

RESOLUTION 23-14

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT FOR THE SOUTH NORFOLK INTERNATIONAL TERMINAL WHARF REPAIRS

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 the South Norfolk International Terminal (hereinafter "SNIT") Wharf Repairs; and

WHEREAS, the SNIT Wharf Repairs shall be funded from the proceeds of the federal Harbor Maintenance Trust Fund revenue approved by the Authority's Board of Commissioners in Resolution 22-03; and

WHEREAS, pursuant to its Procurement and Capital Outlay Manual, the Authority issued an Invitation for Bid ("IFB") for the SNIT Wharf Repairs for which two (2) responsive bids were received, and upon evaluation of the proposal submitted in response to the IFB, the Authority determined that the proposal of McLean Contracting Company (the "Company") represented the best price to the Authority according to the specifications in the IFB; and

WHEREAS, the contract with the Company for the SNIT Wharf Repairs to be performed for a price of Five Million, Three Hundred Sixty-Eight Thousand, Six Hundred Seventy Dollars (\$5,368,670.00); and

WHEREAS, the Board has determined that it is appropriate to delegate to the Executive Director the authority to approve the terms, and execute and deliver, the contract for the SNIT Wharf Repairs with the Company ("hereinafter the " SNIT Warf Contract") and any sub-agreements thereto; and

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

Section 1. Approval of the McLean Contracting Company. The execution and delivery of the SNIT Wharf Contract by the Authority, consistent with the foregoing Recitals, is hereby authorized. The Executive Director is hereby authorized to approve the form and content and to execute and deliver the SNIT Wharf Contract on behalf of the Authority. The execution of the SNIT Wharf Contract by the Executive Director shall be conclusive evidence of the Authority's approval of the SNIT Wharf Contract. The Board of Commissioners hereby authorizes the Executive Director to execute and deliver all sub-agreements and 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 SNIT Wharf 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 McLean Contracting Company 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 11th day of July, 2023

Aubrey L. Layne
Board Chair

ATTEST:

Jodie L. Asbell, Assistant Secretary