

**RESOLUTIONS & BACKUP INFORMATION
FOR REGULAR MEETING OF
JULY 27, 2017**

ITEM A

Consider Approval of a Resolution Awarding a Contract in the Amount of \$544,484.37 to Industrial & Crane Services, Inc., for Elevator Replacement on Container Cranes Nos. 4 and 5 at the Nashville Avenue Terminal Complex. (Mr. Jackson)

BACKGROUND INFORMATION

This contract in the amount of \$544,484.37 to Industrial & Crane Services, Inc., of Pascagoula, Mississippi, the only responsive bidder, is for all labor, materials, and equipment for the removal of the existing elevator cars, masts, enclosures, electrical equipment, and all parts associated with the existing elevators and the supply and installation of new elevator packages on Container Cranes Nos. 4 and 5, located at the Nashville Avenue Terminal in New Orleans.

CONTRACT TITLE: Nashville Avenue Terminal Complex Cranes 4 and 5

SCOPE OF WORK: All labor, material and equipment to replace the elevators on Container Cranes Nos. 4 and 5, located at the Nashville Avenue Terminal

FUNDING SOURCE: Board's Capital Improvement Program

PRE-BID ESTIMATE: \$700,000

BID SUMMARY:

<u>BIDDER</u>	<u>BASE BID</u>	<u>ADDITIVE ALTERNATE</u>	<u>TOTAL</u>
Industrial & Crane Services, Inc. Pascagoula, MS	\$535,084.37	\$9,400.00	\$544,484.37

CONTRACT TIME: 320 days

BID DISCREPANCIES: None

RECOMMENDED ACTION: Award a contract for \$544,484.37 to Industrial & Crane Services, Inc.

PROJECT MANAGER: Mujahed Shalabi

ITEM A

RESOLUTION

IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that the Board hereby awards a contract in the amount of \$544,484.37 to Industrial & Crane Services, Inc., to provide all labor, material and equipment to replace the elevators on Container Cranes Nos. 4 and 5, located at the Nashville Avenue Terminal Complex; 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 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 A – Nashville Avenue Terminal Complex Cranes 4 & 5



Champion Elevator at Ground Landing



Traveling Power Cable

ITEM B

Consider Approval of a Resolution Certifying to the Louisiana Department of Transportation and Development Compliance with the Public Bid Laws for the Louisiana Avenue Yard Concrete Paving – Mississippi River Intermodal Terminal Improvements Intermodal Rail Yard-Phase 2-Rail Extension. (Mr. Jackson)

BACKGROUND INFORMATION

This resolution, in the required Louisiana State Department of Transportation and Development (DOTD) format, certifies that the Board has complied with the Louisiana public bid laws for this project that is approved for funding through the Port Construction and Development Priority Program administered by DOTD.

FUNDING SOURCE: Port Priority Program and Board's Capital Improvement Program

NOTES: Certification makes Port Priority funding available for this project to extend the track serving the intermodal yard, reducing the Board's Capital Improvement Program expenditures by \$1.5 million.

CONTRACTOR: Barriere Construction Co., LLC

CONTRACT AMOUNT: \$2,485,500

PORT PRIORITY FUNDING: \$1,500,000

BOARD FUNDS: \$985,500

ITEM B

RESOLUTION

RESOLUTION CERTIFYING COMPLIANCE WITH THE PUBLIC BID LAWS

**STATE PROJECT NO. H.009018 (323)
PORT IMPROVEMENTS
LOUISIANA AVENUE CONCRETE PAVING -
MISSISSIPPI RIVER INTERMODAL TERMINAL IMPROVEMENTS
INTERMODAL RAIL YARD-PHASE 2-RAIL EXTENSION**

(PHASE III OF SPN H.009018)
ORLEANS PARISH

RESOLUTION

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

Whereas, the Board has solicited bids for State Project No. H.009018 (323) in accordance with the current bid laws of the State of Louisiana, including, but not limited to La. R.S. 38:2211 *et seq.*; and

Whereas, the Board has submitted to DOTD certification of proof of publication, one copy of the bid proposals and bid bonds as submitted by each of the three lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be correct by the engineer and an authorized official of the sponsor, a copy of the engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Clerk of Court's Office,

NOW, THEREFORE, BE IT RESOLVED by the Board, in regular session, assembled on this 27th day of July, 2017, that it does hereby certify that the bidding procedures comply with Louisiana Revised Statutes 38:2211 *et seq.*

Arnold B. Baker
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 the resolution adopted at a regular meeting of the Board held on the 27th day of July, 2017, in which a quorum was present and voting and that the resolution is still in full effect and has not been rescinded or revoked.

