

## RESOLUTION 25-27

### **A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH MOFFATT & NICHOL WITHOUT GOING OUT TO COMPETITIVE BID FOR CONSTRUCTION PHASE SERVICES FOR THE SAND POINT NEW HARBOR A- FLOAT IN AN AMOUNT NOT TO EXCEED \$400,000**

**WHEREAS**, the Sand Point New Harbor breakwater and dredging was completed in 2007 by the U.S. Army Corps of Engineers, a wharf was completed in 2008, and Float B was completed in 2011; and

**WHEREAS**, the next phase for harbor development is to construct Float A; and

**WHEREAS**, in 2010, a prescriptive design for the float system was prepared by URS Alaska (now known as AECOM) and advanced to the 65 percent level of design development for the structural and civil components of the project; and

**WHEREAS**, design and permitting efforts for this project were undertaken by Moffatt & Nichol (M&N) in 2017 to create a project that was bid-ready and suitable for seeking funding; and

**WHEREAS**, in August 2022, the Borough entered into a separate contract with M&N to complete design and permitting updates to bring it into compliance with current codes and permitting requirements; and

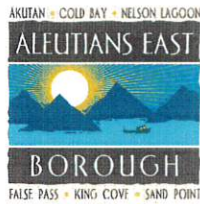
**WHEREAS**, the Borough received State of Alaska Harbor Facility Grant Funds and MARAD Port Infrastructure Development Program (PIDP) funds for this project; and

**WHEREAS**, prior to the Borough receiving the grant monies, it was the Borough's intent that M&N would provide construction phase services; and

**WHEREAS**, when the Borough received the MARAD funds, M&N was contracted in January 2023 to complete numerous PIDP grant requirements; and

**WHEREAS**, the Borough has not entered into a contract with M&N for construction phase services and construction management and the Borough would like to extend the existing scope of work with M&N to include the construction phase services without going out to competitive bid since that was the original intent; and

**WHEREAS**, if M&N is not contracted, it would negatively impact project timing for the float manufacturer/installer due to barge schedules; and



**WHEREAS**, since M&N is the designer of record, not contracting them would lose knowledge/resources that have already been invested in the project; and

**WHEREAS**, per Borough Code, the Borough is permitted to award the construction phase services to M&N without competitive bids with Assembly approval; and

**WHEREAS**, the Federal Procurement Guidelines and MARAD could permit this per CFR 200.320(c)(4); and

**WHEREAS**, on October 30, 2024, Administration requested MARAD to allow the Aleutians East borough to contract M&N for construction phase services without going out to competitive bid; and

**WHEREAS**, on November 5, 2024, Administration met with MARAD and the Borough was told that a Request for Procurement by Noncompetitive Proposals form must be completed and submitted; and

**WHEREAS**, due to timing, Administration is requested that the Assembly authorizes the Mayor to negotiate and execute a contract without going out to competitive bid for construction phase services for the project in an amount not to exceed \$400,000; and


**WHEREAS**, the execution of the contract would be contingent upon MARAD approval to award the contract without going out to competitive bid; and

**WHEREAS**, if approved, M&N fees will be paid for with the State of Alaska Harbor Facility Grant funds and the PIDP monies.

**NOW THEREFORE, BE IT RESOLVED**, the Aleutians East Borough Assembly authorizes the Mayor to negotiate and execute a contract with Moffat & Nichol without going out to competitive bid for construction phase services for the Sand Point New Harbor A-Float Project in an amount not to exceed \$400,000; and

**NOW THEREFORE, IT BE FURTHER RESOLVED**, contract execution would be contingent upon MARAD approval for the Borough to award the contract to M&N without going out to competitive bid.

**PASSED AND ADOPTED** by the Aleutians East Borough on this 14<sup>th</sup> day of November, 2024.

  
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Alvin D. Osterback, Mayor

ATTEST:

  
Beverly Rosete, Clerk

