

## RESOLUTION 19-11

### AUTHORIZING THE VIRGINIA PORT AUTHORITY TO ENTER INTO A CONTRACT FOR MAINTENANCE DREDGING AT NEWPORT NEWS 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 maintenance dredging of the ship berths at Piers B and C at the marine terminal known as Newport News Marine Terminal (“NNMT”) to the required depths of 37 feet and 41 feet, with two feet allowable over depth ; and

**WHEREAS**, the NNMT dredging improvements will be funded from the US Army Corps of Engineers Harbor Maintenance Trust Fund through a Commonwealth Port Fund appropriation; and

**WHEREAS**, the Authority has issued an invitation for bids for the maintenance dredging at NNMT, whereby two bids were received; and

**WHEREAS**, the lowest responsive bid submitted by a responsible bidder, Hampton Roads Leasing dba W3 Marine, was for a project cost of up to three million and forty-five thousand dollars (\$3,045,000); 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 NNMT maintenance dredging with Hamptons Roads Leasing dba W3 Marine (hereinafter the “NNMT Dredging Contract”).

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

Section I. Approval of Contracts. The execution and delivery of the NNMT Dredging Contract by the Authority consistent with the foregoing Recitals is hereby authorized. The Board of Commissioners hereby authorizes the Executive Director to approve the form and content of, and to execute and deliver, the NNMT Dredging contract on behalf of the Authority. The execution of the NNMT Dredging Contract by the Executive Director shall be conclusive evidence of the Authority’s approval of the NNMT Dredging 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 NNMT Dredging 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 NNMT Dredging Contract.

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 19<sup>th</sup> of November 2019.

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John G. Milliken, Chairman

Attest:

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Debra J. McNulty, Secretary