

RESOLUTION 21-11

AUTHORIZING THE VIRGINIA PORT AUTHORITY TO ENTER INTO A CONTRACT FOR THE NORFOLK HARBOR NAVIGATION DREDGING IMPROVEMENTS AT THIMBLE SHOAL CHANNEL EAST

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, pursuant to the Act, the Authority is empowered to cooperate with, and to act as an agent for, the United States of America or any agency, department, corporation or instrumentality thereof in the maintenance, development, improvement, and use of harbors and seaports of the Commonwealth; and

WHEREAS, in furtherance of its powers and duty, the Authority intends to complete the Norfolk Harbor Navigation dredging improvements at Thimble Shoal Channel East of the Chesapeake Bay Bridge-Tunnel and Meeting Area 2 to the required depth of fifty-six feet with one foot of allowable over depth (hereafter “Thimble Shoal Channel East Dredging Project”); and

WHEREAS, the Authority entered into Memoranda of Understanding with the City of Norfolk and the City of Virginia Beach to provide an option for the cities to pay for the beneficial reuse of the material from the Thimble Shoal Channel East Dredging Project; and

WHEREAS, the Thimble Shoal Channel East Dredging Project will be funded by the Commonwealth of Virginia through the Virginia Public Building Authority bonds, and any beneficial reuse of the material will be funded by the City of Norfolk and/or the City of Virginia Beach; and

WHEREAS, the Authority issued an invitation for bids for the Thimble Shoal Channel East Dredging Project, whereby three responsive bids were received; and

WHEREAS, the lowest responsive bid submitted by a responsible bidder, Great Lake Dredge and Dock Company, LLC was for a project cost of up to thirty-nine million and five hundred, twenty-five thousand dollars (\$39,525,000); and

WHEREAS, the Board has determined that it is appropriate to delegate to the Executive Director the authority to approve the final terms, and execute and deliver, the

contract for the Thimble Shoal Channel East Dredging Project with Great Lake Dredge and Dock Company, LLC (hereinafter the “Thimble Shoal Channel East Dredging Contract”) and any sub-agreements thereto.

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

Section 1. Approval of Contracts. The execution and delivery of the Thimble Shoal Channel East 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, and to execute and deliver, the Thimble Shoal Channel East Dredging Contract on behalf of the Authority. The Board of Commissioners also authorizes the Executive Director to approve the form and content, and to execute and deliver, agreements for the payment for the beneficial reuse of the dredging material with the City of Norfolk and/or the City of Virginia Beach. The execution of the Thimble Shoal Channel East Dredging Contract by the Executive Director shall be conclusive evidence of the Authority’s approval of the Thimble Shoal Channel East Dredging Contract and issue the Notice to Proceed. 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 Thimble Shoal Channel Dredging Contract and any sub-agreements thereto 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 Thimble Shoal Channel East 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 27th of July 2021.

John G. Milliken, Chairman

Attest:

Ryanne A. Shields, Secretary