

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) APPROVE ADDITIONAL BUDGET NOT TO EXCEED \$250,000 FOR EXPENDITURES IN CONNECTION WITH CONSULTANT SERVICES RELATED TO GRANT FUNDING CONSIDERATION OF PORT PRIORITY PROJECTS, (2) EXECUTION OF SUPPLEMENTAL AGREEMENTS WITH BAYPAC CONSULT, INC. AND PARSONS BRINCKERHOFF AND (3) TAKE ALL ACTIONS TO ACCEPT ALAMEDA COUNTY TRANSPORTATION COMMISSION (ACTC) GRANT FUNDS FOR PROJECT SCOPING.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.7, dated May 14, 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, 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; and

WHEREAS, on January 15, 2015, the Board authorized a project budget of \$500,000 for expenditures in connection with consultant services related to the grant funding consideration of Port priority projects; and

WHEREAS, the Port entered into a contract with PARSONS BRINCKERHOFF on January 20, 2015 for maritime area project scoping services, for a maximum compensation of \$237,200, as authorized by Port Resolution No. 15-008; and

WHEREAS, the Port executed a Purchase Order Contract with BAYPAC CONSULT, INC., for an amount not to exceed \$150,000, paid for within and pursuant to the Executive Director's operating budget and contracting authority; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Authorizes additional budget of up to \$250,000 for expenditures for project scoping services related to the grant funding consideration of Port priority projects, for a total project budget of \$750,000, subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to execute (i) a supplemental agreement with **BAYPAC CONSULT, INC.** and (ii) as needed Supplemental Agreement(s) with **PARSONS BRINCKERHOFF** both for grant funding consultant services without and waiving competitive procurement requirements therefor, for a combined additional compensation not to exceed \$512,800 for both agreements.

C. Authorizes the Executive Director to execute any and all agreements with the Alameda County Transportation Commission ("ACTC") and take all actions necessary to accept grant funds related to proposed project scoping.

SECTION 2. 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 3. This resolution shall be effective immediately upon adoption by the Board.