

Re Authorization to Enter Into ]  
 ]  
 Service Agreement with ]  
 ]  
 Cochran, Inc. .... ]  
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RESOLUTION 2009-136

WHEREAS, pursuant to Resolution 2009-129, adopted 7 July 2009, the Executive Director of the San Diego Unified Port District (District) or his authorized representative was authorized to enter into a Purchase Agreement, on behalf of the District, with Cochran, Inc., a Seattle corporation, for Complete Shore Power System Equipment for Cruise Ships at the B Street and Broadway Piers in the City of San Diego, for a maximum expenditure not to exceed Two Million Six Hundred Fifty Eight Thousand Three Hundred Ninety Five Dollars and Ninety Three Cents (\$2,658,395.93); and

WHEREAS, said authorization to enter into a Purchase Agreement was conditioned upon the District receiving a written commitment from said APCD to extend its Agreement for grant funds and that said extension was acceptable to both the Port Attorney and Executive Director of the District. In the event said extension is not received or is not acceptable to both the Port Attorney and Executive Director of the District, the authorization to enter into said Purchase Agreement with Cochran, Inc. is null and void and of no further force or effect; and

WHEREAS, in the event the District receives a written commitment from said APCD extending its Agreement for grant funds, the District further desires to enter into a Service Agreement with said Cochran, Inc. to provide B Street and Broadway Piers Shore Power System Maintenance and Support for a period of Three (3) Years, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or his authorized representative is hereby authorized to enter into a Service Agreement to provide B Street and Broadway Piers shore Power System Maintenance and Support, on behalf of the District, with Cochran, Inc., a Seattle corporation, for a period of Three (3) Years, commencing June 1, 2010, and ending May 31, 2013, subject to earlier termination, for a fee not to exceed Two Hundred Ten Thousand Two Hundred Ninety Nine Dollars (\$210,299.00) for the first year of said Agreement, a fee not to exceed Two Hundred Sixty Seven Thousand One Hundred Eighty Six Dollars (\$267,186.00) for the second year of said Agreement, and a fee not to exceed Two Hundred Eighty Thousand Four Hundred Sixty Dollars (\$280,460.00) for the third year of said Agreement, for a total maximum expenditure not to exceed Seven Hundred Fifty Seven Thousand Nine Hundred Forty Five Dollars (\$757,945.00), said services to be performed in accordance with the terms, covenants and conditions contained in said Agreement, on file in the office of District Clerk; provided, however, said authorization is conditioned upon the District receiving a written commitment from said APCD extending its Agreement for grant funds and that said extension is acceptable to both the Port Attorney and Executive Director of the District. In the event said extension is not received or is not acceptable to both the Port Attorney and Executive Director of the District, the authorization to enter into a Service Agreement with Cochran, Inc. is hereby null and void and of no further force or effect.

ADOPTED this 7<sup>th</sup> day of July, 2009.

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7/7/09

## San Diego Unified Port District

Office of the Clerk

## CERTIFICATION OF VOTE

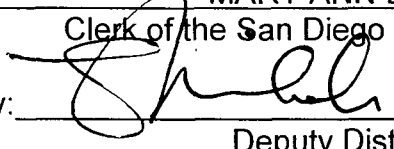
Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port District on July 7, 2009, by the following vote:

<u>Commissioners</u>	<u>Yeas</u>	<u>Nays</u>	<u>Excused</u>	<u>Absent</u>	<u>Abstained</u>
Michael Bixler	X				
Lee Burdick	X				
Stephen P. Cushman	X				
William A. Hall	X				
Scott H. Peters	X				
Robert J. Spane	X				
Robert Valderrama	X				

## AUTHENTICATED BY:

  
 Chairman of the Board of Port Commissioners

 MARY ANN LINER  
 Clerk of the San Diego Unified Port District

 By:   
 Deputy District Clerk

(Seal)

Resolution Number: 2009-136

OR

Ordinance Number: \_\_\_\_\_

Adopted: July 7, 2009