

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-56**

RESOLUTION APPOINTING ACTING EXECUTIVE DIRECTOR AND ACTING PORT ATTORNEY, AND SETTING TEMPORARY SUPPLEMENTAL COMPENSATION FOR SAID POSITIONS.

WHEREAS, the Executive Director of the Port has announced his retirement effective date prior to the next regular Board meeting; and

WHEREAS, the Board of Port Commissioners ("Board") wishes to make urgency appointments in acting capacities while the Board reviews requirements to conduct the search for a new Executive Director and set temporary compensations for said positions;

## NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

**RESOLVED**, the Board hereby appoints, directs and empowers **Danny Wan** to perform the duties and to act with the authority of the Executive Director and **Michele Heffes** to perform the duties and to act with the authority of the **Port Attorney** (collectively, "Appointees") effective July 22, 2019 and ending September 30, 2019; and be it

FURTHER RESOLVED, that Board hereby approves the temporary supplemental compensation of six (6%) additional to the Appointees' current base salary for out of class appointments for the period set forth above; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, the Board has exercised its independent judgment based on substantial evidence in the record and in testimony received.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno Cluver, Lee, Leslie, Martinez, Story and

President Butner – 7

07/11/19 Item No. 2.1 KIM/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-57**

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY ROLLS-ROYCE CORPORATION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.1 - the Summary Sheet for Permit Application (Port Permit No. 5222) dated June 27, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("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 Sheet and in related agenda materials and in testimony received;

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: Rolls-Royce Corporation.
- B. Premises: 6701 Earhart Road, Oakland, California.
- C. Estimated Cost: \$475,000.00.
- D. <u>Work</u>: Demolition of test cell facility at North Airport. The project will remove all improvements within the lease area and pave the site, except for the foundation and footings associated with the buildings, which features will remain at the site. Subsurface structures including, but not limited to, fuel tanks and utilities will be removed and capped.

E. <u>Sustainability</u>: Applicant will follow current Green Building and Energy Codes as enforced by the City of Oakland, as well as the construction debris recycling requirements. All materials removed from the site will be reused or recycled to the extent feasible. No other sustainability measures are being considered for this project.

**SECTION 2.** The Board hereby finds and determines that the Work to be performed under this building permit is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Work will have a significant effect on the environment.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

 ${\tt SECTION}$  4. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

07/11/19 Item No. 2.2 WKIM/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

#### **RESOLUTION NO. 19-58**

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY ROLLS-ROYCE CORPORATION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.2 - the Summary Sheet for Permit Application (Port Permit No. 5244) dated June 27, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("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 Sheet and in related agenda materials and in testimony received;

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: Rolls-Royce Corporation.
- B. Premises: 7200 Earhart Road, Oakland, California.
- C. Estimated Cost: \$6,055,000.00.
- D. <u>Work</u>: Demolition of the main facility at North Airport. The project will include the removal of Buildings 1 and 2 and related remediation and site work. Building 3 will be left in place with modifications as necessary to make it stand on its own.

E. <u>Sustainability</u>: Applicant will follow current Green Building and Energy Codes as enforced by the City of Oakland, as well as the construction debris recycling requirements. All materials removed from the site will be reused or recycled to the extent feasible. No other sustainability measures are being considered for this project.

**SECTION 2.** The Board hereby finds and determines that the Work to be performed under this building permit is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Work will have a significant effect on the environment.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

07/11/19 Item No. 2.3 KIM/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-59**

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY UNITED STATES TRANSPORTATION SECURITY ADMINISTRATION (TSA).

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.3 - the Summary Sheet for Permit Application (Port Permit No. 5241) dated June 27, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("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 Sheet and in related agenda materials and in testimony received;

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: United States Transportation Security Administration (TSA).
- B. Premises: 1 Airport Drive, Terminal 2, Oakland, California.
- C. Estimated Cost: \$139,000.00.
- D. <u>Work</u>: Improvements to the break room and supervisor office on the first floor of Terminal 2. The project will include demolition of partition walls, fixtures and finishes in the existing space, and construction of new partition walls, finishes and fixtures. The project will also include related utility work to support the new configuration.

E. <u>Sustainability</u>: Applicant will follow current Green Building and Energy Codes as enforced by the City of Oakland, as well as the construction debris recycling requirements. The project is limited to equipment upgrades, and no other sustainability measures are being considered for this project.

