



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MOTT MACDONALD, LLC FOR PROFESSIONAL CONSULTING SERVICES TO SUPPORT THE 7TH 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 7th 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 7th 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 7th 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 7th 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.