

DRAFT**RESOLUTION 20xx-xxx**

RESOLUTION 1) FINDING THE BPC ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15302, 15304 AND 15311; AND 2) APPROVING THE TAMT POST INDICATOR VALVE REPLACEMENTS AT WAREHOUSES B AND C, SAN DIEGO, CALIFORNIA PROJECT AND APPROVING PLANS AND SPECIFICATIONS AWARDED CONTRACT NO. 2025-01 TO GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$2,053,000, AS AUTHORIZED BY THE BPC IN THE FY 2025 MAJOR MAINTENANCE PROGRAM

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the TAMT Post Indicator Valve Replacements at Warehouses B and C is a new project which incorporates the critical replacement of the post-indicator valves used for fire suppression in Warehouse B and C; and

WHEREAS, situated underneath the loading dock pavements, these valves have failed at the warehouses over the last two years and have required immediate repair; and

WHEREAS, the original Loading Dock Improvements project at Warehouse B, advertised on September 19, 2024, received only one bid from Aster Construction Services for \$4,234,710, significantly above the engineer's estimate; and

WHEREAS, to seek more competitive bids, the District rejected all bids and adjusted the scope of work and on November 13, 2024, the BPC approved the rejection of these bids; and

WHEREAS, staff evaluated the project and opted to separate the post-indicator valve assembly work into a new project due to multiple valve failures

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requiring urgent repair and this project will be prioritized before starting the Loading Dock Improvements; and

WHEREAS, design was completed by February 26, 2025, with bids solicited from March 11, 2025, closing on April 15, 2025; and

WHEREAS, the District received 2 bids from PK Mechanical Systems and Granite Construction Company ranging from \$1,825,000 to \$2,053,000; and

WHEREAS, the bid submitted by PK Mechanical Systems, Inc. was deemed non-responsive for its failure to comply with Technical Specifications Section 01 27 00 – Measurement and Payment, Subsection 1.5 D, which requires that “Mobilization and Demobilization costs shall not exceed 3% of the total contract cost”; and

WHEREAS, the lowest responsive and responsible bid was determined to be submitted by Granite Construction Company at \$2,053,000; and

WHEREAS, staff recommends that the BPC find this action exempt under the California Environmental Quality Act (CEQA), approve the new project and plans and specifications, and award Contract No. 2025-01 to Granite Construction Company in the amount of \$2,053,000 for the construction of the TAMT Post Indicator Valve Replacements at Warehouse B and C project; and

WHEREAS, the proposed BPC action, including without limitation a resolution approving the TAMT Post Indicator Valve Replacements at Warehouses B and C project, and approving plans and specifications and awarding Contract No. 2025-01 to Granite Construction Company in the amount of \$2,053,000 for the construction of the TAMT Post Indicator Valve Replacements at Warehouse B and C project are categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land) and 15311 (Accessory Structures) and Sections 3.a., 3.b., 3.d., and 3.i. of the District’s Guidelines for Compliance with CEQA because the project would consist of iof the replacement of existing warehouse post indicator valve assemblies that would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of use, would be located on the same site as the structure replaced and would have substantially the same purpose and capacity, and would result in no permanent effects on the environment or involve the removal of mature, scenic trees; and

WHEREAS, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

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WHEREAS, the proposed BPC actions comply with Section 87(a)(2) of the Port Act which allows for all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants, and facilities; and

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; consequently, the proposed BPC actions are consistent with the Public Trust Doctrine; and

WHEREAS, the proposed BPC actions are considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.b. (Replacement or Reconstruction), and 8.d. (Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the project would consist of the replacement of existing warehouse post indicator valve assemblies that would involve no expansion of use beyond that previously existing, would be located essentially on the same site and will have substantially the same purpose and capacity as the structure replaced, and would not involve the removal of mature, scenic trees; and

WHEREAS, if the BPC approves these actions, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717; and

WHEREAS, the approval would become effective after the 10th working day after notification to CCC staff, unless an appeal is filed with the CCC within that time frame.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (BPC) of the San Diego Unified Port District, as follows:

1. The BPC finds the facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. Based on the entire record available to the BPC and the findings set forth in this Resolution, the BPC finds that the new project, including without limitation a resolution approving plans and specifications and awarding Contract No. 2025-01 to Granite Construction Company in the amount of \$2,053,000 for the construction of the TAMT Post Indicator Valve Replacements at Warehouse B and C project, as authorized by the BPC in the FY 2026 Major Maintenance Program, are categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land) and 15311 (Accessory Structures), and Sections 3.a., 3.b., 3.d., and 3.i. of the District's Guidelines for Compliance with CEQA.

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3. Based on the entire record available to the BPC and the findings set forth in this Resolution, the project plans and specifications are approved and the Executive Director or his designated representative is hereby authorized and directed to enter into Contract No. 2025-01 with Granite Construction Company in the amount of \$2,053,000 for the construction of the TAMT Post Indicator Valve Replacements at Warehouse B and C project.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of June 2025, by the following vote: