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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-43**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES AND EXECUTE A SUPPLEMENTAL AGREEMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH THE ALLIANCE, INC. TO EXTEND THE TERM THREE ADDITIONAL YEARS THROUGH DECEMBER 31, 2026 AND ADD \$300,000 TO THE MAXIMUM COMPENSATION FOR A TOTAL OF \$470,000 TO CONTINUE PROVIDING DESIGN REVIEW AND PROGRAM IMPLEMENTATION ASSISTANCE FOR THE FOOD AND BEVERAGE AND RETAIL AND DUTY-FREE CONCESSIONS PROGRAMS.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.1, dated June 8, 2023, 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 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 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. Waive formal competitive procurement procedures and execute a supplemental agreement to the existing Professional Services Agreement with The Alliance, Inc. to extend the term for three additional years through December 31, 2026 and add \$300,000 to the maximum compensation for a total of \$470,000 to continue providing design review and program implementation assistance for the food and beverage and retail and duty-free concessions programs, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to execute the requested agreement 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. 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.

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

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

HEP

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-44**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO ENTER INTO AN  
AGREEMENT WITH PACIFIC CRANE MAINTENANCE  
COMPANY, LLC TO SUBGRANT UP TO \$1,484,557  
OF FUNDS RECEIVED FROM THE UNITED STATES  
DEPARTMENT OF AGRICULTURE TO CREATE AND  
OPERATE A POP-UP YARD ON HOWARD TERMINAL.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.3, dated June 8, 2023, 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 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 the proposed action is not subject to the California Environmental Quality Act ("CEQA") 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.

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

A. Enter into an agreement with **Pacific Crane Maintenance Company, LLC** to subgrant up to \$1,484,557 of funds received from the United States Department of Agriculture to create and operate a pop-up yard on Howard Terminal, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to execute the requested agreement 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. 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.

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

At the regular meeting held on June 8, 2023

Passed by the following vote:

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

President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

06/08/2023  
Item No.: 2.4  
RS/pcm

*Hee*

**RESOLUTION NO. 23-45**

**RESOLUTION APPROVING THE PORT OF OAKLAND'S  
SANITARY SEWER SYSTEM CORRECTIVE ACTION WORK  
PLAN AND FINDING THAT THE PROPOSED ACTION IS  
EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 2.4 dated June 8, 2023, 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; and

**WHEREAS**, the Board adopted the Port Private Sewer Lateral ("PSL") Ordinance (Ordinance 4474) on May 10, 2018, which requires Port tenants to comply with PSL regulations promulgated by the City of Oakland ("City") and the East Bay Municipal Utility District ("EBMUD") as modified to apply to the Port Area and Port-owned land; and

**WHEREAS**, the PSL Ordinance requires both the preparation of a Port Condition Assessment Plan ("CAP") to assess Port-controlled PSLs and a Port Corrective Action Work Plan ("CAWP") upon completion of the CAP; and

**WHEREAS**, on June 13, 2019, the Board, by Resolution No. 19-45, approved and adopted the Port CAP; and

**WHEREAS**, the CAWP, which is dated May 24, 2023, reflects the approximate timeline to rehabilitate and replace specific sewer segments, the rehabilitation and replacement of which is also programmed in the FY 2024-2028 Capital Improvement Plan ("CIP");

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

**Section 1.** The approval and adoption of the sewer lateral CAWP have been determined to be exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15302 of the CEQA Guidelines, which states that replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is exempt under CEQA. The action, which entails approval of a work plan that includes the type, quantity, and schedule of work needed to rehabilitation sewer laterals, does not result in a serious or major disturbance to an environmental resource. The work plan is for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

**Section 2.** The Board hereby approves the 2023 CAWP, dated May 24, 2023.

**Section 3.** The Board hereby authorizes the Executive Director to make necessary administrative and procedural changes to implement the 2023 CAWP, and further authorizes the Executive Director to approve future amendments to the CAWP, including but not limited to, changes to the project status, changes to scheduled completion dates, changes to method of rehabilitation, and the additions or deletions of sewer segments.

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

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

*HEP*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-46**

**RESOLUTION APPROVING AND AUTHORIZING THE PORT RISK  
MANAGER TO RENEW THE PORT OF OAKLAND'S CONTRACTORS  
POLLUTION LIABILITY INSURANCE POLICY WITH  
NAVIGATORS SPECIALITY INSURANCE COMPANY, ARRANGED  
AND PAID THROUGH ALLIANT INSURANCE SERVICES, FOR  
AN AMOUNT NOT TO EXCEED \$232,000 AND DELEGATE  
AUTHORITY TO THE PORT RISK MANAGER TO EXECUTE ANY  
NECESSARY DOCUMENTS.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 2.6, dated June 8, 2023, (the "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.** The Board finds that the proposed action is not subject to the California Environmental Quality Act ("CEQA") 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. In addition, the proposed action is not subject to CEQA under Section 15378(b)(4) of the CEQA Guidelines because the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project" are not considered a "project" and, therefore, the proposed action is not subject to CEQA.

**Section 2.** The Board hereby approves the placement of a contractors pollution liability insurance policy with Navigators Specialty Insurance Company, in an amount not to exceed \$232,000 ("New CPL Policy") as further described in the Agenda Report.

**Section 3.** The Board hereby authorizes the Port Risk Manager to execute any necessary documents in connection with the New CPL Policy.

