantially the same purpose and capacity as the structure being replaced. Issuance of a Coastal Development Permit is not required for the proposed Board direction or action.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Attachment(s):

Attachment A: Photographs
Attachment B: Resolution 2000-03