SECTION 2. The Board hereby finds and determines that the Work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15301, Class 1(a), which exempts projects involving interior alterations to existing facilities involving negligible or no expansion of an existing use.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 2.4 DW/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-60**

RESOLUTION AUTHORIZING TRAVEL AND RELATED EXPENDITURES FOR TRADE DELEGATION TO CHINA FOR THE PURPOSES OF PROMOTING OAKLAND-BASED EXPORTS AND ESTABLISHING RELATIONSHIP WITH CHINESE PORT AND COMMERCE AUTHORITIES.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 2.4 dated July 11, 2019, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, 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;

WHEREAS, the Bay Area Council is supporting and organizing a trade delegation to China (July 14 to July 20, 2019) for the purpose of promoting exports from Oakland-based exporters through the Port and of building relationships with port authorities in China, as well as certain cultural and educational exchanges (including with sister city Dalian);

WHEREAS, the delegation is an interagency cooperation program between the Port and the City of Oakland where city official(s) will jointly promote exports through the Port, and Port representatives will join city officials for certain cultural and educational exchanges;

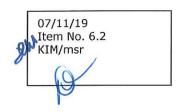
NOW, THEREFORE, BE IT RESOLVED that the Board designates Commissioner Michael Colbruno, Commissioner Yui Hay Lee and Port Attorney Danny Wan (as supporting staff) to represent the Port on the delegation and authorizes expenditures for travel, accommodations and per diem expenses (within Port policy limits) of Port representatives and of city representatives to the extent such expenses promotes City-Port interagency purposes.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1



# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-61**

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY CENTERPOINT-OAKLAND DEVELOPMENT I, LLC.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 6.2 - the Summary Sheet for Permit Application (Port Permit No. 5247) dated June 24, 2019 - and related agenda materials ("Agenda Sheet"), has received the expert testimony of Port of Oakland ("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 Sheet and in related agenda materials and in testimony received;

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform certain work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following work:

- A. Applicant: CenterPoint-Oakland Development I, LLC.
- B. <u>Premises</u>: 1300 Maritime Street, Oakland, California (Oakland Army Base).
- C. Estimated Cost: \$35,000,000.00.
- D. Work: Final construction phase for development of warehouse and distribution building (approximately 460,000 square feet) and site improvements. The project will include construction of the warehouse building shell, final grading, parking and site circulation, stormwater post-construction controls, and driveway and sidewalk improvements along W. 14th Street. The project will not include interior tenant improvements, which

- will be completed under separate permits. A more detailed description of the Work is contained in the Agenda Sheet.
- E. <u>Sustainability</u>: Applicant will comply with the California Green Building Code. Applicant has designed stormwater management features into the site improvements. The infrastructure will be installed for future installation of solar panels by a third party if tenant demand makes it feasible. During construction, Applicant will limit idling times, specify haul routes, limit hours to 7:00 a.m. to 7:00 p.m., and implement dust control measures. Applicant will also implement the following sustainability measures:
  - LEED Certification;
  - Installation of infrastructure to support future electrification (oversized electrical rooms, additional conduit through the facility, additional conduit through the yard, and reserved space for future EV charging equipment);
  - Preferred parking for carpool and electrical vehicles;
  - Tier 4 construction equipment to reduce emissions during construction;
  - Re-use of onsite dirt, concrete, and asphalt, reducing construction traffic by over 5,000 truck trips;
  - Provision of trailer storage to avoid idling;
  - Bike racks installed at the office corners to promote bike sharing;
  - Use of low emission paints, adhesives, and wood for indoor air quality and health/safety consideration for future employees; and
  - Installation of signage to limit idling times during operations.
- F. Conditions of Approval / General Plan: The Work is subject to all conditions contained in the Development Permit Application, including grading and improvements in the easement area, public improvements required by the City of Oakland, City of Oakland building and fire permits, and all applicable conditions required by the City of Oakland. The Work is within the Industry and Transportation designation under the General Plan, and is also subject to planning documents for the Oakland Army Base Reuse Plan.

**SECTION 2.** The Board hereby finds and determines that the Work to be performed under this building permit complies with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines by complying with the 2012 Standard Conditions of Approval/Mitigation Monitoring and Reporting Program for the Oakland Army Base.

SECTION 3. (a) Neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to Applicant under any agreement between the Port and the Applicant or with respect to any obligation of Applicant, or (ii) releases Applicant from any obligation with respect to said work or with respect to any agreement between the Port and Applicant; and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Port.

