

RESOLUTIONS & BACKUP INFORMATION FOR REGULAR MEETING OF JANUARY 26, 2017

ITEM A

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Contract with Waldemar S. Nelson and Company, Inc., for an Amount Not to Exceed \$1,324,377 for Design and Professional Engineering Services for the Milan Upper Yard Concrete Paving Improvements. (Mr. Tharp)

BACKGROUND INFORMATION

CONTRACT TITLE: Milan Upper Yard Concrete Paving Improvements

PROPOSED CONSULTANT: Waldemar S. Nelson and Company, Inc.

SUBCONSULTANTS:

- Eustis Engineering
- Urban Systems
- BFM
- Beta
- Engineering Consulting Services

SCOPE OF WORK: Contract for engineering design and other professional services for the development of a 22.2 acre marshaling yard adjacent to the newly constructed intermodal rail facility

FUNDING SOURCE: Board's FY17 Capital Improvement Program Budget

CONTRACT AMOUNT: Not to exceed \$1,324,377

CONTRACT TIME: Two years

SUMMARY OF PROPOSERS:

1. Burk-Kleinpeter, Inc.
2. G.E.C., Inc.
3. Meyer Engineers, Ltd.
4. N-Y Associates, Inc.
5. Waldemar S. Nelson and Company, Inc.

CONSULTANT SELECTION COMMITTEE MEMBERS:

- Jacob Crist
- Renee Dolese

- Lisa Richardson
- Bill Rivera
- Fred Tharp

RECOMMENDED ACTION: Award the contract to Waldemar S. Nelson and Company, Inc. for an amount not to exceed \$1,324,377.

DBE/SBE PARTICIPATION: 15% of project will be done by DBE/SBE firms

PROJECT MANAGER: Bill Rivera

ITEM A

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that its President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to enter into a contract with Waldemar S. Nelson and Company, Inc., for a fee not to exceed \$1,324,377 to provide engineering design and other professional services for Milan Upper Yard Concrete Paving Improvements; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the said Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to execute all documents and to take all further action as she in her discretion may deem necessary or required in the best interests of this Board to give full force and effect to the intentions expressed in this resolution.

ITEM B

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Contract with River Consulting, LLC, for an Amount Not To Exceed \$429,805 for Design and Professional Engineering Services for the Nashville and Napoleon Avenue Wharves Crane Rail Joint Repair Project Phase 1. (Mr. Tharp)

BACKGROUND INFORMATION

CONTRACT TITLE: Nashville and Napoleon Avenue Wharves Crane Rail Joint Repair Phase 1

PROPOSED CONSULTANT: River Consulting, LLC

SUBCONSULTANTS: Civil design & construction

SCOPE OF WORK: The rail for the container cranes is moving vertically at rail joints as the cranes traverse the joints. Professional services are being sought to investigate the cause, design a repair, develop a repair strategy, and develop bid documents for a phased repair so operations can continue.

FUNDING SOURCE: Board's FY17 Capital Improvement Program Budget

CONTRACT AMOUNT: Not to exceed \$429,805

CONTRACT TIME: Two years

SUMMARY OF PROPOSERS:

1. Infinity Engineering and Consultants, Inc.
2. Morphy Makofsky, Inc.
3. River Consulting, LLC
4. Waldemar S. Nelson and Company, Inc.

CONSULTANT SELECTION COMMITTEE MEMBERS:

- Darren Austin
- Bryan Burger
- Ryan Bylsma
- Jacob Crist
- Fred Tharp

RECOMMENDED ACTION: Award the contract to River Consulting, LLC, for an amount not to exceed \$429,805.

DBE/SBE PARTICIPATION: 47% of project will be done by DBE/SBE firms

PROJECT MANAGER: Darren Austin

ITEM B

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that its President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to enter into a contract with River Consulting, LLC, for a fee not to exceed \$429,805 to provide engineering design and other professional services for Nashville and Napoleon Avenue Wharves Crane Rail Joint Repair Project Phase 1; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the said Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to execute all documents and to take all further action as she in her discretion may deem necessary or required in the best interests of this Board to give full force and effect to the intentions expressed in this resolution.

ITEM C

Consider Approval of a Resolution Awarding a Contract to D & D Construction, LLC, in the Amount of \$419,000 for the Henry Clay Avenue Wharf Intake Extension and Nashville Avenue Wharf “C” Engine – Fire Suppression Systems. (Mr. Tharp) - This contract in the amount of \$419,000 to D & D Construction, LLC, of Harvey, Louisiana, the lower of two responsive bidders, is for all labor, materials, and equipment to fabricate and install a new fire water pump intake extension at the Henry Clay Avenue Wharf and install a new fire pump engine driver at Nashville Avenue Wharf “C”.

