

RESOLUTION 17-4

AUTHORIZING THE VIRGINIA PORT AUTHORITY TO ENTER INTO A CONTRACT TO CONSTRUCT DREDGING IMPROVEMENTS 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 complete dredging of the berths and access channels at the marine terminal known as Portsmouth Marine Terminal (“PMT”), to provide a posted water depth of 43 feet below mean lower low water; and

WHEREAS, the PMT access channel and berths shoaled to below minimum depth for safe navigation for proposed future vessels; and

WHEREAS, PMT will provide capacity flexibility during the construction phases of South Norfolk International Terminals and Virginia International Gateway; and

WHEREAS, the PMT dredging project funds are to be funded from Commonwealth Port Fund (CPF) Reserve Maintenance (project #13804) appropriation; and

WHEREAS, the Authority will work with the United States Army Corps of Engineers (USACE) to issue an Invitation for Bids for the construction of the Dredging Improvements at PMT (“IFB”); and

WHEREAS, the lowest responsive bid submitted by a responsible bidder with respect to the IFB is within the Authority’s budget, up to three million, one hundred thousand dollars (\$3,100,000), 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 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 dredging 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 28th day of March 2017.

John G. Milliken
Chairman

ATTEST:

Debra J. McNulty
Secretary to the Board