Signed at New Orleans, Louisiana on the 27th day of July, 2017.

Arnold B. Baker, Secretary
Board of Commissioners
Port of New Orleans

ITEM C

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Two-Year Professional Services Contract at a Cost Not to Exceed \$147,400 with AECOM Technical Services, Inc., for Technical Assistance for the Port Inner Harbor Economic Revitalization Plan Project. (Ms. Pellegrin)

BACKGROUND INFORMATION

CONTRACT TITLE: Port Inner Harbor Economic Revitalization Plan (PIER Plan)

PROPOSED CONSULTANT: AECOM Technical Services, Inc.

SUBCONSULTANTS: 1) Batture, LLC
2) Villavaso & Associates

SCOPE OF WORK: To develop a vision and implementation strategy for redevelopment of vacant and underutilized Board properties on the Inner Harbor Navigation Canal through a planning process involving facilitated discussion with businesses and industrial organizations, economic development agencies, community stakeholders, the City of New Orleans and other key grantee partners. Funding for this project comes from the U.S. EPA Brownfields Area-Wide Planning grant, a two-year program that will help position the Board for additional funding.

FUNDING SOURCE: U.S. EPA Planning Grant (\$200,000)

CONTRACT AMOUNT: Not to exceed \$147,400

CONTRACT TIME: Two years

SUMMARY OF PROPOSERS:

1. AECOM Technical Services, Inc.
2. Dana Brown & Associates, Inc.
3. Design Workshop, Inc.
4. Gulf Geoexchange Consulting Services, Inc.
5. Michael Pisani & Associates, Inc.
6. Providence Engineering and Environmental Group LLC
7. Skeo Solutions, Inc.

CONSULTANT SELECTION COMMITTEE MEMBERS:

- Amelia Pellegrin: Committee Chair
- Chris Bonura
- Emily Federer

- Karley Frankie
- Michelle Ganon

RECOMMENDED ACTION: Award the contract to AECOM Technical Services, Inc., for an amount not to exceed \$147,400.

DBE/SBE PARTICIPATION: Batture, LLC (12%)

PROJECT MANAGER: Emily Federer

ITEM C

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 two-year contract for an amount not to exceed \$147,400 with AECOM Technical Services, Inc., to provide technical assistance for the Port Inner Harbor Economic Revitalization Plan project; 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 D

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into Three Professional Services Contracts for a Term of Three Years Each with J.S. Held, LLC, Michael Pisani & Associates, Inc., and Terracon Consultants, Inc., at a Cost Not to Exceed \$150,000 Each for As-Needed Environmental Site Assessments, Compliance, and Remediation. (Ms. Pellegrin)

BACKGROUND INFORMATION

CONTRACT TITLE: As-Needed Environmental Site Assessments, Compliance, and Remediation

PROPOSED CONSULTANTS AND SUBCONSULTANTS:

- 1) **J.S. Held, LLC**, with subconsultants Ivy Environmental Consulting, EMSL, and Pace Analytical.
- 2) **Michael Pisani & Associates, Inc.**, with subconsultants Gulf Coast Analytical Laboratories and W.D. Scott Group, Inc.
- 3) **Terracon Consultants, Inc.**, with subconsultants Gulf Geoexchange and Consulting Services, Inc., Gaea Consultants, LLC, and ESC Lab Sciences.

SCOPE OF WORK: As-needed assistance with Phase 1 and 2 environmental site assessments, compliance auditing and corrective actions, hazard abatement plans and specifications, and remediation projects from investigation and work plan development through regulatory approvals.

FUNDING SOURCE: FY2018-2020 Capital Budget and Grant Funding

CONTRACT AMOUNT: Not to exceed \$150,000 for each as-needed contract

CONTRACT TIME: Three years for each contract

SUMMARY OF PROPOSERS:

8. Burk-Kleinpeter, Inc.
9. J.S. Held, LLC
10. Michael Pisani & Associates, Inc.
11. Technical Environmental Services, Inc.
12. Terracon Consultants, Inc.

