

RESOLUTION 20-6

AUTHORIZING THE VIRGINIA PORT AUTHORITY TO ENTER INTO A CONTRACT FOR THE NORFOLK INTERNATIONAL TERMINALS MAINTENANCE DREDGING AND THE CHANNEL WIDENING PHASE II DREDGING

WHEREAS, the Virginia Port Authority (the “Authority”), a body corporate and a political subdivision of the Commonwealth of Virginia, has been established pursuant to Chapter 10, Title 62.1 of the Code of Virginia of 1950, as amended (the “Act”); and

WHEREAS, pursuant to the Act, the Authority is empowered to rent, lease, buy, own, acquire, construct, reconstruct, and dispose of harbors, seaports, port facilities and such property, whether real or personal, as it may find necessary or convenient and issue revenue bonds therefore without pledging the faith and credit of the Commonwealth; and

WHEREAS, pursuant to the Act, the Authority is empowered to cooperate with, and to act as an agent for, the United States of America or any agency, department, corporation or instrumentality thereof in the maintenance, development, improvement, and use of harbors and seaports of the Commonwealth; and

WHEREAS, in furtherance of its powers and duty, the Authority intends to complete the maintenance dredging at the south berth of Norfolk International Terminals (NIT) and to complete NIT South Access Basin Widening Phase II to permit ultra-large container vessels to turn fully outside the federal navigation channel (collectively “the Dredging Project”); and

WHEREAS, the maintenance portions of the Dredging Project will be funded by Harbor Maintenance Trust funds and the South Access Basin Widening Phase II portions of the Dredging Project will be funded by the Fiscal Year 2021 Capital Budget; and

WHEREAS, the Authority intends to issue invitation for bids for the Dredging Project (“IFB”); and

WHEREAS, the Authority will accept the lowest responsive bid submitted by a responsible bidder with respect to the IFB that is within the Authority’s budget, up to twelve million dollars (\$12,000,000), as funds become available for the work covered by the IFB; and

WHEREAS, the Board has determined that it is appropriate to delegate to the Executive Director the authority to approve the final form and content of and execute and deliver, the contract for the work covered by the IFB (“Contract”) with the responsible bidder submitting the lowest responsive bid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Virginia Port Authority, as follows:

Section 1. Approval of Contracts. The Authority hereby approves the execution and delivery of the Contract for the Dredging Project covered by the IFB to the responsible bidder submitting the lowest responsive bid. The Authority hereby authorizes the Executive Director to approve the final form and content of, and to execute and deliver, the Contract on behalf of the Authority. The execution of the Contract by the Executive Director shall be conclusive evidence of the Authority's approval of the Contract. The Board of Commissioners hereby authorizes the Executive Director to execute and deliver all ancillary documents which he deems necessary to further the intent of this Resolution.

Section 2. Ratification; Further Action. All actions previously taken by the Commissioners, officers and employees of the Authority in furtherance of the IFB and resulting Contract are hereby ratified and affirmed. The officers and employees of the Authority are hereby authorized to take such actions, and deliver such additional documents and certificates, as they may in their discretion deem necessary or proper in furtherance of the intent of this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption. The Secretary of the Authority shall file this Resolution with the books and records of the Authority maintained according to Section 3.11 of the Authority's Bylaws.

PASSED AND ADOPTED this 19th of May 2020.

John G. Milliken, Chairman

Attest:

Debra J. McNulty, Secretary