

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-38**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SIX-MONTH EXTENSION OF THE AIRPORT SHUTTLE BUS FLEET MAINTENANCE SERVICES AGREEMENT WITH KELLY'S TRUCK REPAIR THROUGH DECEMBER 31, 2018, FOR AN AMOUNT NOT TO EXCEED \$165,000.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.2, dated May 24, 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 June 13, 2013, pursuant to Resolution No. 13-62, the Board authorized execution of an agreement with Kelly's Truck Repair ("Kelly's") for a total amount not to exceed \$2,250,000 for Airport shuttle bus fleet maintenance for a five-year period beginning July 1, 2013 and ending June 30, 2018; 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 hereby:

A. Approves an amendment to the Agreement for Airport Shuttle Bus Fleet Maintenance Services ("Agreement") with Kelly's to extend the Agreement by six months to December 31, 2018 with an increase in the contract amount by \$165,000, and as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such amendment described herein and in the Agenda Report, 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 amendment 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.

At the regular meeting held on May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 7

Noes: 0

*GPW*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-39**

**RESOLUTION APPROVING THE DRAFT PORT SHARE PLAN FOR THE  
JACK LONDON IMPROVEMENT DISTRICT FOR FISCAL YEAR 2018  
IN THE AMOUNT OF \$122,122.92.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.4, dated May 24, 2018 (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**, Section 706 of the Charter of the City of Oakland ("City") gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

**WHEREAS**, the proposed approval will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the agreements will not interfere with the Tidelands Trust; now, therefore

**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 hereby approves the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2018 in the amount of \$122,122.92, as further described in the Agenda Report.

**SECTION 2.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the following:

- A. Each proposed service and expenditure described in the Draft Port Share Plan is consistent with the Trust, as defined in the 2013 Jack London Improvement District Public (JLID) Trust Agreement, and the JLID has established by objective analysis that the Trust will receive a proportionate special benefit; and



- B. The proposed approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed approval may have a significant effect on the environment or result in any physical changes to the environment.

**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.

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

At the regular meeting held on May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0

EP [signature]

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-40**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE  
DIRECTOR TO CONSENT TO THE ASSIGNMENT OF THE CONTRACT  
FOR PORT WEBSITE SERVICES WITH VNM GROUP, INC. TO CINIVA  
LLC.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.5, dated May 24, 2018 (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**, Section 706 of the Charter of the City of Oakland ("City") gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

**WHEREAS**, the proposed approval will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the agreements will not interfere with the Tidelands Trust; now, therefore

**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 hereby approves and authorizes the Executive Director to consent to the assignment of the Port's contract with VNM Group, Inc. (dba Ciniva Web Agency) to **Ciniva LLC**, and authorizes the Executive Director to execute all documents necessary to effectuate the assignment, as further described in the Agenda Report and subject to approval as to form and legality by the Port Attorney.

**SECTION 2.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the proposed approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the proposed approval may have a significant effect on the environment or result in any physical changes to the environment.

**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.

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

At the regular meeting held on May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-41**

**RESOLUTION APPROVING AND AUTHORIZING ADDITIONAL CAPITAL PROJECT BUDGET IN THE AMOUNT NOT TO EXCEED \$903,000 FOR THE CONSTRUCTION OF CHECKED BAGGAGE INSPECTION SYSTEM TO SUPPORT EXPLOSIVES DETECTION SYSTEM RECAPITALIZATION AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated May 24, 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**, the Board previously authorized a total budget of \$9,736,000 for the design and construction of the **Checked Baggage Inspection System to Support Explosives Detection System Recapitalization at Terminal 2, Oakland International Airport ("Airport CBIS Project")**; 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 \$903,000 for the **Airport CBIS Project**, including \$650,000 in change order authority.

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. This project is categorically exempt from CEQS pursuant to Section 15302, which exempts from CEQA the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose and capacity. The proposed action meets these criteria and therefore no further environmental review is required.

**SECTION 2.** The Board hereby approves and authorizes an increase in the capital budget authorization for the **Airport CBIS Project** of \$903,000, for a total capital project budget of \$10,639,000.

