

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-22**

**RESOLUTION APPROVING AND AUTHORIZING  
EXECUTION OF A SETTLEMENT AGREEMENT WITH  
EDGEWATER ASSOCIATES, RESOLVING THE PORT  
OF OAKLAND'S CLAIMS FOR DAMAGES TO  
PROPERTY LOCATED AT 8401/8407 EDGEWATER  
DRIVE, OAKLAND, CALIFORNIA IN THE AMOUNT  
OF \$250,000.**

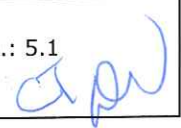
**RESOLVED**, that the Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Settlement Agreement between the Port of Oakland ("Port") and Edgewater Associates, resolving the Port's claims for damages to Port property located at 8401/8407 Edgewater Drive in the City of Oakland, California in the amount of \$250,000; and be it

**FURTHER RESOLVED**, that this resolution is not evidence of and does not create or constitute (a) a contract, or grant of any right, title 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 in accordance with the terms of this resolution. 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.

At the regular meeting held on April 12, 2018

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 6  
Excused: Commissioner Martinez – 1  
Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-23**

**RESOLUTION APPROVING THE BUSINESS TERMS AND CONDITIONS FOR  
THE 2018 FOOD AND BEVERAGE CONCESSIONS OPPORTUNITIES REQUEST  
FOR PROPOSALS AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 5.1, dated April 12, 2018 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

**RESOLVED**, that the Board hereby approves of the business terms and conditions for the 2018 Food and Beverage Concessions Opportunities Request for Proposals ("RFP"), as outlined in the "Analysis" section of the Agenda Report and in Attachments "A," "B," "C", and "D" of the Agenda Report, subject to approval by the Port Attorney as to form and legality; provided, however, that Item 1(f) of "Attachment "C" - Evaluation Criteria for the Prime Concessionaire Packages 1 and 2" to the Agenda Report shall be amended to read "Promotion of local/regional concepts, especially concepts reflective of the San Francisco Bay Area."; and be it

**FURTHER RESOLVED**, that the Board hereby authorizes the Executive Director and Director of Aviation to draft, promulgate and issue the RFP with terms, conditions, provisions and requirements necessary in the Executive Director's and Director of Aviation's reasonable discretion to implement and accomplish the solicitation, review and selection of the food and beverage concessionaires consistent with the terms and conditions set forth in the Agenda Report and with such additional provisions necessary to implement and carry out the purpose of the RFP, and make such additions, modifications or corrections to the RFP as the Executive Director and Director of Aviation may deem necessary, provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth in the Agenda Report; and be it

**FURTHER RESOLVED**, that the Board hereby finds and determines that the action taken herein is categorically exempt from requirements of the California Environmental Quality Act ("CEQA") Guidelines 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. Approving the business terms and conditions for the 2018 Food and Beverage Concessions RFP does not change the use of the existing facility; and be it

**FURTHER RESOLVED**, that 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 does not approve or authorize the execution of an agreement in connection with the 2018 Food and Beverage Concessions Opportunities RFP. Unless and until the Board has approved and authorized a separate written agreement, such agreement is duly executed on behalf of the Board as authorized by a future resolution, such agreement is signed and approved as to form and legality by the Port Attorney, and such agreement is delivered to the other contracting party, there shall be no valid or effective agreement; 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 adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related materials and in testimony received.

At the regular meeting held on April 12, 2018

Passed by the following vote:

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



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-24**

RESOLUTION: (1) AUTHORIZING A CAPITAL BUDGET OF \$1,800,000; (2) AUTHORIZING AN OPERATING BUDGET OF \$977,000; (3) WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH COBUS INDUSTRIES FOR THE PURCHASE OF THREE AIRFIELD BUSES FOR AN AMOUNT NOT TO EXCEED \$1,600,000; (4) WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH KEITH CONSOLIDATED INDUSTRIES FOR THE PURCHASE OF AN AIRFIELD PASSENGER RAMP FOR AN AMOUNT NOT TO EXCEED \$150,000; (5) APPROVING A CONTRACT AMENDMENT IN THE AMOUNT NOT TO EXCEED \$30,000 WITH STANLEY CONVERGENT SECURITY SOLUTIONS, INC. ("STANLEY") TO PROCURE AND INSTALL SECURITY CAMERAS; (6) APPROVING A CAPITAL BUDGET OF \$20,000 FOR PORT OF OAKLAND-INSTALLED INFRASTRUCTURE TO ENABLE WORK TO BE PERFORMED BY STANLEY; AND (7) APPROVING A CONTRACT AMENDMENT WITH SP PLUS CORPORATION TO PROVIDE BUS OPERATIONS FOR AN AMOUNT NOT TO EXCEED \$977,000 TO FACILITATE AIRFIELD GROUND LOADING OPERATIONS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated April 12, 2018 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board hereby:

(i). Approves a capital budget of \$1,800,000;

(ii) Finds that the specialized airfield buses are only available from one source, and therefore waives formal competitive procurement procedures, and approves and authorizes the Executive Director to enter into a contract with COBUS Industries for the purchase of three airside buses in an amount not to exceed \$1,600,000, subject to approval as to form and legality by the Port Attorney;

(iii) Finds that it is in the best interest of the Port to waive formal competitive procurement procedures, and therefore waives formal competitive procurement procedures, and approves and authorizes the Executive Director to enter into a contract with Keith Consolidated Industries for the purchase of an airfield passenger ramp in an amount not to exceed \$150,000, subject to approval as to form and legality by the Port Attorney;

(iv) Approves and authorizes the Executive Director to enter into a contract amendment with Stanley Convergent Security Solutions, Inc. ("Stanley") to add \$30,000 to the existing contract to install surveillance equipment to support ramp loading operations, subject to approval as to form and legality by the Port Attorney;

(v) Approves a capital budget of \$20,000 for Port-installed infrastructure required to enable security camera installation by Stanley; and

(vi) Approves and authorizes the Executive Director to enter into a contract amendment with SP Plus Corporation to add \$977,000 to the existing contract to operate the airside buses for up to the remainder of the contract term ending January 31, 2023, subject to approval as to form and legality by the Port Attorney; and be it

**FURTHER RESOLVED**, that the Board hereby finds and determines that the action taken herein is categorically exempt from requirements of the California Environmental Quality Act ("CEQA") Guidelines 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. No changes to the premises or use are proposed; and be it

**FURTHER RESOLVED**, that 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 agreements in accordance with the terms of this resolution. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this resolution, are signed and approved as to form and legality by the Port Attorney, and are delivered to the other contracting party, there shall be no valid or effective agreement; 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 adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related materials and in testimony received.

At the regular meeting held on April 12, 2018

Passed by the following vote:

Ayes: Commissioners Cluver, Hamlin, Martinez, Yee and  
President Story – 5

Noes: Commissioner Colbruno – 1

Excused: Commissioner Butner – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-25**

RESOLUTION (1) APPROVING OF CAPITAL BUDGET IN THE AMOUNT OF \$1,100,000 FOR THE TERMINAL 1 (M102) OUTBOUND BAGGAGE SCREENING DEVICE (CT-80) INTERIM PLACEMENT PROJECT (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY TO ADD THE M102 CT-80 PROJECT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT IN AN AMOUNT NOT TO EXCEED \$688,000, (3) FINDING THAT IT IS IN THE BEST INTEREST OF THE PORT OF OAKLAND TO WAIVE COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MWA ARCHITECTS TO PROVIDE DESIGN SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000, AND (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated April 12, 2018 ("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 or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("IAB CMR Contract").

**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. It is in the best interest of the Port to authorize and approve capital project budget in the amount of \$1,100,000 for the

**Terminal 1 (M102) Outbound Baggage Screening Device (CT-80) Interim Placement Project ("M102 CT-80 Project").**

B. The proposed agreement with MWA Architects, Inc. ("MWA") for design services related to the **M102 CT-80 Project** will constitute an agreement for obtaining professional, technical, and specialized services that are temporary in nature and it is in the best interest of the Port to waive competitive bidding and to secure such services from MWA.