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

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.3 (1) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

#### **RESOLUTION NO. 19-62**

RESOLUTION APPROVING PROJECT BUDGET OF \$2,300,000; DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING APPROVE THE PROJECT MANUAL AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH A. TEICHERT & SON DBA TEICHERT CONSTRUCTION IN THE AMOUNT OF \$1,264,385 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$253,000 FOR THE CONSTRUCTION OF SOUTHFIELD PAVEMENT IMPROVEMENTS PHASE 2 AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize and approve construction project budget in the amount of \$2,300,000 for the Construction of Southfield Pavement Improvements Phase 2 at Oakland International Airport ("Southfield Pavement Project").
- B. It is in the best interest of the Port to authorize the Southfield Pavement Project.
- C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.

#### **SECTION 2.** The Board hereby approves the following:

- A. Authorize project budget of \$2,300,000 for the Southfield Pavement Project.
- B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Southfield Pavement Project**.
- C. Award of a contract for construction of the **Southfield Pavement Project** to A. Teichert & Son dba Teichert Construction the lowest responsible responsive bidder, in a total amount of \$1,264,385.
- D. Rejection of all other bids received for the **Southfield Pavement Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

## SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance.
- B. Award of a contract for construction of the **Southfield Pavement Project** to A. Teichert & Son dba Teichert Construction the lowest responsible responsive bidder, in a total amount of \$1,264,385.
- C. Issue contract change orders to the extent necessary for the **Southfield Pavement Project** in an amount not to exceed \$253,000.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **Southfield Pavement Project** in advance of construction, pursuant to Government Code Section 830.6.
- B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.
- C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

#### SECTION 5. The Board hereby finds and determines that:

- A. The proposed actions to approve the plans and project manual and award the construction contract was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines.
- B. This project is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.3 (2) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-63**

RESOLUTION APPROVING PROJECT BUDGET OF \$1,993,000; DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS; AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH DESILVA GATES CONSTRUCTION LP IN THE AMOUNT OF \$971,971 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$195,000 FOR THE TAXIWAY R PAVEMENT REHABILITATION (EASTERN) PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize and approve construction project budget in the amount of \$1,993,000 for the Construction of Taxiway R Pavement Rehabilitation (Eastern) Project ("Taxiway R Project").
- $\ensuremath{\mathtt{B.}}$  It is in the best interest of the Port to authorize the  $\ensuremath{\mathtt{Taxiway}}$  R  $\ensuremath{\mathtt{Project.}}$
- C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.

#### SECTION 2. The Board hereby approves the following:

- A. Authorize project budget of \$1,993,000 for the **Taxiway** R **Project**.
- B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Taxiway R Project**.
- C. Award of a contract for construction of the  $Taxiway\ R$  Project to DeSilva Gates Construction LP, the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$971,971.
- D. Rejection of all other bids received for the  ${\bf Taxiway}\ {\bf R}$   ${\bf Project}$  and direction that securities accompanying said bids shall be returned to the respective bidders.

## SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance.
- B. Award of a contract for construction of the **Taxiway R Project** to DeSilva Gates Construction LP, the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$971,971.
- C. Issue contract change orders to the extent necessary for the **Taxiway R Project** in an amount not to exceed \$195,000.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **Taxiway R Project** in advance of construction, pursuant to Government Code Section 830.6.
- B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.
- C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

#### **SECTION 5.** The Board hereby finds and determines that:

- A. The proposed actions to approve the plans and project manual and award the construction contract was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines.
- B. This project is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No: 6.3 (3) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-64**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR AND ACCEPT FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM ("AIP") GRANTS FOR FEDERAL FISCAL YEAR 2019.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that it is in the best interest of the Port to approve the submittal and acceptance of Federal Aviation Administration Airport Improvement Program ("FAA AIP") grant applications to the Federal Aviation Administration for all eligible work for Federal Fiscal Year 2019.
- SECTION 2. The Board hereby approves the submission of and acceptance of FAA AIP grants for all eligible work for Federal Fiscal Year 2019.
- SECTION 3. The Board hereby authorizes the Executive Director to submit and accept FAA AIP grants on behalf of said Board, and to execute and submit all documents which may be necessary or convenient to complete said applications when said Grant Offers are released by the FAA for Federal Fiscal Year 2019. The Secretary is hereby authorized and directed to attest to the execution of such grant agreements, if deemed necessary.
- SECTION 4. This project is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

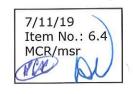
SECTION 5. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1



# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-65**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MOTT MACDONALD, LLC FOR PROFESSIONAL CONSULTING SERVICES TO SUPPORT THE 7<sup>TH</sup> STREET GRADE SEPARATION PROJECT IN THE SEAPORT FOR A CONTRACT TERM THROUGH DECEMBER 31, 2022 AND A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,950,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.4 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in March of 2019, the Port requested proposals from professional consultants to support the  $7^{\rm th}$  Street Grade Separation Projects; and