CONSULTANT SELECTION COMMITTEE MEMBERS:

- Amelia Pellegrin: Committee Chair
- Laura Blackman
- Maggie Cloos
- Emily Federer

- Louis Jackson

RECOMMENDED ACTION: Award one contract each to J.S. Held, LLC, Michael Pisani & Associates, Inc., and Terracon Consultants, Inc., for an amount not to exceed \$150,000 each.

DBE/SBE PARTICIPATION:

- 1) J.S. Held Team: 31% (Ivy Environmental Consulting)
- 2) Michael Pisani & Associates Team: 20% (Gulf Coast Labs and W.D. Scott Group)
- 3) Terracon Team: 30% (Gulf Geoexchange and Gaea Consulting)

PROJECT MANAGER: Emily Federer

ITEM D

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 three professional services contracts for a term of three years each with J.S. Held, LLC, Michael Pisani & Associates, Inc., and Terracon Consultants, Inc., at a cost not to exceed \$150,000 each, to provide as-needed environmental site assessments, compliance, and remediation services; 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 E

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Three-Year Professional Services Contract with EnSafe Inc., at a Cost Not to Exceed \$200,000 for As-Needed Professional Services for Environmental Programs Assistance. (Ms. Pellegrin)

BACKGROUND INFORMATION

CONTRACT TITLE: As-Needed Environmental Programs Assistance
Professional Services

PROPOSED CONSULTANT: EnSafe Inc.

SUBCONSULTANTS: Leaaf Environmental, LLC

SCOPE OF WORK: This contract is for as-needed technical assistance with environmental policy, planning and/or program management. The consultant will be tasked with as-needed assistance to help the Port exceed regulations and meet Green Marine and ISO 14001 requirements to excel as a community and environmental leader and to maintain a level of excellence in the voluntary initiatives underway and to help identify and implement additional programs and policies.

Anticipated types of assistance needed include, but are not limited to, the following:

- Program implementation assistance for a variety of programs including the Clean Air Advisory Group and Clean TRIP, EPA Gulf of Mexico Program, Environmental Justice Pilot Project, By-You Drainscapes, and other external and grant-funded programs.
- Policy and program development to meet Green Marine performance indicators such as idle reduction program implementation, environmentally preferred purchasing policy development, and community engagement plan development.
- Coordination and implementation of an environmental management system with the safety and training department.
- Review of best practices for port environmental management and case studies from other ports and recommend operational and policy changes for implementation.

FUNDING SOURCE: FY2018-2020 Expense Budget and Grant Funding

CONTRACT AMOUNT: Not to exceed \$200,000

CONTRACT TIME: Three years

SUMMARY OF PROPOSERS:

1. EnSafe Inc.
2. J.S. Held, LLC
3. Kennedy/Jenks Consultants, Inc.

CONSULTANT SELECTION COMMITTEE MEMBERS:

- Amelia Pellegrin: Committee Chair
- Maggie Cloos
- Emily Federer
- Karley Frankie
- Michelle Ganon

RECOMMENDED ACTION: Award a contract to EnSafe Inc., for an amount not to exceed \$200,000.

DBE/SBE PARTICIPATION: 24% (Leaaf Environmental, LLC)

PROJECT MANAGER: Emily Federer

ITEM E

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 three-year professional services contract with EnSafe Inc., for an amount not to exceed \$200,000 for as-needed professional services for environmental programs assistance; 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 F

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Purchase Five Vehicles in the Amount of \$136,631 under State of Louisiana Contract No. 4400010204 for Use by the Harbor Police Department. (Mr. Guidry)

BACKGROUND INFORMATION

Given the high utilization rate of Harbor Police Department vehicles and the corresponding maintenance and repair expenses associated with high-mileage, high-use vehicles, it is appropriate to replace Harbor Police Department vehicles on an annual basis. Based on recommendations of the Board's Vehicular Maintenance Department, we have received approval in the Fiscal Year 2018 Capital Equipment Budget for the Harbor Police Department to replace five vehicles. This resolution will authorize the President and Chief Executive Officer to purchase five Ford Interceptor SUV police vehicles for \$136,631 from Bill Hood Ford, LLC, of Hammond, Louisiana. Funding is provided in the Fiscal Year 2018 capital equipment budget.