C. The proposed actions to approve project budget, authorize an agreement with the Transportation Security Administration and authorize contracts for design and construction were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The proposed actions are categorically exempt from the requirements of 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. The proposed actions involve a negligible expansion of use, will not have a significant effect on the environment, and therefore will not require further environmental review.

**SECTION 2. The Board hereby:**

A. Approves the capital project budget in the amount of \$1,100,000 for the **M102 CT-80 Project**.

B. Authorizes the Executive Director to execute a professional services agreement with MWA for the **M102 CT-80 Project** for a maximum contract amount not to exceed \$200,000.

C. Authorizes the Executive Director to execute a contract change order with Turner for the IAB CMR Contract in an amount not to exceed \$688,000 for construction manager at risk services on the **M102 CT-80 Project**.

D. Authorizes the Executive Director to execute a Memorandum of Agreement with the Transportation Security Administration for the **M102 CT-80 Project**. The Secretary of the Board is hereby authorized and directed to attest to the execution of such agreement, if deemed necessary.



**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.

At the regular meeting held on April 12, 2018

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Yee and

President Story – 6

Excused: Commissioner Butner – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-26**

**RESOLUTION APPROVING AND AUTHORIZING ADDITIONAL CAPITAL  
PROJECT BUDGET IN THE AMOUNT NOT TO EXCEED \$338,000 FOR  
RENTAL CAR CENTER IMPROVEMENTS AT OAKLAND INTERNATIONAL  
AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated April 12, 2018 ("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 July 28, 2016, the Board authorized an initial design capital budget for the **Rental Car Center Improvements at Oakland International Airport ("RAC Center Project")** in the amount of \$700,000; and

**WHEREAS**, on December 15, 2016, the Board authorized the remaining capital project budget for the **RAC Center Project** in the amount of \$6,723,000, which increased the total capital project budget authorization to \$7,423,000; 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 that:

A. It is in the best interest of the Port to approve and authorize additional capital budget authorization of \$338,000 for the **RAC Center Project**.

B. The proposed capital budget authorization was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. In Resolution No. 16-145 dated December 15, 2016, the Board determined that the **RAC Center Project** was categorically exempt from CEQA pursuant to Section 15301, Existing

Facilities. The proposed budget authorization would not change the project description or scope of the project from that authorized by the Board of Port Commissioners on December 15, 2016. As such, the proposed actions will not have a significant effect on the environment and no further environmental review is required.

**SECTION 2.** The Board hereby approves and authorizes an increase in the capital budget authorization for the **RAC Center Project** of \$338,000, for a total capital project budget of \$7,761,000.

**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 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 April 12, 2018

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 6

Excused: Commissioner Butner – 1

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-27**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH CYPRESS PRIVATE SECURITY LP FOR PORT OF OAKLAND SECURITY OPERATIONS CENTER STAFFING SERVICES IN THE MARITIME AREA FOR A TERM COMMENCING ON APRIL 23, 2018, AND TERMINATING ON JUNE 30, 2021, WITH TWO ONE-YEAR OPTIONS TO EXTEND IN AN AMOUNT NOT TO EXCEED \$2,400,000 (IF EXTENDED THROUGH JUNE 30, 2023).**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated April 12, 2018 ("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 hereby finds and determines that:

A. The Agreement with **Cypress Private Security LP ("Cypress")** 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 **Cypress**.

B. The proposal to authorize the Executive Director of the Port ("Executive Director") to enter into an agreement with Cypress was reviewed in accordance with the requirements of CEQA and Port CEQA Guidelines. Section 15378 of the CEQA Guidelines defines a project by an agency as "an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." In particular, per section 15378(b), projects do not include "continuing administrative or maintenance activities" or "organizational or

administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed action to enter into a professional services agreement has no potential for direct or indirect physical change in the environment. Therefore, this action is not subject to CEQA.