WHEREAS, after review of proposals, the proposal submitted by Mott MacDonald, LLC ranked highest and Port staff recommends that the Board authorize the Port to enter into a professional services agreement with Mott MacDonald to support the 7<sup>th</sup> Street Grade Separation Projects; 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:

A. The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the action to

approved professional services will result in a physical change in the environment. The action does not authorize the implementation of any of the 7<sup>th</sup> Street Grade Separation Projects. Therefore, this action is not subject to CEQA and no further environmental review is required.

B. The proposed Professional Services Agreement with Mott MacDonald, LLC 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 Mott MacDonald LLC.

#### SECTION 2. The Board hereby:

- A. Approves the execution of a professional services agreement with Mott MacDonald for professional consulting services for the 7<sup>th</sup> Street Grade Separation Projects, for a total contract amount not to exceed \$1,950,000 for a contract period through December 31, 2022 and subject to additional material terms and conditions as further described in the Agenda Report.
- B. Authorizes the Executive Director to (i) execute such Professional Services Agreement, 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 professional services agreement 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.

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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19
Item No.: 6.5
(Rec #1)
MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-66**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR, MATERIALS AND EQUIPMENT FOR PAVING, GRADING AND ASSOCIATED GENERAL CONTRACTOR SERVICES FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD UP TO FOUR (4) CONTRACTS TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDERS IN THE TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$8,000,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to accomplish the project for Furnishing Labor, Materials and Equipment for Paving, Grading, and Associated General Contractor Services for Port of Oakland Facilities for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021 or 2022, Oakland, California ("On-Call Paving and Grading Work") without standard bidding procedures through the award of multiple contracts.
- B. If no acceptable bids are received, it is in the best interest of the Port to waive standard bidding and authorize the Executive Director of the Port ("Executive Director") to negotiate up to four (4) contracts in the open market for the **On-Call Paving and Grading Work**.

- C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.
- D. Pursuant to Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.

## SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call Paving and Grading Work**.
- B. Advertising for bids for the **On-Call Paving and Grading Work** project.
- C. Award of up to four (4) contracts for the **On-Call Paving** and **Grading Work** project, based upon the receipt of formal bids from qualified contractors, in a total aggregate amount not to exceed \$8,000,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call Paving and Grading Work** project and direction that securities accompanying said bids shall be returned to the respective bidders.

## SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the On-Call Paving and Grading Work project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award up to four (4) contracts to the lowest responsible responsive bidders, based upon the receipt formal sealed bids, for the **On-Call Paving and Grading Work** project, in a total aggregate amount not to exceed \$8,000,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute up to four (4) contracts for the **On-Call Paving and Grading Work** project with one of the bidders or in the open market based on the receipt of informal proposals, in a total aggregate amount not to exceed \$8,000,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call Paving** and **Grading Work** project in advance of construction, pursuant to Government Code Section 830.6.

- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.
- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.
- D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.
- SECTION 5. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner - 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #2) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-67**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR AND EQUIPMENT FOR RECONDITIONING, MAINTAINING, AND REPAIRING PORT OF OAKLAND RAILROAD TRACKS AND CRANE RAILS FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AMOUNT NOT TO EXCEED \$270,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Furnishing Labor, Equipment, and Materials for Reconditioning, Maintaining, and Repairing Port of Oakland Railroad Tracks and Crane Rails for the Period Commencing January 1, 2017 and Ending December 31, 2020, 2021, or 2022 ("On-Call Track and Crane Rails").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.

C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.

#### SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call Track and Crane Rails** project.
- B. Advertising for bids for the On-Call Track and Crane Rails project.
- C. Award a contract for the **On-Call Track and Crane Rails** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$270,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call Track and Crane Rails** project and direction that securities accompanying said bids shall be returned to the respective bidders.

## SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the On-Call Track and Crane Rails project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award a contract to the lowest responsible, responsive bidder, for the **On-Call Track and Crane Rails** project, in a total amount not to exceed \$270,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for the **On-Call Track and Crane Rails** project in the open market based on the receipt of informal proposals, in a total amount not to exceed \$270,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call Track** and Crane Rails project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the

City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.

- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.
- D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.
- SECTION 5. In accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #3) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-68**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR AND EQUIPMENT FOR INSPECTING AND CLEANING PORT OF OAKLAND SANITARY SEWERS AND STORM DRAINS FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD UP TO TWO (2) CONTRACTS TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDERS IN THE TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$750,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Furnishing Labor, Equipment, and Materials for Inspecting and Cleaning Port of Oakland Sanitary Sewers and Storm Drains for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021, or 2022 ("On-Call Sanitary Sewer").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.

C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.

#### SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call Sanitary Sewer** project.
- B. Advertising for bids for the **On-Call Sanitary Sewer** project.
- C. Award up to two (2) contracts for the **On-Call Sanitary Sewer** project to the lowest responsible, responsive bidders, based upon the receipt of formal sealed bids, in a total aggregate amount not to exceed \$750,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call Sanitary Sewer** project and direction that securities accompanying said bids shall be returned to the respective bidders.

#### SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the **On-Call Sanitary Sewer** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award up to two (2) contracts to the lowest responsible, responsive bidders, for the **On-Call Sanitary Sewer** project, in a total aggregate amount not to exceed \$750,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute up to two (2) contracts for the **On-Call Sanitary Sewer** project based on the receipt of informal proposals, in a total aggregate amount not to exceed \$750,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call Sanitary Sewer** project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.

- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.
- D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner - 6

Excused: Commissioner Story – 1

7/11/19
Item No.: 6.5
(Rec #4)
MCR/msr MC

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

#### **RESOLUTION NO. 19-69**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR AND EQUIPMENT FOR SECURITY FENCING FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AMOUNT NOT TO EXCEED \$300,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Furnishing Labor, Equipment, and Materials for Security Fencing for Port of Oakland Facilities for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021, or 2022 ("On-Call Security Fencing").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.
- C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.

#### SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call Security Fencing** project.
- B. Advertising for bids for the **On-Call Security Fencing** project.
- C. Award a contract for the **On-Call Security Fencing** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$300,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call Security Fencing** project and direction that securities accompanying said bids shall be returned to the respective bidders.

#### SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the **On-Call Security Fencing** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award a contract to the lowest responsible, responsive bidders, for the **On-Call Security Fencing** project, in a total amount not to exceed \$300,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for the **On-Call Security Fencing** project based on the receipt of informal proposals, in a total amount not to exceed \$300,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call Security Fencing** project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.
- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each

in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed. It is anticipated that such activities may be exempt from CEQA pursuant to Guidelines Sections 15060(c)(2), 15061(b)(3), 15301, 15302, 15303, 15304, 15306, 15309, 15311 or 15330.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #5) MCR/lhr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### **RESOLUTION NO. 19-70**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR MAINTENANCE AND LANDSCAPING AT MIDDLE HARBOR SHORELINE PARK FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AMOUNT NOT TO EXCEED \$420,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Maintenance and Landscaping at Middle Harbor Shoreline Park for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021, or 2022 ("As-Needed Park Maintenance").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.
- C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.
  - SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **As-Needed Park Maintenance** project.
- B. Advertising for bids for the **As-Needed Park Maintenance** project.
- C. Award a contract for the **As-Needed Park Maintenance** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$420,000 for the three (3) year period.
- D. Rejection of all other bids received for the As-Needed Park Maintenance project and direction that securities accompanying said bids shall be returned to the respective bidders.

#### SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the As-Needed Park Maintenance project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award a contract to the lowest responsible, responsive bidder, for the **As-Needed Park Maintenance** project, in a total amount not to exceed \$420,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute up to three (3) contracts for **As-Needed Park Maintenance** based on the receipt of informal proposals, in a total amount not to exceed \$420,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **As-Needed Park Maintenance** project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.
- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19
Item No.: 6.5
(Rec #6)
MCR/msr MA

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### **RESOLUTION NO. 19-71**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR AND EQUIPMENT FOR ON-CALL HVAC EQUIPMENT, RECONDITIONING, MAINTAINING, AND REPAIRING PORT OF OAKLAND HVAC SYSTEMS FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$400,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Furnishing Labor, Equipment, and Materials for On-Call HVAC Equipment, Reconditioning, Maintaining and Repairing Port of Oakland HVAC Systems for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021, or 2022 ("On-Call HVAC").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.
- C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.

### SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call HVAC** project.
  - B. Advertising for bids for the On-Call HVAC project.
- C. Award a contract for the **On-Call HVAC** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$400,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call On-Call HVAC** project and direction that securities accompanying said bids shall be returned to the respective bidders.

### SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the **On-Call HVAC** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award a contract to the lowest responsible, responsive bidders, for the **On-Call HVAC** project, in a total aggregate amount not to exceed \$400,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for the **On-Call HVAC** project based on the receipt of informal proposals, in a total amount not to exceed \$400,000 for the three (3) year period.

#### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call HVAC** project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.
- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. In accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed. It is anticipated that such activities may be exempt from CEQA pursuant to Guidelines Sections 15060(c)(2), 15061(b)(3), 15301, 15302, 15303, 15304, 15306, 15309, 15311 or 15330.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #7) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-72**

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING LABOR AND EQUIPMENT FOR REMOVAL OF VEGETATION AT OAKLAND INTERNATIONAL AIRPORT FOR THE PERIOD COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("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:

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board finds that:
- A. It is in the best interest of the Port to authorize the project for Furnishing Labor, Equipment, and Materials for Removal of Vegetation at Oakland International Airport for the Period Commencing January 1, 2020 and Ending December 31, 2020, 2021, or 2022 ("On-Call Vegetation Removal").
- B. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.
- C. Pursuant to the Port's Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director of the Port ("Executive Director") the authority to finally resolve all bid protests in connection with this project.

### SECTION 2. The Board hereby approves the following:

- A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **On-Call Vegetation Removal** project.
- B. Advertising for bids for the **On-Call Vegetation Removal** project.
- C. Award a contract for the **On-Call Vegetation Removal** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$1,500,000 for the three (3) year period.
- D. Rejection of all other bids received for the **On-Call Vegetation Removal** project and direction that securities accompanying said bids shall be returned to the respective bidders.

# SECTION 3. The Board hereby authorizes the Executive Director to:

- A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Port Purchasing Ordinance for the **On-Call Vegetation Removal** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.
- B. Award a contract to the lowest responsible, responsive bidder, for the **On-Call Vegetation Removal** project, in a total aggregate amount not to exceed \$1,500,000 for the three (3) year period.
- C. If no acceptable bids are received, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for the **On-Call Vegetation Removal** project based on the receipt of informal proposals, in a total aggregate amount not to exceed \$1,500,000 for the three (3) year period.

### SECTION 4. The Board further finds that:

- A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **On-Call Vegetation** Removal project in advance of construction, pursuant to Government Code Section 830.6.
- B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.
- C. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall

be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

D. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the executed of said contract.

SECTION 5. In accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed.

SECTION 6. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #8) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-73**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL CRANE RELATED STRUCTURAL INSPECTION AND MATERIAL TESTING SERVICES FOR PORT OF OAKLAND OWNED CONTAINER CRANES, AT A COMBINED MAXIMUM COST OF \$1,200,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE (3) YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 11, 2019 ("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;

### 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 one or more consultants for On-Call Crane Related Structural Inspection and Material Testing for Port of Oakland Container Cranes ("On-Call Crane Inspection Services") 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 one or more consultants.

## **SECTION 2.** The Board hereby:

A. Approves an Agreement with one or more consultants to provide On-Call Crane Inspection Services, based on the standard RFQ/RFP process in accordance with Port Ordinance 4321 for a combined maximum compensation of \$1,200,000 for a maximum contract period not to exceed three (3) 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 Agreement(s), 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 Agreement(s) 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.

SECTION 3. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 4. 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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story - 1

7/11/19 Item No.: 6.5 (Rec #9) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### **RESOLUTION NO. 19-74**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL CRANE RELATED ENGINEERING SERVICES INCLUDING URGENT AND EMERGENCY WORK FOR PORT OF OAKLAND CONTAINER CRANES, AT A COMBINED MAXIMUM COST OF \$625,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 11, 2019 ("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;

### 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 one or more consultants for On-Call Crane Related Engineering Services Including Urgent and Emergency Work for Port of Oakland Container Cranes ("On-Call Crane Engineering Services") 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 one or more consultants.

#### SECTION 2. The Board hereby:

A. Approves an Agreement with one or more consultants to provide On-Call Crane Engineering Services, based on the standard RFQ/RFP process in accordance with Port Ordinance 4321 for a combined maximum compensation of \$625,000 for a maximum contract term not to exceed five (5) 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 Agreement(s), 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 Agreement(s) 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.

SECTION 3. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 4. 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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

Noes: - 0

7/11/19 Item No.: 6.5 (Rec #10) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-75**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) PROGRAMMING AND DEVELOPMENT SERVICES, AT A COMBINED MAXIMUM COST OF \$1,200,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 11, 2019 ("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;

### 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 one or more consultants for On-Call Geographic Information System (GIS) Programming and Development Services (On-Call GIS Services") 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 one or more consultants.

