

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

**RESOLUTION APPROVING AN AGREEMENT TO PROVIDE FOR
MANAGED PRINT SERVICES AND AN EQUIPMENT LEASE
WITH RAY A. MORGAN COMPANY, AT A MAXIMUM COST OF
\$720,000 FOR FIVE YEARS.**

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.1 dated June 25, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment;

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that an agreement with **Ray A. Morgan Company** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **Ray A. Morgan Company**.

SECTION 2. The Board hereby:

A. Approves (1) an Agreement with **Ray A. Morgan Company** to provide managed print services and (2) an Equipment Lease with **Ray A. Morgan Company**, for a compensation not to exceed \$720,000 for five years, and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such agreements, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement the agreements or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report.

C. Authorizes the Executive Director to enter into any ancillary documents to consummate the transaction contemplated in the Agenda Report.

SECTION 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

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