**Section 4.** The New CPL Policy shall be subject to the Port Attorney's review as to form and legality all as further described in the Agenda Report.

**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 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 other contracting party, there shall be no valid or effective agreement.

**Section 6.** This resolution shall become effective immediately upon adoption by the Board.

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

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

*ncp*

**RESOLUTION NO. 23-47**

**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.

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

6/08/23  
Item No.: 6.2  
ERR/pcm

*mcw*

**RESOLUTION NO. 23-48**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES; (2) EXECUTE A SINGLE SOURCE CONTRACT WITH POWER ENGINEERING CONSTRUCTION COMPANY FOR CONSTRUCTION OF JACK LONDON SQUARE BOARDWALK REPAIRS STRUCTURES 7 & 8, IN AN AMOUNT NOT-TO-EXCEED \$3,348,835; AND (3) EXECUTE CONTRACT CHANGE ORDERS IN AN AMOUNT NOT-TO-EXCEED \$838,000; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated June 8, 2023, 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 testimony received, the Board finds and determines that:

A. The proposed action is categorically exempt from the California Environmental Quality Act under Section 15302 of the CEQA Guidelines because the proposed action is for replacement or reconstruction of existing facilities involving negligible or no expansion of capacity.

B. The proposed action is for the performance of general services by contract that are in the public interest because of economy or better performance, 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 the following concerning the Jack London Square Boardwalk Repairs Structures 7 & 8 Project ("Project"):

A. Waiver of formal competitive bidding and award of a contract ("Contract") for the construction of the Project to Power Engineering Construction Company ("Contractor"), in a total amount not to exceed \$3,348,835.

B. Authorize a maximum of \$838,000 (25% of the Contract) in change order authority to be used only to the extent necessary and subject to the approval of the Executive Director ("Executive Director") of the Port.

**Section 3.** The Board hereby authorizes the Executive Director to:

A. Execute the Contract in a total amount not to exceed \$3,616,285.

B. Execute change orders to the Contract, to the extent necessary, in an amount not to exceed \$838,000.

C. Make such additions, modifications, or corrections as necessary to issue the Contract 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 and is approved as to form and legality by the Port Attorney.

**Section 4.** The Board further finds that:

A. The Chief Operating Officer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the Contract 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 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.** 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 other contracting party, there shall be no valid or effective agreement.

**Section 6.** This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

HEP

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-49**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO ENTER INTO AN  
AGREEMENT WITH NETXPERS, LLC, FOR CISCO  
SMART NET SUBSCRIPTION AND SOFTWARE  
LICENSING FOR A FIVE-YEAR TERM IN AN AMOUNT  
NOT TO EXCEED \$1,018,600.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated June 8, 2023, 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 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 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 of the Port to:

A. Enter into an agreement with NetXperts, LLC for Cisco Smart Net subscription and software licensing for a five-year term in an amount not to exceed \$1,018,600, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections necessary to execute the requested agreement 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. 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.

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

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0

HER

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-50**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO WAIVE FORMAL  
COMPETITIVE PROCUREMENT PROCEDURES AND  
EXECUTE A SECOND SUPPLEMENTAL AGREEMENT TO  
THE PROFESSIONAL SERVICES AGREEMENT WITH  
CAMBRIDGE SYSTEMATICS, INC. TO EXTEND THE  
TERM THROUGH DECEMBER 31, 2025 AND ADD  
\$500,000 TO THE MAXIMUM COMPENSATION FOR A  
TOTAL AMOUNT NOT TO EXCEED OF \$900,000 TO  
PROVIDE GRANT MANAGEMENT CONSULTING  
SERVICES.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated June 8, 2023, 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 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 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 ongoing 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 of the Port to:

A. Waive formal competitive procurement procedures and execute a second supplemental agreement to the Professional Services Agreement with Cambridge Systematics, Inc. to extend the term through December 31, 2025 and add \$500,000 to the maximum compensation for a total amount not to exceed of \$900,000 to provide grant management consulting services, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to execute the supplemental agreement 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. 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 the other contracting party, there shall be no valid or effective contract.

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

At the regular meeting held on June 8, 2023  
Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6  
Excused: Commissioner Butner – 1  
Noes: 0



*HeP*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 23-51**

**RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTIVE DIRECTOR TO EXECUTE A PROJECT  
SUPPLEMENT AGREEMENT NO. 2 WITH THE  
CALIFORNIA STATE TRANSPORTATION AGENCY,  
AUTHORIZING \$17,969,402 IN STATE FUNDING TO  
BE DISTRIBUTED TO THE PORT OF OAKLAND FOR  
DESIGN AND ENGINEERING TRANSPORTATION  
PROJECTS, AND FINDING THAT THE PROPOSED  
ACTION IS EXEMPT UNDER THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT.**

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**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.5, dated June 8, 2023, 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 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 hereby finds and determines that the proposed action is not subject to 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 the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

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

A. Execute a Project Supplement Agreement with the **California State Transportation Agency (CalSTA)** authorizing \$17,969,402 in State funding to be distributed to the Port for design and engineering of transportation projects, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to execute the requested agreements 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. 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.

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

At the regular meeting held on June 8, 2023

Passed by the following vote:

Ayes: Commissioners: Cluver, Colbruno, Lee, Martinez, Story and  
President Leslie – 6

Excused: Commissioner Butner – 1

Noes: 0