BACKGROUND INFORMATION

CONTRACT TITLE:	Henry Clay Avenue Wharf Intake Extension and Nashville Avenue Wharf “C” Engine – Fire Suppression Systems
SCOPE OF WORK:	Fabricate and install a new fire water pump intake extension, self-cleaning intake screens and other related work at Henry Clay Avenue Wharf and install a new fire pump engine driver at Nashville Avenue Wharf “C”.
FUNDING SOURCE:	Board’s FY 2017 Capital Improvement Program
PRE-BID ESTIMATE:	\$370,000 to \$450,000
BID SUMMARY:	
<u>BIDDER</u>	<u>TOTAL BID</u>
D & D Construction, LLC Harvey, LA	\$419,000
Cuzan Services, LLC Belle Chasse, LA	\$470,000
CONTRACT TIME:	60 days
BID DISCREPANCIES:	None

RECOMMENDED ACTION: Award a contract to D & D Construction, LLC, for \$419,000

PROJECT MANAGER: Brandon Boughrara

ITEM C

RESOLUTION

IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that it hereby awards to D & D Construction, LLC, of Harvey, Louisiana, a contract in the amount of \$419,000 for all labor, materials, and equipment to fabricate and install a new fire water pump intake extension at Henry Clay Avenue Wharf and install a new fire pump engine driver at Nashville Avenue Wharf “C”; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the Board’s President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to execute all documents, expend such funds and take all further action as she in her discretion may deem necessary or required in the best interests of this Board to give full force and effect to the intentions expressed in this resolution.

ITEM D

Consider Approval of a Resolution Certifying to the Louisiana Department of Transportation and Development Requirements to Advertise for the Louisiana Avenue Yard Concrete Paving – Mississippi River Intermodal Terminal Improvements Intermodal Rail Yard-Phase2-Rail Extension, a Port Priority Approved Project. (Mr. Tharp) This resolution in the required Louisiana State Department of Transportation and Development (DOTD) format certifies that the Board has available the local minimum matching share of ten percent of the amount of eligible project cost; DOTD’s and Board’s approval of the final construction plans, specifications and cost estimates for the project; and Board acquisition of the necessary rights of way, servitudes and utilities, thus allowing for advertisement of competitive bids and the award of a construction contract.

BACKGROUND INFORMATION

FUNDING SOURCE: Port Priority Program

NOTES: Certification makes Port Priority funding available for this project to extend the track serving the intermodal yard, reducing the

Board's Fiscal Year Capital Improvement Program expenditures by \$1.5 million.

ITEM D

RESOLUTION

**RESOLUTION REQUESTING AUTHORITY TO ADVERTISE
with Contingency
Port responsible for engineering**

**STATE PROJECT NO H.009018 (323)
PARISH OF ORLEANS**

RESOLUTION

**THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS
(HEREAFTER, "BOARD")**

WHEREAS, the Board has submitted an application for funding of the Louisiana Avenue Concrete Paving – Mississippi River Intermodal Terminal Improvements, Intermodal Rail Yard-Phase 2-Rail Extension Port Improvement Project under the Port Construction and Development Priority Program; and

WHEREAS, the State's share of the project funds have been made available and the Board has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of the Board, AECOM Technical Services, Inc., has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.009018 (323); and

WHEREAS, the Board has reviewed the plans, specifications and cost estimate and has submitted them to the Department of Transportation and Development, and the Board will accept the final plans and specifications **contingent** on the Department of Transportation and Development's final approval inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by this Board, and the titles thereto are valid and indefeasible; and

WHEREAS, the Board has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Board has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the official journal for the Board is *Times-Picayune*, whose mailing address is 365 Canal Street, Suite 3100, New Orleans, La. 70130, and whose telephone number is 504-826-3507; and

WHEREAS, the Board desires to advertise for competitive bids, in accordance with La. R.S. 38:2212, *et seq.*, for the award of a contract in the name of the Board and furnish engineering services during the progress of the work,

NOW, THEREFORE, BE IT RESOLVED by the Board, in regular session assembled on this 26th day of January, 2017, that the Department of Transportation and Development be, and hereby is, requested to authorize the Board to advertise for competitive bids in accordance with La. R.S. 38:2212, *et seq.*, for the award of a contract in the name of the Board covering the aforesaid improvements; and

BE IT FURTHER RESOLVED by the Board that the Department of Transportation and Development be, and hereby is, assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by the Board, and the titles thereto are valid and indefeasible and the Board expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and the Board does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction; and

BE IT FURTHER RESOLVED by the Board that the Department of Transportation and Development be, and hereby is, assured that all required permits have been obtained by the Board; and

BE IT FURTHER RESOLVED by the Board that the Department of Transportation and Development be, and hereby is, assured that the Board has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project; and

BE IT FURTHER RESOLVED that the Board will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project; and

BE IT FURTHER RESOLVED by the Board that the Board does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation and Development, and pay any judgment which may result from said suit as it relates to this project.