**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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 7

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-42**

**RESOLUTION APPROVING AND AUTHORIZING ADDITIONAL DESIGN  
BUDGET IN THE AMOUNT NOT TO EXCEED \$130,000 FOR THE LIFT  
STATION NO. 2 CAPITAL IMPROVEMENTS PROJECT AT OAKLAND  
INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated May 24, 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**, the Board previously authorized a design budget of \$410,000 for the **Lift Station No. 2 Capital Improvements Project at Oakland International Airport ("Lift Station 2 Project")**; 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 design budget authorization of \$130,000 for the **Lift Station 2 Project**.

B. The proposed design budget authorization was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. CEQA only applies to activities that have a potential for causing a significant effect on the environment. The proposed action will not result in a physical change to the environment and therefore is exempt from CEQA and no further environmental review is required.

**SECTION 2.** The Board hereby approves and authorizes an increase in the design budget authorization for the **Lift Station 2 Project** of \$130,000, for a total design project budget of \$540,000.

**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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 7

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-43**

**RESOLUTION APPROVING AND AUTHORIZING PROJECT BUDGET OF  
(1) \$1,100,000 FOR DESIGN, PRECONSTRUCTION SERVICES, AND  
PORT LABOR FOR THE TERMINAL 1 RESTROOM RENOVATION PROJECT  
AND (2) \$700,000 FOR DESIGN, PRECONSTRUCTION SERVICES  
AND PORT LABOR FOR THE MOVING WALKWAYS REMOVAL PROJECT  
AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated May 24, 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 approve and authorize project budget of \$1,100,000 for design, preconstruction services, and Port labor for the **Terminal 1 Restroom Project ("T1 Restroom Project")**.

B. It is in the best interest of the Port to approve and authorize project budget of \$700,000 for design, preconstruction services, and Port labor for the **Moving Walkways Removal Project ("Moving Walkways Project")**.

C. The proposed budget authorizations were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. CEQA only applies to activities that have a potential for causing a significant effect on the environment. The proposed budget authorization actions will not result in a physical change to the environment and therefore are exempt from CEQA and no further environmental review is required at this time.



**SECTION 2.** The Board hereby approves and authorizes

A. Project budget for design, preconstruction services and Port labor for the **T1 Restroom Project** in an amount not to exceed \$1,100,000.

B. Project budget for design, preconstruction services and Port labor for the **Moving Walkways Project** in an amount not to exceed \$700,000.

**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 May 24, 2018

Passed by the following vote:

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

President Story – 7

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-44**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL AGREEMENT WITH ORION ENGINEERS AND ASSOCIATES, PLLC FOR CONSTRUCTION MANAGEMENT SERVICES IN AN ADDITIONAL AMOUNT OF \$249,000 AND EXTEND THE TERM OF THE AGREEMENT TO SEPTEMBER 30, 2018 FOR THE RUNWAY 12-30 REHABILITATION PROJECT AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated May 24, 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**, as authorized by the Board by Resolution 17-14, the Port entered into a contract with **Orion Engineers and Associates, PLLC ("Orion")** for construction management services related to the Runway 12-30 Rehabilitation Project, with a current contract authorization of \$3,900,000; 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 the proposed supplemental agreement with **Orion** 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 continue to secure such services from **Orion**.

**SECTION 2.** The Board hereby approves the issuance of a supplemental agreement with Orion for construction management services for the **Runway 12-30 Project** to Orion in an amount not to exceed \$249,000 for a total contract value not to exceed \$4,149,000 to extend the Agreement to September 30, 2018, and as provided in the Agenda Report.

**SECTION 3.** The Board hereby authorizes the Executive Director to issue a supplemental agreement with Orion for construction management services for the **Runway 12-30 Project** to Orion in an amount not to exceed \$249,000 for a total contract value not to exceed \$4,149,000 to extend the Agreement to September 30, 2018, and as provided in the Agenda Report:

**SECTION 4.** This project has been determined to be categorically exempt from the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. Projects that restore or rehabilitate deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety are exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15301 Existing Facilities. The Board finds and determines that the proposed project, including the proposed action, meets this exemption and will not have a significant effect on the environment.

**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 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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0





**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-45**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH AE3 PARTENRS TO PROVIDE ON-CALL DEMOLITION DESIGN SERVICES AT A MAXIMUM COST NOT TO EXCEED \$1,500,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.6 dated May 25, 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 the proposed professional services agreement with **AE3 Partners, Inc. ("AE3")** for **On-Call Demolition Design Services** 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 through the proposed professional services agreement with **AE3**.

