

## RESOLUTION 23-08

### AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT FOR THE ACQUISITION OF CIVIL WORKS FOR ELECTRICAL IMPROVEMENTS TO NORFOLK INTERNATIONAL TERMINALS

#### RECITALS:

**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

**WHEREAS**, the Authority intends to make significant capital improvements for the development of Norfolk International Terminals ("NIT"); and

**WHEREAS**, pursuant to its Procurement Manual, the Authority issued an Invitation for Bid ("IFB") for the construction and installation of two (2) electrical substations to support ship-to-shore crane operations (hereinafter "substation civil works at NIT") for which one responsive bid was received, and upon evaluation of the bid submitted in response to the IFB, the Authority determined that the proposal of Allan Myers VA, Inc. (the "Company") represented the best price to the Authority according to the specifications in the IFB; and

**WHEREAS**, the procurement price for the substation civil works at NIT shall be funded from terminal revenue approved by the Authority's Board of Commissioners in Resolution 22-03; and

**WHEREAS**, the contract with the Company for the substation civil works at NIT provides compensation for the services to be performed for a price of Five Million, Nine Hundred Fifty-Seven Thousand, Five Hundred Dollars (\$5,957,500.00); and

**WHEREAS**, the Board has determined that it is appropriate to delegate to the CEO and Executive Director the authority to approve the terms, and execute and deliver, the contract for substation civil works at NIT with the Company ("hereinafter the " NIT Substation Civil Works 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 the NIT Substation Civil Works Contract.** The execution and delivery of the NIT Substation Civil Works Contract by the Authority, consistent with the foregoing Recitals, is hereby authorized. The CEO and Executive Director is hereby authorized to approve the form and content and to execute and deliver the NIT Substation Civil Works Contract on behalf of the Authority. The execution of the NIT Substation Civil Works Contract by the Executive Director shall be conclusive evidence of the Authority's approval of the NIT Substation Civil Works Contract. The Board of Commissioners hereby authorizes the CEO and 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 staff of the Authority in furtherance of the NIT Substation Civil Works Contract are hereby ratified and confirmed. 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 NIT Substation Civil Works Contract described herein.

**Section 3. Effective Date: Notice.** 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 9<sup>th</sup> day of May, 2023

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Aubrey L. Layne  
Board Chair

ATTEST:

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Jodie Asbell  
Vice Secretary to the Board