Laney J. Chouest
Secretary

Brandy D. Christian
President and Chief Executive Officer

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Board held on the 26th day of January, 2017, in which a quorum was present and voting and that the resolution adopted is still in effect and has not been rescinded or revoked.

Signed at New Orleans, Louisiana on the 26th day of January, 2017.

Laney J. Chouest, Secretary
Board of Commissioners
Port of New Orleans

ITEM E

Consider Approval of a Resolution Ratifying the President and Chief Executive Officer's Declaration of Extreme Public Emergency at the Seabrook Bridge and Award of a Contract for Emergency Repair. (Mr. Tharp) This resolution will ratify the action of the President and Chief Executive Officer in declaring an extreme public emergency at the Seabrook Bridge on December 16, 2016, and authorizing a contract in the amount of \$53,836.80 with Boland Marine & Industrial, LLC, for procurement of the metal to fabricate replacement parts to repair the bridge.

BACKGROUND INFORMATION

The lakeside second link pin of the Seabrook Bridge is in danger of failing, which would cause the counterweight to fall. This potential failure has necessitated that the bridge remain in the down position because movement would accelerate the potential for disaster. Rail traffic is continuing to go over the bridge, and the pin is monitored on a daily basis to detect any movement. The President and Chief Executive Officer pursuant to his authority under the Board's Bylaws declared a public emergency on December 16, 2016, when the extent of the potential disaster was confirmed, allowing steps to be taken immediately as necessary to protect imminent loss to property and of life.

As the pin remains stable, staff is working with fabricators and contractors to determine the best method to replace the pin as fast as possible. In the meantime, previously scheduled structural repair work is starting on the bridge and will continue through March, 2017.

The two second link pins on the bridge that require replacement are comprised of a metal that must be special mixed before fabrication and has a lead time of six weeks. Staff has ordered the metal from Boland Marine & Industrial, LLC, in the amount of \$53,836.80 as next steps are formulated and enacted. If at all possible, the next steps will be publicly bid.

ITEM E

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that the action taken on December 16, 2016, under Article VIII, Section 6, of the Board's Bylaws by the Board's President and Chief Executive Officer Gary P. LaGrange in declaring an extreme public emergency so that certain requirements of the public contracts laws could be waived and emergency work proceed to stabilize and repair the second link pin at the Seabrook Bridge be, and it is, hereby ratified and confirmed as having been necessary under the circumstances and in the public interest to prevent a threat to life and property; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the action of President and Chief Executive Officer Brandy D. Christian in entering into a procurement contract in the amount of \$53,836.80 with Boland Marine & Industrial, LLC, of New Orleans, Louisiana, in response to the extreme public emergency declared above be, and it is, also hereby ratified and confirmed; and

IT IS FURTHER RESOLVED BY THIS BOARD that the said Brandy D. Christian be, and she is, hereby authorized to take such other actions, enter into such additional agreements and expend such funds as may be necessary in her discretion in furtherance of and not inconsistent with the intentions expressed in this resolution.

ITEM F

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Professional Services Contract with Tetra Tech, Inc., for an Amount Not to Exceed \$425,000 for Development of Phase 2 of the Board's Master Plan. (Ms. Pellegrin)

BACKGROUND INFORMATION

CONTRACT TITLE: Port NOLA Master Plan – Phase 2

PROPOSED CONSULTANT: Tetra Tech, Inc.

SUBCONSULTANTS:

- Aegir, LLC
- Vickerman & Associates LLC

SCOPE OF WORK: Phase 1 of Master Plan has been completed where we forecast cargo data, performed facility evaluations, and gathered stakeholder input. Phase 1 work was performed by Moffatt & Nichol in the amount of \$250,000. We are ready to use the information gathered in Phase 1 to develop a roadmap for Port NOLA’s growth and development. Tetra Tech, Inc., also submitted a proposal to develop the master plan one year ago and has been selected to perform Phase 2 since its team is especially qualified to perform those tasks.

FUNDING SOURCE: Board’s FY17 Expense Budget

CONTRACT AMOUNT: Not to exceed \$425,000

CONTRACT TIME: One year

RECOMMENDED ACTION: Award the contract to Tetra Tech, Inc., for an amount not to exceed \$425,000

DBE/SBE PARTICIPATION: None

PROJECT MANAGER: Amelia Pellegrin

ITEM F

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that its President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to enter into a professional services contract with Tetra Tech, Inc., for a fee not to exceed \$425,000 to provide professional services for development of Phase 2 of the Board’s master plan; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the said Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to execute all documents and to take all further action as she in her discretion may deem necessary or required

in the best interests of this Board to give full force and effect to the intentions expressed in this resolution.