The purchase of these vehicles is made under State of Louisiana Contract No. 4400010204.

FUNDING SOURCE:	FY2018 Capital Equipment Budget
COST:	\$136,631
DESCRIPTION:	Five 2018 Police Interceptor Utility All Wheel Drive
RECOMMENDED ACTION:	Authorize purchase of five vehicles in the amount of \$136,631 from Bill Hood Ford, LLC.

ITEM F

RESOLUTION

IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that the Board hereby authorizes its President and Chief Executive Officer Brandy D. Christian to purchase five vehicles in the amount of \$136,631 from Bill Hood Ford, LLC, under State of Louisiana Contract No. 4400010204 for use by the Harbor Police Department; 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 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 Authorizing the President and Chief Executive Officer to Amend the Board's Lease with Magnolia Fleet, LLC, for Property Owned by the Board at the Elaine Street Dock Increasing the Lease Area by 500 Linear Feet to Expand Fleeting Operations. (Mr. Bonura)

BACKGROUND INFORMATION

Magnolia Fleet, LLC, is currently under a lease agreement that consists of 938 linear feet of dock space for fleeting operations. The tenant would like to expand its lease area to include 500 linear feet of bank line to the Board's eastern property line. The tenant will install berthing structures (pilings) for additional fleeting area. Magnolia Fleet, LLC, has been the Port's tenant at this location since October 1, 2012.

Proposed New Lease Terms

<u>Site:</u>	Elaine Street Wharf
<u>Size:</u>	Currently 938 linear feet, expanding to 1438 linear feet
<u>Improvements:</u>	Tenant restored the substructure to the 938' of the Elaine Street Dock and will install monopiles in the expanded lease area.
<u>Term:</u>	Expansion of lease is to begin on October 1, 2017, concurrent with the beginning of the first option for this lease. The first option will expire on September 30, 2022.
<u>Rent:</u>	<p>Annual rent for the additional 500 linear feet = \$15,000.00 Annual rent for the first option period = \$117,250</p> <p>October 1, 2017 – September 30, 2022 - Annual rent is \$132,250 (\$11,021.00 monthly) plus the variable rent for the 1,438 linear feet of fleeting space.</p> <p>Variable Rent Payment: Flat rate of \$7.50 per vessel per 24-hour period for inland river barges and tugboats, and \$45.00 per vessel per 24-hour period for ocean-going barges and ships, all payable quarterly with no pro-rations.</p>
<u>Security Deposit:</u>	\$66,125 (6 months' rent)
<u>Use:</u>	Barge and tug fleeting
<u>Note:</u>	The fixed rent for the additional area is \$30 per linear foot of unimproved water bottoms. This rate is comparable to the rate during the primary term of \$36 per linear foot of wharf, which needed significant repairs prior to

operations, but included some value for the existing structure. Board will have the opportunity to reconsider pricing of the improved additional area at the end of this lease in five years with Magnolia if it wishes to extend or with a different operator if not.

ITEM G

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 an amendment to the lease with Magnolia Fleet, LLC, for property owned by the Board at the Elaine Street Dock which increases the lease area by 500 linear feet to expand fleeting operations; 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 take all such actions, enter into all such agreements and execute all such documents as necessary in her opinion to give full force and effect to the intentions expressed in this resolution.

ITEM H

Consider Approval of a Resolution Confirming to Auditors the Board's Compliance with Applicable Laws and Accounting Principles as set out in the Louisiana Compliance Questionnaire. (Mr. Wendel)

ITEM H

RESOLUTION

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that, in connection with the audit of the Board's financial statements for the Fiscal Year ended June 30, 2017, and for the purpose of expressing an opinion as to the fair presentation of the Board's financial statements in accordance with accounting principles generally accepted in the United States, to assess the Board's system of internal control as a part of said audit and to review the Board's compliance with applicable laws and regulations, the Board hereby confirms to its auditors Postlethwaite & Netterville to the best of its knowledge and belief, the representations as set forth in the Louisiana Compliance Questionnaire, a copy of which is attached hereto and hereby made part of this resolution as Attachment "A"; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD its President and Chief Executive Officer Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to approve the Louisiana Compliance Questionnaire as set out as an attachment to this resolution and to certify to the Board's auditors Postlethwaite & Netterville to the best of her knowledge this Board's compliance with applicable Louisiana laws.