# SECTION 2. The Board hereby:

A. Approves an Agreement with one or more consultants to provide On-Call GIS Services, based on the standard RFQ/RFP process in accordance with Port Ordinance 4321 for a combined maximum compensation of \$1,200,000 for an initial contract period not to exceed three (3) years, with up to two (2) one-year extensions for a maximum contract term not to exceed five (5) 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 Agreement(s), 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 Agreement(s) 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.
- SECTION 3. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 4. 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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #11) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

# **RESOLUTION NO. 19-76**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AECOM TECHNICAL SERVICES INC., C&S COMPANIES, AND ROMBOLL US CORPORATION TO PROVIDE FOR ON CALL AIR QUALITY CONSULTING SERVICES, AT A COMBINED MAXIMUM COST OF \$1,200,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 11, 2019 ("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;

### 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 AECOM Technical Services, Inc. ("AECOM"), C&S Companies ("C&S"), and Ramboll US Corporation ("Ramboll") for On Call Air Quality Consulting Services 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 AECOM, C&S, and Ramboll.

## **SECTION 2.** The Board hereby:

A. Approves an Agreement with AECOM, C&S, and Ramboll to provide On Call Air Quality Consulting Services, based on the standard RFQ/RFP process in accordance with Port Ordinance 4321 for a combined maximum compensation of \$1,200,000 for a maximum contract term not to exceed five (5) 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 Agreement(s), 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 Agreement(s) 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.

SECTION 3. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 4. 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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Item No.: 6.5 (Rec #12) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

# **RESOLUTION NO. 19-77**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL WATER AND WASTEWATER ENGINEERING SERVICES, AT A COMBINED MAXIMUM COST OF \$1,500,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE (3) YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 11, 2019 ("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;

# 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 one or more consultants for On-Call Water and Wastewater Engineering Services 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 one or more consultants.

### **SECTION 2.** The Board hereby:

A. Approves an Agreement with one or more consultants to provide On-Call Water and Wastewater Services, based on the standard RFQ/RFP process in accordance with Port Ordinance 4321 for a combined maximum compensation of \$1,500,000 for a maximum contract term not to exceed three (3) 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 Agreement(s), 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 Agreement(s) 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.

SECTION 3. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 4. 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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story - 1

7/11/19 Item No.: 6.5 (Rec #13) MCR/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### **RESOLUTION NO. 19-78**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND THE ON-CALL WATER AND WASTE WATER ENGINEERING SERVICES AGREEMENTS WITH MOTT MACDONALD, LLC, WRECO AND SCHAAF & WHEELER CONSULTING CIVIL ENGINEERS FOR ONE (1) YEAR.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Board authorized the award of contracts for On-Call Water and Waste Water Engineering Services at the Port of Oakland, ("On-Call Water and Waste Water Services"), with contracts thereafter executed with Mott MacDonald, LLC ("Mott"), WRECO, and Schaaf & Wheeler Consulting Civil Engineers ("S&W") for a current maximum combined contract expenditure limit of \$2,900,000 and current expiration dates ranging from September 26, 2019 to October 10, 2019; and

WHEREAS, it is desirable at this time to extend the agreements for On-Call Water and Waste Water Services to maintain continuity with ongoing projects, and as set forth in the Agenda Report;

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 finds that:
- A. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements for On-Call Water and Waste Water Services, as supplemented, will constitute agreements 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 through the Mott, WRECO and S&W agreements.

### SECTION 2. The Board hereby approves the following:

- A. Extend the **On-Call Water and Waste Water Services** project for one (1) year, with contract dates expiring no later than October 10, 2020.
  - SECTION 3. The Board hereby authorizes the Executive Director to:
- A. Execute an amendment(s) of the **On-Call Engineering Design Services** contract(s) with Mott, WRECO and S&W to extend the agreements for one (1) year.
- SECTION 4. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review is needed.

SECTION 5. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

7/11/19 Vitem No.: 6.7 EJP/msr

# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### **RESOLUTION NO. 19-79**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH CDW GOVERNMENT LLC TO PROCURE AN INFORMATION TECHNOLOGY STORAGE SYSTEM IN AN AMOUNT NOT TO EXCEED \$224,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.7, dated July 11, 2019 and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("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;

### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that:

- A. The requested action is exempt from the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that entering into the requested agreement will not have a significant effect on the environment and therefore is not a "project" under CEQA.
- B. The Port's use of the competitive procurement conducted by the City of Mesa, Arizona and the resulting cooperative purchasing agreement with National IPA / Omnia Partners complies with the Port's Purchasing Ordinance No. 4321.

