

RESOLUTION 17-3

AUTHORIZING THE VIRGINIA PORT AUTHORITY TO ENTER INTO A CONTRACT TO CONSTRUCT THE MARGINAL WHARF REPAIRS, PHASE III AT PORTSMOUTH MARINE TERMINAL

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, in furtherance of its powers and duty, the Authority intends to make significant capital improvements to the marine terminal known as Portsmouth Marine Terminal (“PMT”), including, but not limited to, sinkhole repairs, concrete deck slab replacement, structural concrete repair, pile repairs and jackets, repair of existing mooring hardware, selective demolition, new crane tie-downs, and new bollards (“Marginal Wharf Repairs Phase III”); and

WHEREAS, the Marginal Wharf Repairs Phase III will rehabilitate approximately 2,400 feet of wharf and will be phased allowing the use of two berths at all times; and

WHEREAS, the Marginal Wharf Repairs Phase III project funds were approved in the FY16 budget with financing coming from a 2015 Commonwealth Port Fund debt issuance – project 17513 (multiple terminals); and

WHEREAS, the Authority issued an Invitation for Bids # 2017-26 entitled “Marginal Wharf Repairs Phase III – Portsmouth Marine Terminal,” for construction of the Marginal Wharf Repairs Phase III (“IFB”); and

WHEREAS, the lowest responsive bid submitted by a responsible bidder with respect to the IFB was within the Authority’s budget established 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 terms 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, IT IS 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 construction covered by the IFB to the responsible bidder submitting the lowest responsive bid. The Board 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 hereby authorizes the Executive Director to execute and deliver any ancillary documents which he deems necessary to further the intent of this Resolution.

Section 2. 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 24th day of January 2017.

John G. Milliken
Chairman

ATTEST:

Debra J. McNulty
Secretary to the Board