ITEM I

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Three-Year Professional Services Agreement with PFM Financial Advisors, llc, to be the Board's Municipal Advisor. (Mr. Wendel)

BACKGROUND INFORMATION

CONTRACT TITLE:	Municipal Advisor
PROPOSED CONSULTANT:	PFM Financial Advisors, llc
SUB CONSULTANTS:	None
SCOPE OF WORK:	Financial advisory services in conjunction with Board issuance of debt and/or alternative financing methods
FUNDING SOURCE:	Board's annual operating budgets and bond funds when issued
CONTRACT AMOUNT:	\$30,000 per year increasing 2% annually and \$1.00 per \$1,000 of bond issue proceeds
CONTRACT TIME:	Three years
SUMMARY OF PROPOSERS:	<ol style="list-style-type: none">1. PFM Financial Advisors, llc2. Government Consultants, Inc. (incumbent)
CONSULTANT SELECTION COMMITTEE MEMBERS:	Ronald Wendel Brien Gussoni Larry Sawatsky
RECOMMENDED ACTION:	Award the contract to PFM Financial Advisors, llc
DBE/SBE PARTICIPATION:	None
PROJECT MANAGER:	Ronald Wendel

ITEM I

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 three-year professional services agreement with PFM Financial Advisors, llc, to serve as the Board's municipal advisor at a cost of \$30,000 per year increasing 2% annually and \$1.00 per \$1,000 of debt proceeds; and

IT IS HEREBY FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that the said Brandy D. Christian be, and she is, hereby authorized and empowered on behalf of this Board to take such actions, enter into such agreements and execute such documents as are deemed necessary in her discretion to give full force and effect to the intentions expressed in this resolution.

ITEM J

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Material Procurements and Professional Services Agreement at a Cost Not to Exceed \$75,000 with MMR Communications, a Division of MMR Constructors, Inc., to Perform Professional Consulting Services for the Purpose of Defining the Port's Existing Camera Infrastructure and Remediating up to Five Camera Problems. (Mr. Penton)

BACKGROUND INFORMATION

CONTRACT TITLE:	Port Field Camera Assessment
PROPOSED CONSULTANT:	MMR Communications, a division of MMR Constructors, Inc.
SUBCONSULTANTS:	None
SCOPE OF WORK:	Perform professional consulting services to define the Port's existing camera infrastructure and remedy up to five low-to-moderate-in-scope camera problems with the foundational consulting services component to ensure the accuracy of the camera and network quantities, types, and configuration(s) of the Port's camera infrastructure.
FUNDING SOURCE:	\$75,000
CONTRACT AMOUNT:	Not to exceed \$75,000
CONTRACT TIME:	Not to exceed three months
SUMMARY OF PROPOSERS:	<ol style="list-style-type: none">1. MMR Communications, a division of MMR Constructors, Inc.2. ParaTech, llc.
CONSULTANT SELECTION COMMITTEE MEMBERS:	<ul style="list-style-type: none">• Jeff Penton: Committee Chair• David Cordell• Ronald Wendel• Robert Hecker/Michael Sawyer• Louis Jackson
RECOMMENDED ACTION:	Award the contract to MMR Communications, a division of MMR Constructors, Inc., for an amount not to exceed \$75,000

ITEM J

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 material procurements and professional services agreement at a cost not to exceed \$75,000 with MMR Communications, a division of MMR Constructors, Inc., to perform professional consulting services for the purpose of defining the Port's existing camera infrastructure and remedying up to five low-to-moderate-in-scope camera problems with the foundational consulting services component to ensure the accuracy of the camera and network quantities, types, and configurations of the Port's camera infrastructure; and

IT IS 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 all such documents as are deemed necessary in her discretion to give full force and effect to the intentions expressed in this resolution.