**SECTION 2.** The Board hereby:

A. Approves Agreement with **AE3** to provide **On-Call Demolition Design Services**, selected following a formal competitive process in accordance with Port Ordinance 4321, for a maximum compensation not to exceed \$1,500,000 for a contract period not to exceed five (5) years and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such 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 Agreement(s) 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.** In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment. When specific activities that will be performed under this contract are identified, staff will determine at that time whether additional CEQA review and clearance is needed. It is anticipated that such activities may be exempt from CEQA pursuant to Guidelines Sections 15060(c)(2), 15061(b)(3), 15301, 15302, 15303, 15304, 15306, 15309, 15311 or 15330.

**SECTION 4.** 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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-46**

RESOLUTION (1) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXERCISE THE OPTION AND NEGOTIATE AND EXECUTE A CONTRACT CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY FOR PRE-CONSTRUCTION SERVICES AND EQUIPMENT PROCUREMENT THE CONSTRUCTION MANAGER AT RISK CONTRACT IN AN AMOUNT NOT TO EXCEED \$3,000,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH MWA ARCHITECTS TO PROVIDE DESIGN SERVICES IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR TERMINAL IMPROVEMENT PROJECTS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.7 dated May 24, 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"); and

WHEREAS, on or about April 12, 2018, the Board authorized the Executive Director to enter into a professional services agreement with MWA Architects, Inc. ("MWA") for design services for terminal improvement projects at Oakland International Airport ("MWA Agreement"), with a current contract amount of \$200,000; 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 hereby finds and determines that:



A. The proposed supplement to the MWA Agreement 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 continue to secure such services from MWA.

B. The proposed actions authorize supplemental agreements for design and construction were 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 not possibility that approving the proposed actions will result in a physical change in the environment, and therefore is not subject to CEQA.

**SECTION 2.** The Board hereby:

A. Authorizes the Executive Director to execute a supplemental agreement to the MWA Agreement for terminal improvement projects for an additional contract amount not to exceed \$2,000,000.

B. Authorizes the Executive Director to exercise an option and execute a negotiate a contract change order with Turner for the IAB CMR Contract in an amount not to exceed \$3,000,000 for terminal improvement projects.

**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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 7  
Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-47**

**RESOLUTION APPROVING PROJECT BUDGET OF \$1,200,000;  
DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO  
APPROVE THE PROJECT MANUAL AND PLANS; AND AUTHORIZING  
THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH  
O.C. JONES & SONS, INC. IN THE AMOUNT OF \$866,100 FOR  
THE EMBARCADERO ROAD REHABILITATION PROJECT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.9 dated May 24, 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 and approve project budget in the amount of \$1,200,000 for the **Embarcadero Road Rehabilitation Project ("Embarcadero Road Project")**.

B. It is in the best interest of the Port to authorize the **Embarcadero Road 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. Authorize project budget of \$1,200,000 for the **Embarcadero Road Project**.

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

C. Award of a contract for construction of the **Embarcadero Road Project** to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$866,100.

D. Rejection of all other bids received for the **Embarcadero Road 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 **Embarcadero Road Project** to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$866,100.

**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 **Embarcadero Road 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 is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities which exempts the repair, maintenance, and minor alteration of existing structures and facilities, including existing streets and bike trails, that involve 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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and President Story – 7

Noes: 0

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 18-48**

**RESOLUTION RATIFYING AND APPROVING MEMORANDUM OF  
UNDERSTANDING WITH SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1021 FOR A TERM COMMENCING JANUARY 1,  
2018 THROUGH JUNE 30, 2022.**

**WHEREAS**, The Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.10 dated May 24, 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 comments; and be it

**RESOLVED**, that the terms and conditions of employment and certain benefits as set forth in the Memorandum of Understanding ("MOU") between the Service Employees International Union, Local 1021 ("SEIU") and the Port of Oakland, for a term commencing January 1, 2018 through June 30, 2022, to be effective on and retroactive to January 1, 2018, as more fully described in the Agenda Report, are hereby ratified and approved; and be it

**FURTHER RESOLVED**, that the Executive Director is hereby authorized to execute said Memorandum of Understanding for and on behalf of this Board, provided, however, the same shall be approved as to form and legality by the Port Attorney; 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 May 24, 2018

Passed by the following vote:

Ayes: Commissioners Butner, Colbruno, Cluver, Hamlin, Martinez, Yee and  
President Story – 7

Noes: 0