

ACTION ITEM – B

DATE: March 24, 2020
RE: Business Oregon Contract Amendment for Fuel Dock & Dock Repairs
TO: Honorable Board President and Harbor District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Board approved revising the plan for using State Lottery Fund of \$600,000 to repair existing fuel dock and other dock repairs during January 20, 2020 Regular Meeting. The money disbursement is handled through Business Oregon.
- Business Oregon requires a contract with the Port to ensure the money is being used for a project that its intended.
- Business Oregon provided Contract Amendment Number 1 for the revised Project Description for Port approval.
- Port counsel reviewed the document.

DOCUMENTS

- Business Oregon Contract Amendment Number 1, 2 pages

COMMISSIONERS ACTION

- **Recommended Motion:**
Motion to approve Business Oregon Contract Amendment Number 1 with the Port of Brookings Harbor.

Amendment Number 1

Project Name: Dock Repairs and Improvements

This amendment is made and entered into by and between the State of Oregon, acting by and through its Oregon Business Development Department (“OBDD”), and the Port of Brookings Harbor (“Recipient”), and amends the Grant Agreement between Recipient and OBDD, Project Number C2019375, dated 22 November 2019, (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

Recital: The purpose of this amendment is to modify the project description to avoid unforeseen construction issues and allow a more feasible project design.

The parties agree to: Amend Exhibit B (Project Description) of the Contract as follows (deletion in ~~strikethrough~~; addition in double underline):

~~Recipient will construct, on its marina located on the Chetco River, a new fixed Marine Fuel Station and Dock above water using a sheet pile and tieback deadman system. The Project includes, but is not limited to, the stationary dock, site work, buildings / structures, concrete flat work, sanitary sewer, water, storm drain, electrical and lighting required to make the fuel station functional. Recipient will also remove and dispose of the existing floating fuel dock and concrete structure once the new dock is constructed.~~

Recipient will complete repairs to its the Marine Fuel Dock Station at its marina located on the Chetco River. Recipient will repair the concrete ramp abutment with fuel and utility lines, install new gas / diesel pump dispenser, remove and replace wood piling with steel piles on the transient and work docks, refurbish wood walers / rubboards and dock bolts on the transient dock, work dock and fuel dock. Recipient will restore flat work around the fuel dock ramp and above ground fuel tanks. Recipient will repair the slope adjacent to the ramp abutment.

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

SIGNATURE PAGE FOLLOWS

Except as specifically provided above, this amendment does not modify the Contract, and Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



STATE OF OREGON
acting by and through its
Oregon Infrastructure Finance Authority
of the Business Development Department



PORT OF BROOKINGS HARBOR

By: _____
Melisa Drugge, Manager
Regional Development

By: _____
Roy Davis, Chairman

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Not required by OAR 137-045-0050