ITEM K

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into a Contract for Three Years with Allfax Specialties, Inc., to Lease Multi-Functional Copiers at a Total Cost of \$49,876.56. (Ms. Carter)

BACKGROUND INFORMATION

The Board has six malfunctioning multi-purpose (i.e., copier, fax, scanner, etc.) devices that must be replaced. After a survey to determine whether it was better to purchase or lease the replacements, it was determined the better course of action was to lease them. The best offer the staff received was from Allfax Specialties, Inc., for a three-year lease at a cost of \$16,625.52 per year and for a total cost over the three-year period of \$49,876.56. As part of the cost for this contract, the vendor has agreed at no additional cost to the Board to remove and dispose of the five obsolete, malfunctioning items which the Board owns. It has even offered to return ship the one leased device to that vendor at no additional cost to the Board.

ITEM K

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 three-year lease agreement with Allfax Specialties, Inc., at a total cost not to exceed \$49,877 to replace existing outdated multifunctional devices; 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 take such actions, enter into such agreements and execute such documents as are deemed necessary in her discretion to give full force and effect to the intentions expressed in this resolution.

ITEM L

Consider Approval of a Resolution Adopting Bylaws for the Conduct of the Business of the Board of Commissioners of the Port of New Orleans. (Mr. Gussoni)

RESOLUTION

IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS that it hereby adopts for the conduct of its business as a public board the bylaws as set out on Exhibit A to this resolution, to become effective August 1, 2017, and replace those bylaws in effect through that time; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that its Chairman and its President and Chief Executive Officer be, and they are, hereby authorized to take all such actions as are required or deemed necessary in their discretion to give full force and effect to the intentions expressed in this resolution.

ITEM M

Consider Approval of a Resolution Authorizing the President and Chief Executive Officer to Enter into Agreements with TCI Packaging, LLC (TCI), to Terminate the Board's Leases with TCI for the Governor Nicholls Street and Esplanade Avenue Wharves and to Enter into a New Lease with TCI for Property to be Purchased at 4325 France Road Parkway on the Inner Harbor Navigation Canal for TCI to Relocate Its Operations from the Two Riverfront Wharves (Mr. Wendel)

BACKGROUND INFORMATION

TCI Packaging, LLC ("TCI"), is currently under the following two lease agreements:

1. A lease agreement dated April 20, 2012 that consists of approximately 156,617 square feet of the Governor Nicholls Street Wharf shed, the rail spur adjacent thereto and use in common with the other Board approved users of the 23,962 square feet of the rear apron and 37,694 square feet of the open wharf (the "Gov. Nicholls Lease"); and
2. A lease agreement dated July 17, 2012 that consists of approximately 99,031 square feet of the Esplanade Avenue shed, the rail spur adjacent thereto and extending to the downriver end of the Mandeville Street Wharf, and common use of the 18,520 square feet of the rear apron (the "Esplanade Lease")

The Board is entering into a transaction with the City of New Orleans to exchange the City-owned New Orleans Public Belt Railroad Commission ("NOPB") for the Board-owned Gov. Nicholls Street Wharf and the Esplanade Avenue Wharf, including the sheds built on each, which are leased to TCI in the above-listed leases. In order to implement this transaction, TCI must be relocated and is willing to consent to the early termination of the Gov. Nicholls Lease and the Esplanade Lease, the relocation of its operations, and entering into a new lease.

Proposed New Lease Terms

Site: 4325 France Road Parkway, New Orleans, Louisiana 70126 (the "Property"). The Property is currently owned by Gulf Coast Shipyard Realty, LLC. The Board is currently in negotiations with Gulf Coast to purchase the Property. The proposed new lease and the termination of the existing riverfront TCI leases are contingent on this sale going through.

Size: 48.44 acres

Improvements: Within two years following the commencement date of the proposed lease, TCI shall complete repair work so that at least 185,000 square feet of warehouse and/or fabrication space on the Property is suitable for general cargo warehousing. This includes weatherproofing, working lighting and

electrical systems, and a working sprinkler system with all repairs completed according to the applicable building codes.

Term: The Commencement Date will be the date on which the Board completes the transaction to purchase the Property. The proposed lease is for a term of twenty (20) years starting on the Commencement Date.

