

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH
KIMLEY-HORN AND ASSOCIATES TO PROVIDE FOR ENGINEERING
DESIGN SERVICES RELATED TO THE NORTH FIELD RUNWAY
SAFETY AREA PROJECT IN AN ADDITIONAL AMOUNT NOT TO
EXCEED \$855,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.5, dated June 11, 2015 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

WHEREAS, on June 5, 2014, the Board of Port Commissioners ("Board") authorized the Executive Director to enter into a professional services agreement with **Kimley-Horn and Associates ("Kimley-Horn")**, to provide engineering design services relating to the North Field Runway Safety Area project ("North Field RSA"); and

WHEREAS, the Port and Kimley-Horn entered into a Professional Services Agreement for engineering design services for the North Field RSA, for a currently authorized maximum compensation not to exceed \$6,541,000; and

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 the agreement with **Kimley-Horn**, as supplemented, 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 continue to secure such services from **Kimley-Horn**.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with Kimley-Horn for engineering design services relating to the North Field RSA project for the an additional not to exceed amount of \$855,000 and a total maximum contract amount not to exceed \$7,396,000, as further described in the Agenda Report.

B. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

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.