Section 2. The Board hereby approves and authorizes the Executive Director to enter into an agreement with CDW Government LLC to procure an information technology storage system, including system maintenance and support, in an amount not to exceed \$224,000, as further described in the Agenda Report and provided that all agreements are approved 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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

 ${\bf Section}$  4. This resolution shall be effective immediately upon adoption by the Board.

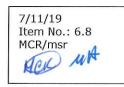
At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, and

President Butner – 6

Excused: Commissioner Story – 1

Noes: - 0



# BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

## **RESOLUTION NO. 19-80**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND THE CONTRACT FOR SECURITY SERVICES AT MIDDLE HARBOR SHORELINE PARK WITH ABC SECURITY SERVICES, INC. THROUGH JULY 31, 2020.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.8, dated July 11, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in December 2014 following a competitive selection process, the Board authorized execution of an agreement with ABC Security Services, Inc. ("ABC") for a total amount not to exceed \$600,000 for unarmed security services at Middle Harbor Shoreline Park ("MHSP") with an expiration date of August 3, 2019 ("Agreement"); and

WHEREAS, in February of 2019, Port staff released a Request for Proposals No. 18/19-14 ("RFP") for security services at MHSP; and

WHEREAS, the Port received nine (9) proposals by the due date of March 28, 2019; and

WHEREAS, Port staff evaluated the proposals and ranked Admiral Security Services the highest proposer, which represented a potential change in security guard services from the current incumbent, ABC; and

WHEREAS, Port staff presented the proposed security services award to Admiral to the Board on June 13, 2019, June 27, 2019 and July 11, 2019 for approval, wherein the Board raised policy issues regarding the evaluation criteria, worker retention, labor peace and other issues; and

WHEREAS, at the June 27, 2019 meeting, the Board authorized a one-month extension of the Agreement from July 1, 2019 to August 2, 2019; and

WHEREAS, given the policy issues raised, further research and investigation is required regarding worker retention, the need for labor peace assurances and other issues and how, if any, the Port should address

these issues through policy considerations and in the evaluation criteria for a possible new procurement; 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:
- A. In order to ensure continuity of service while the Port conducts this additional research and investigation, it is in the best interest of the Port to reject all proposals received in response to the RFP and extend the current Agreement with ABC through July 31, 2020.
- B. The proposed extension of the Agreement with ABC involves an agreement for services of a professional, technical nature that are temporary in nature and will not result in the loss of employment or salary by any person having permanent status in the competitive service, and that is in the best interest of the Port to continue to secure such services from ABC.
- C. The proposed extension of the Agreement with ABC has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The general rule in Section 15061(b)(3) of the Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the proposed extension of the ABC Agreement may have a significant effect on the environment, the action is not a "Project" under CEQA, and is not subject to CEQA under the General Rule Exclusion. No further review of this action under CEQA is required.

### SECTION 2. The Board hereby:

- A. Approves a Supplemental Agreement with ABC to extend the Agreement with a term ending no later than July 31, 2020.
- B. Authorizes the Executive Director to (i) execute such Supplemental Agreement described herein, subject to approval of all documents as to form and legality by the Port Attorney and (ii) make such additions, modifications, or corrections as necessary to implement the Agreement, as amended by the Supplemental Agreement, 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.

C. Directs Port staff to study worker retention, the need for labor peace assurances and other issues, and how, if any, the Board should address these issues through policy considerations in a possible new procurement.

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.

At the regular meeting held on July 11, 2019 Passed by the following vote:

**Ayes:** Commissioners Colbruno, Cluver, Lee, Leslie and Martinez – 5

**Noes:** Commissioner Story – 1 **Abstain:** President Bunter - 1

7/11/19 Item No.: 9.1 DWW/lt/msr//

# **BOARD OF PORT COMMISSIONERS** CITY OF OAKLAND

# **RESOLUTION NO. 19-81**

RESOLUTION DECLARING ELECTION OF OFFICERS OF THE BOARD OF PORT COMMISSIONERS.

RESOLVED that after an election of officers of this Board held pursuant to its By-Laws, at the regular meeting of July 11, 2019, the following officers to wit:

Cestra "Ces" Butner President

Andreas Cluver First Vice President Barba Leslie Second Vice President

hereby are declared to have been and are duly elected to serve in the capacities indicated, effective July 11, 2019, and until their successors are elected by the Board.

At the regular meeting held on July 11, 2019 Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and

President Butner – 7

Noes: - 0