



VIRGINIA PORT AUTHORITY  
600 WORLD TRADE CENTER, NORFOLK, VA 23510  
(757) 683-8000

## MEMORANDUM OF BOARD ACTION

**To:** Virginia Port Authority Board of Commissioners  
**From:** John Milliken, Chairman of the Board of Commissioners  
Blair Wimbush, Chairman of the Finance and Audit Committee  
**Date:** July 24, 2018  
**Subject:** Action taken pursuant to Bylaws Section 3.4.1: The Executive Director's authority, to execute contracts for the Harbor Preliminary Engineering and Design Contract

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### Legal Authority:

The Virginia Port Authority (the "Authority"), a body corporate and a political subdivision of the Commonwealth of Virginia, was established pursuant to Chapter 10, Title 62.1 of the Code of Virginia of 1950, as amended (the "Act"). 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.

Section 3.4.1 of the Authority's Bylaws states that upon obtaining prior written approval by the Chairman of the Board and the Chairman of the Finance and Audit Committee, the Executive Director may enter into a contract, agreement or arrangement on the Authority's behalf in excess of \$2,500,000.

### Action(s) Taken:

- The Authority issued a Request for Proposals ("RFP") for professional engineering services related to the harbor deepening and widening project. Upon evaluation of the proposals submitted in response to the RFP, the Authority determined that the proposal of Moffatt & Nichol represented the best value based upon the criteria in the RFP.
- The funding source for this capital expense procurement is the Commonwealth of Virginia as approved in the Virginia General Assembly's 2018 legislative session and effective July 1, 2018. The budget for this procurement is \$20,000,000. The total cost of the contract shall not exceed \$10,000,000 per term year.
- On July 2, 2018, pursuant to the Authority's Bylaws, Section 3.4.1, the Executive Director requested the written approval of the Chairman of the Board and the Chairman of the Finance and Audit Committee to authorize the Executive Director to approve the final form and content of and, execute and deliver the contract for the preliminary engineering and design services of the channel deepening and widening project and such additional documents and certificates as are necessary and proper in furtherance of the contract with Moffatt & Nichol. The written consent of the Chairman of the Board and the Chairman of the Finance and Audit Committee was granted. See *attached* communications granting authorization.

**Conclusion:**

- Pursuant to Section 3.4.1 of the Authority's Bylaws, upon obtaining the written approval on July 2, 2018 of the Chairman of the Board and the Chairman of the Finance and Audit Committee, the contract for the preliminary engineering and design services of the channel deepening and widening project and such additional documents and certificates as are necessary and proper in furtherance of the contract with Moffatt & Nichol was authorized. Accordingly, the Executive Director executed the contract on July 13, 2018.



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July 2, 2018

*Via Electronic Mail*

John G. Milliken  
Chairman  
Virginia Port Authority Board of Commissioners

F. Blair Wimbush  
Chairman of the Finance and Audit Committee  
Virginia Port Authority Board of Commissioners

**Re: Authorization Requested Pursuant to Bylaws Section 3.4.1: Harbor Preliminary Engineering and Design Contract**

Dear Chairmen,

The Virginia Port Authority ("VPA") issued a Request for Proposals ("RFP") for professional engineering services related to the harbor deepening and widening project. Upon evaluation of the proposals submitted in response to the RFP, the VPA determined that the proposal of Moffat & Nichol represented the best value to the VPA according to the criteria in the RFP.

The funding source for this capital expense procurement is the Commonwealth of Virginia as approved in the Virginia General Assembly's 2018 legislative session and effective July 1, 2018. The budget for this procurement is \$20,000,000. The total cost of the contract shall not exceed \$10,000,000 per term year.

Given the value of the professional engineering services contract, and pursuant to section 3.4.1 of the Virginia Port Authority Bylaws, I request your authorization to approve the final form and content of and, execute and deliver the contract for the preliminary engineering and design services of the channel deepening and widening project and such additional documents and certificates as are necessary and proper in furtherance of the contract with Moffat & Nichol. If your authorization is granted, please indicate below and a Memorandum of Board Action will be prepared for the July board meeting detailing this authorization.

Sincerely,

John F. Reinhart  
CEO and Executive Director

SEEN AND AGREED this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
John G. Milliken  
Chairman  
VPA Board of Commissioners

\_\_\_\_\_  
F. Blair Wimbush  
Chairman of the Finance and Audit Committee  
VPA Board of Commissioners

## Debbie McNulty

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**From:** John G Milliken <jmillik3@gmu.edu>  
**Sent:** Monday, July 02, 2018 5:33 PM  
**To:** John Reinhart  
**Subject:** RE: Authorization Request-Engineering Services-PED Channel Deepening + Widening

I approve.

**From:** John Reinhart <jreinhart@portofvirginia.com>  
**Sent:** Monday, July 2, 2018 5:11 PM  
**To:** John G Milliken <jmillik3@gmu.edu>; F. Blair Wimbush (Blair.wimbush@cox.net) <Blair.wimbush@cox.net>  
**Cc:** Sarah McCoy <smccoy@portofvirginia.com>  
**Subject:** Authorization Request-Engineering Services-PED Channel Deepening + Widening  
**Importance:** High

Dear John and Blair,

Attached for your review is a letter of request for authorization for professional engineering services related to the harbor deepening and widening project.  
Your email reply will suffice for approval.

We will have the document for your signatures at the upcoming board meeting to accompany the Memorandum of Board Action.

Warm Regards,  
John

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## Debbie McNulty

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**From:** FB Wimbush <blair.wimbush@cox.net>  
**Sent:** Monday, July 02, 2018 8:34 PM  
**To:** John Reinhart; 'John G. Milliken'  
**Cc:** Sarah McCoy  
**Subject:** RE: Authorization Request-Engineering Services-PED Channel Deepening + Widening

John,

I think it is in the best interests of the Port to proceed expeditiously with the contract for engineering services. You have my authorization to proceed as described in your request.

Blair

Blair Wimbush  
1330 Baffy Loop  
Chesapeake, VA 23320  
757.436.2772 (h)  
757.373.6115 (c)

-----Original Message-----

**From:** John Reinhart <jreinhart@PortofVirginia.com>  
**Sent:** Monday, July 2, 2018 5:11 PM  
**To:** John G. Milliken (jmillik3@gmu.edu) <jmillik3@gmu.edu>; F. Blair Wimbush (Blair.wimbush@cox.net) <Blair.wimbush@cox.net>  
**Cc:** Sarah McCoy <smccoy@PortofVirginia.com>  
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John

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