

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDERS AND APPROVING AN INCREASE TO THE CHANGE ORDER AUTHORITY LIMIT FOR THE CONTRACT WITH OLIVER DESILVA INC., DOING BUSINESS AS GALLAGHER & BURK, INC. (LIC. NO. 141140) FOR THE CONSTRUCTION OF RUNWAY SAFETY AREA IMPROVEMENTS, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, IN A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$375,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated June 25, 2015 ("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 June 5, 2014, by Resolution No. 14-55, the Board authorized solicitation and award of a contract for the main portion of the **Construction of Runway Safety Area Improvements, North Field, Oakland International Airport, Oakland, California, ("North Field Main RSA")**; and

WHEREAS, on June 5, 2014, by Resolution No. 14-55, the Board authorized solicitation and award of a separate contract designated as a small business enterprise carve-out project for the **Construction of Runway Safety Area Shoulder Rehabilitation Improvements, North Field, Oakland International Airport, Oakland, California, ("North Field Shoulder Improvements RSA")**; and

WHEREAS, on September 10, 2014, the Executive Director approved the award of a contract for the **North Field Main RSA** project to **Oliver DeSilva, Inc., doing business as Gallagher & Burk, Inc., ("Gallagher & Burk")**, in the amount of \$38,156,989.00; and

WHEREAS, Port staff advertised the **North Field Shoulder Improvements RSA**, however, no bids were received for this project; and

WHEREAS, Port staff has evaluated various options to complete the shoulder rehabilitation work within the designated

schedule and determined that it is in the best interests of the Port to proceed with this work within the **RSA North Field Main** contract which requires additional change order authorization; 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 an increase to the change order authority limit for the **North Field Main RSA** project in a total aggregate amount not to exceed \$375,000;

B. It is in the best interest of the Port to authorize the Executive Director to negotiate and execute additive change orders with Gallagher & Burk, under the contract for the **North Field Main RSA** project, pursuant to the Port Purchasing Ordinance, for the construction of necessary pavement work to complete the project.

SECTION 2. The Board hereby approves an increase to the change order authority limit in a total aggregate amount not to exceed \$375,000.

SECTION 3. The Board hereby authorizes the Executive Director to negotiate and execute additive change orders with Gallagher & Burk for the **South Field RSA** project, in a total aggregate amount not to exceed \$375,000.

SECTION 4. The actions requested in this Agenda Report fall within the scope of the Port Maritime and Aviation Project Labor Agreement ("MAPLA"), and the provisions of the MAPLA apply.

SECTION 5. As authorized by the Board, the Port's Executive Director approved the Initial Study/Mitigated Negative Declaration at a special public hearing for the RSA project on September 7, 2012. A Notice of decision was circulated for 14 days and become final on September 21, 2012. A Notice of Determination was subsequently filed with the Alameda County Recorder's Office.

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).

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