Options: The proposed lease grants the TCI two options:

1. Option to Purchase

- Subject to a suspensive condition that the Board is able to grant the option while remaining in compliance with the industrial inducement statute
- Once the suspensive condition is met, TCI may exercise this option at any time.
- Property must continue to be used primarily for a maritime use generating cargo at Board's wharves and subject to the Board's reservation of mineral rights.
- Sale is subject to preset "as is, where is" clause.
- Sets Purchase Price as follows:

By using information available from the U.S. Department of Labor, Bureau of Labor Statistics, or successor, \$15,000,000 shall be multiplied by the value of a fraction which shall be determined by dividing the numerator thereof by the denominator thereof, the denominator of which shall be the Consumer Price Index figure for All Urban Consumers, U.S. City Average, All Items (1993-95 = 100) (hereinafter "the CPI-U") for six months prior to the Commencement Date and the numerator of which shall be the CPI-U figure for six months prior to the Closing Date. In no event, the above calculation notwithstanding, shall the Purchase Price be less than \$15,000,000.

2. 99 Year Lease Option

- Option to extend the term of the proposed lease so that its total term, including the time from the Commencement Date, is ninety-nine (99) years
- Tenant can exercise this option ONLY under one of the following conditions:
 - The industrial inducement statute is amended or repealed such that it is impossible for TCI to exercise the Purchase Option;
 - Any court of competent jurisdiction determines the Purchase Option is not in compliance with Louisiana law or is unenforceable;
 - Board does not or cannot vote to grant the Purchase Option so the suspensive condition for the Purchase Option is not met; or
 - Board and TCI mutually agree to do so in writing.
- Rent for the 99-year lease shall be prepaid shall be prepaid by Tenant's preferred choice of one of the two following options:
 - A one-time payment ninety (90) days after the Extension Option is exercised in the amount of the Purchase Price; or

- A monthly payment of the Purchase Price over a twenty (20) year term at an annual interest rate of 5.00%.

Rent:

All rent abated until the two year anniversary of the Effective Date

Minimum Base Rent The rent will be the existing Gov. Nichols and Esplanade Lease minimum base rent (currently a combined \$647,680) as it would have been adjusted by a scheduled CPI escalation in June, 2018, plus \$79,963.

Additional Rent = From July 1, 2019, through June 30, 2024, the Additional Rent rates shall equal the following

Actual Number of Containers	Additional Rent Per Year
Greater than 5,600	\$0
4,001 – 5,600	\$50,000
3,001 – 4,000	\$100,000
0 – 3,000	\$150,000

Minimum Base Rent and Additional Rent will be adjusted by CPI-U every five years.

Security Deposit:

¼ of the annual Minimum Base Rent for the new lease

Other Payments:

Once the industrial inducement statute is satisfied, Board will make a payment of \$4.5 million to TCI for the purpose of making the Required Repairs to the property. In the event that the industrial inducement statute cannot be satisfied, Board will obligate itself to make \$4.5 million of improvements to the former Trinity site.

Use:

Integrated global resin plastics packaging facility for receiving, storing, and packaging various products (initially polyethylene, polypropylene and polystyrene) and loading those products into containers for shipping through the Port of New Orleans and converting plastic resin into plastic packing film primarily for such us

Assignment & Subletting:

TCI has the right to sublease all of the Property except for the 185,000 sq. ft. it is obligated to create as long as the sublessee uses the property to contribute to domestic or international commerce of the Board. TCI may sublease the 185,000 sq. ft. with approval of the Board. TCI also has the right to assign the Lease to a wholly owned subsidiary or affiliate of TCI subject to the approval of the Board. All Board approval of sublessees or assignees will be based solely on a financial evaluation of the proposed sublessee or assignee.

ITEM M

RESOLUTION

IT IS 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 TCI Packaging, LLC (TCI), to terminate the Board's leases with TCI for the Governor Nicholls Street and Esplanade Avenue Wharves and to enter into a new lease with TCI for property to be purchased at 4325 France Road Parkway on the Inner Harbor Navigation Canal for TCI to relocate its operations from the two riverfront wharves; and

IT IS HEREBY FURTHER RESOLVED BY THIS BOARD that its Chairman and its President and Chief Executive Officer be, and she is, hereby authorized to take all such actions as are required or deemed necessary in her discretion to give full force and effect to the intentions expressed in this resolution.