

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

6/08/2023  
Item No.: 6.1  
ERR/pcm

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**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO INCREASE THE TOTAL  
CONTRACT AUTHORITY FOR CONTRACTS FOR ON-CALL  
ENGINEERING DESIGN SERVICES FOR NON-  
FEDERALLY FUNDED PROJECTS FROM \$5,000,000 TO  
\$7,000,000.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1, dated June 8, 2023 ("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**, on May 12, 2022, the Board approved and authorized the award and execution of contracts for on-call engineering design services for non-federally funded projects with Mott MacDonald, Moffatt & Nichol, Michael Baker International, and WMH Corporation, in a total combined amount not to exceed \$5,000,000.00 for terms not exceeding four years ("On-Call Contracts"); and

**WHEREAS**, the Board desires to approve and authorize the Executive Director of the Port ("Executive Director") to increase the total contracting authority for the On-Call Contracts from \$5,000,000 to \$7,000,000; and

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

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

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

A. The proposed action is not subject to the California Environmental Quality Act because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

B. The proposed action is for obtaining professional, scientific, or technical services 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.

**Section 2.** The Board hereby approves and authorizes the Executive Director to:

A. Increase the contract authority for the On-Call Contracts from \$5,000,000 to \$7,000,000, as further described in the Agenda Report.

B. Make any additions, modifications, or corrections necessary to execute the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and 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 Port. 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 the other contracting party, there shall be no valid or effective agreement.

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