ITEM G

Consider Approval of a Resolution Amending Item 417 of the Board's FMC Tariff, T-No. 2, to Create Greater Customer Convenience in the Administration of Incentive Dockage Rates. (Ms. Mansour)

BACKGROUND INFORMATION

Currently shipping lines that qualify for the dockage incentive are restricted by the tariff to apply their credit to the dockage line item only of their invoices from the Board. This creates unnecessary accounting and administrative work for both the Board and its customers that could be avoided if the Board allows shipping lines to apply this credit to their entire invoices, which include harbor fees and port security fees.

ITEM G

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that, in order to simplify the administration of the incentive dockage rates and to create greater customer convenience, the Board must from time to time adjust the procedures for administering the rates and charges which the Board imposes for the use of its facilities; and

IT IS HEREBY RESOLVED BY THIS BOARD that, effective February 1, 2017, Item 417 of the Board's FMC Tariff, T-No. 2, be, and it is, hereby amended to extend incentive dockage rates to harbor fees and port security fees in order to create greater customer convenience and ease of administration, as shown on Exhibit A, attached to and hereby made a part of this resolution; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the Board's President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized to take such actions, enter into such agreements and execute such documents as are deemed necessary in her discretion to give full effect to the intentions expressed in this resolution.

EXHIBIT A

INCENTIVE DOCKAGE RATES 417

Issued January 31, 2017 Effective February 1, 2017

Vessel Calls

A special **Vessel Call** dockage rate equal to 75 percent of the normal applicable dockage rate shown in Item 418 shall be assessed against vessels utilizing assigned berths for loading and/or unloading of cargo and which satisfy the requirements set forth below.

Special Vessel Call dockage rate shall apply to all vessels owned, operated or chartered by a shipping line, but only after 49 of the line's vessels have loaded or discharged cargo at a public facility of this Board within twelve (12) months following the date of notification as set forth below.

Vessel Calls/Cargo

A special **Vessel Call/Cargo** dockage rate equal to 90 percent of the normal applicable dockage rate shown in Item 418 shall be assessed against vessels utilizing assigned berths for loading and/or unloading of cargo and which satisfy the requirements set forth below.

Special **Vessel Call/Cargo** dockage rate shall apply to all vessels owned, operated or chartered by a shipping line, but only after 16 of the line's vessels have called at a public facility of this Board and have loaded or discharged at least 300,000 short tons of cargo at a public facility of this Board within twelve (12) months following the date of notification as set forth below.

The vessel owner or agent shall within thirty (30) days following the departure of the vessel provide a report in a form acceptable to the Board showing the vessel names, dates of call and tonnage of cargo handled to support that the above criteria have been met.

A shipping line may avail itself of either incentive dockage rate, but not both.

Vessel owners or their agents shall notify the Board in writing of their interest in and intention to avail themselves of this provision and specify which special dockage rate they are requesting.

Only Vessels assigned berths for which dockage is assessed pursuant to Item 418 may be utilized to satisfy the minimum requirements above.

The special **Vessel Call** or special **Vessel Call/Cargo** rate shall apply to the shipping line's charges related to a vessel call including dockage, harbor fees and port security charges incurred during the said 12-month period.

A shipping line may specify the charges to which it would like the credit applied. Credits equal to the discounts earned shall be applied against dockage charges, harbor fees and port security charges assessed after the applicable minimum requirements described above have been reached. Credits shall be applied to the aforementioned charges assessed beginning with the next vessel after the threshold requirements have been met, but not later than the end of the 12-month period following the one in which they were earned, and in no event shall cash payments be made.

ITEM H

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Professional Services Agreement with Electric Sales, Inc., to Install a Digital Telephone System. (Mr. Penton)

BACKGROUND INFORMATION

This resolution authorizes the material procurements and professional services agreements with Electric Sales, Inc., to expand the telephony capabilities of the existing Iwatsu digital phone system within the Port of New Orleans. This procurement includes the purchase and installation of all required phone system software and hardware to perform the expansion upgrade(s). This phone solution will replace the current failing legacy analog-based Siemens phone system. The price of the materials and services to implement the Iwatsu solution will not exceed \$75,000. The system will remedy the current issues currently being experienced throughout the Port of New Orleans' telephony infrastructure.

One year of maintenance is included. This price is for the installation during normal business hours and cutover of the system after normal business hours. This pricing includes one full day for a trainer on site for end user training and provision of customized user instructions. Additional training for administration of system is also included.

ITEM H

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that its President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to enter into agreements with Electric Sales, Inc., for material procurements and professional services to install a digital phone system within the Port of New Orleans, including the purchase and installation of all required phone system software and hardware, to replace the current analog-based phone system at a cost not to exceed \$75,000; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that the said Brandy D. Christian be, and she is, hereby authorized and empowered to take such actions, enter into such agreements, and execute all such documents as are deemed necessary in her discretion to give full force and effect to the intentions expressed in this resolution.