**SECTION 2.** The Board hereby:

A. Approves and authorizes the Executive Director to execute an Agreement with **Cypress** for Port of Oakland Security Operations Center staffing services for a term commencing on April 23, 2018, and ending on June 30, 2021, with two one-year options to extend subject to written approval by the Executive Director, and as further described in the Agenda Report in an amount not to exceed \$2,400,000 (if extended through June 30, 2023).

**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 April 12, 2018

Passed by the following vote:

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

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-28**

**RESOLUTION DELGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR THE HOWARD TERMINAL PAVEMENT REPAIR FY18 PROJECT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO OLIVER DESILVA, INC. DBA GALLAGHER & BURK, INC. IN THE TOTAL AMOUNT OF \$557,965.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated April 12, 2018 ("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 **Howard Terminal Pavement Repair FY18 Project ("Howard Pavement Project")**.

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 of Oakland.

C. 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. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Howard Pavement Project**.

B. Award of a contract for construction of the **Howard Pavement Project** to Oliver DeSilva, Inc. dba Gallagher & Burk, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$557,965.

C. Rejection of all other bids received for the **Howard 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 **Howard Pavement Project** to Oliver DeSilva, Inc. dba Gallagher & Burk, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$557,965.

**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 **Howard 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. 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. Port staff conducted an environmental analysis on the road maintenance work described above. It can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environmental; therefore, the activity is not subject to CEQA.

**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 April 12, 2018

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 6

Excused: Commissioner Butner – 1

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-29**

**RESOLUTION DELGATING AUTHORITY TO THE DIRECTOR OF  
ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR  
THE BERTHS 35-38 PAVEMENT REPLACEMENT PROJECT AND  
AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT  
TO OLIVER DESILVA, INC. DBA GALLAGHER & BURK, INC. IN  
THE TOTAL AMOUNT OF \$379,355.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.6 dated April 12, 2018 ("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 **Berths 35-38 Pavement Replacement Project ("Berths 35-38 Pavement Project")**.

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 of Oakland.

C. 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. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Berths 35-38 Pavement Project**.

B. Award of a contract for construction of the **Berths 35-38 Pavement Project** to Oliver DeSilva, Inc. dba Gallagher & Burk, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$379,355.

C. Rejection of all other bids received for the **Berths 35-38 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 a contract for construction of the **Berths 35-38 Pavement Project** to Oliver DeSilva, Inc. dba Gallagher & Burk, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$379,355.

**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 **Berths 35-38 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 for the repair of existing pavement at Berths 35-38 is categorically exempt from the CEQA Guidelines pursuant to Section 15301, Existing Facilities. Section 15301 exempts from CEQA the repair, maintenance, and minor alteration of existing structures and facilities, 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 April 12, 2018

Passed by the following vote:

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

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-30**

**RESOLUTION APPROVING AND AUTHORIZING PROJECT BUDGET OF \$994,000, DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR THE ROUNDHOUSE PAVEMENT RECONSTRUCTION FY18 PROJECT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO O.C. JONES & SONS, INC. IN THE TOTAL AMOUNT OF \$673,034.50.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.7 dated April 12, 2018 ("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 **Roundhouse Pavement Reconstruction FY18 Project ("Roundhouse Pavement Project")**.

B. It is in the best interest of the Port to approve and authorize project budget in the amount of \$994,000 for the Roundhouse 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. The project budget for the Roundhouse Pavement Project in the amount of \$994,000.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for **Roundhouse Pavement Project**.

C. Award of a contract for construction of the **Roundhouse Pavement Project** to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$673,034.50.

D. Rejection of all other bids received for the **Roundhouse 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 **Roundhouse Pavement Project** to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$673,034.50.

**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 **Roundhouse 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 for the repair of existing pavement at Berths 35-38 is categorically exempt from the CEQA Guidelines pursuant to Section 15301, Existing Facilities. Section 15301 exempts from CEQA the repair, maintenance, and minor alteration of existing structures and facilities, 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 April 12, 2018

Passed by the following vote:

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