

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-70

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A SECOND SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ADVENT INTERMODAL SOLUTIONS, LLC TO (I) INCREASE SCOPE OF WORK TO INTEGRATE TRUCK TURN TIME DATA INTO THE OAKLAND PORTAL, AND (II) INCREASE MAXIMUM COMPENSATION TO AN AMOUNT NOT TO EXCEED \$230,000, AND TO WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated July 26, 2018 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, on June 15, 2018, the Port and ADVENT INTERMODAL SOLUTIONS, LLC entered into a Professional Services Agreement for the continued development of a web-based application to provide business partners with the ability to access marine terminal and shipping information on a single website known as the Oakland Portal; and

WHEREAS, the Port and ADVENT INTERMODAL SOLUTIONS, LLC entered into a First Supplemental Agreement, dated July 17, 2018, for completion date and payment schedule changes; 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 in testimony received, the Board hereby finds and determines that:

A. The requested action is not subject to the California Environmental Quality Act ("CEQA"), as 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, and it can be seen with certainty that there is no possibility that entering into the Second Supplemental Agreement will result in a physical change in the environment.

B. The agreement with **ADVENT INTERMODAL SOLUTIONS, LLC**, as supplemented, 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 **ADVENT INTERMODAL SOLUTIONS, LLC** through supplementation of the agreement.

Section 2. The Board hereby approves and authorizes the Executive Director to waive competitive procurement procedures and to enter into a Second Supplemental Agreement with **ADVENT INTERMODAL SOLUTIONS, LLC** to increase (a) scope of work to integrate truck turn time data into the Oakland Portal, and (b) total maximum compensation to an amount not to exceed \$230,000, as further described in the Agenda Report and provided that all agreements 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 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.

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

At the regular meeting held on July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-71

**RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT
WITH COOL PORT OAKLAND, LLC FOR PAVEMENT
MAINTENANCE WORK WITHIN THE MARITIME SUPPORT
CENTER FOR AN AMOUNT NOT TO EXCEED \$460,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2, dated July 26, 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, in October of 2015, the Port and Cool Port Oakland, LLC ("Cool Port") entered into a long term lease for approximately twenty-five acres in the Seaport area commonly known as the Maritime Support Center; and

WHEREAS, Cool Port uses a 1.5 acre common area on Port property adjacent to Maritime Street that leads to the entrance gate to Cool Port's facility ("Entrance Area"); and

WHEREAS, although the Port retains responsibility for maintenance of the Entrance Area, the Port and Cool Port have agreed that Cool Port will perform necessary pavement maintenance work and the Port will reimburse Cool Port for the actual costs of performing the pavement maintenance work in the Entrance Area; 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. It is in the best interest of the Port for reasons of efficiency and expediency for the Port to waive competitive bidding requirements and permit Cool Port to perform the pavement maintenance Work in the Entrance Area.

B. The proposal to enter into the Reimbursement Agreement with Cool Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines.

Entering into a Reimbursement Agreement with Cool Port for Pavement Maintenance is categorically exempt from requirements of the CEQA pursuant to CEQA Guidelines 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 no further environmental review is required.

SECTION 2. The Board hereby:

A. Approves the execution of a Reimbursement Agreement with Cool Port for pavement maintenance work in an amount not to exceed \$460,000, and as further described in the Agenda Report; and

B. Authorizes the Executive Director to execute the Reimbursement Agreement, subject to approval as to form and legality by the Port Attorney and make such additions, modifications, or corrections as necessary to implement the Supplemental 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.

At the regular meeting held on July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-72

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HNTB
CORPORATION TO PERFORM COMPREHENSIVE UTILITIES AND
CIVIL MAPPING CONDITIONS ASSESSMENT AND DEMAND
CAPACITY ANALYSIS AT OAKLAND INTERNATIONAL AIRPORT
FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED
\$1,600,000.**

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.3 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 proposed agreement with HNTB Corporation ("HNTB") to perform comprehensive utilities and civil mapping, conditions assessment and demand capacity analysis ("Utilities and Civil Mapping Work") 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 HNTB.

B. This action to enter into the proposed agreement for Utilities and Civil Mapping Work was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA). 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 taking the proposed action will result in a physical

change in the environment, and therefore this action is not subject to CEQA.

SECTION 2. The Board hereby:

A. Approves a professional services agreement with HNTB for the Utilities and Civil Mapping Work, for a total maximum contract amount not to exceed \$1,600,000 and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to execute a professional services agreement with HNTB for the Utilities and Civil Mapping Work, for a total maximum contract amount not to exceed \$1,600,000.

C. Authorizes the Executive Director to negotiate and execute a contract with the next highest ranked firm Wood Rodgers for a total maximum contract amount not to exceed \$1,600,000 in the event that negotiations with HNTB are not successful.

D. 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 and amendments 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-73

**RESOLUTION AUTHORIZING CAPITAL DESIGN BUDGET FOR
VARIOUS FISCAL YEAR 2018/2019 MARITIME AND
COMMERCIAL REAL ESTATE PROJECTS.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated July 26, 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:

B. It is in the best interest of the Port to authorize and approve capital budget expenditure in the amount of \$2,340,000 for the design of the following projects: Joint Traffic Management/Emergency Operations Center, Radio Frequency Identification Detector Readers, 800 Building Series Pavement Construction, Sanitary Sewer Upgrades for Compliance Program, Capacitor Banks for Power Factor Correction, Port Utility Relocation, Freight Intelligent Transportation Systems Project, JLS Improvements, Parking Revenue Control System, HVAC System Upgrades for 530 Water Street, and Roof Replacement for 31 Webster Street ("Maritime & CRE Projects").

C. The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the Port CEQA Guidelines. The CEQA Guidelines, Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that approval of funding for design consultants and staff for the projects described in the Agenda Report may have a significant effect on the environment, the action is not subject to CEQA and no further environmental review is required.

SECTION 2. The Board hereby authorizes and approves capital budget expenditure in the amount of \$2,340,000 for the design of the Maritime and CRE 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

BOARD OF PORT COMMISSIONERS

CITY OF OAKLAND

RESOLUTION NO. 18-74

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR FURNISHING ON-CALL GENERAL BUILDING CONTRACTOR SERVICES FOR THE PERIOD COMMENCING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019, 2020 OR 2021; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD UP TO FOUR CONTRACTS TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDERS IN THE COMBINED TOTAL AMOUNT NOT TO EXCEED \$3,000,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 project for **Furnishing Labor, Materials, and Equipment for General Building Contractor Services for the Period Commencing January 1, 2019 and Ending December 31, 2019, 2020, or 2021 ("On-Call General Building Services")**.

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.

C. Pursuant to the Port's 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 **On-Call General Building Services** project.

B. Award up to four (4) contracts for the **On-Call General Building Services** project to the lowest responsible, responsive bidders, based upon the receipt of formal sealed bids, in a combined total amount not to exceed \$3,000,000 for a maximum three (3) year period, renewable in one-year increments.

C. Rejection of all other bids received for the **On-Call General Building Services** 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 Port's Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Purchasing Ordinance for the **On-Call General Building Services** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.

B. Award up to four (4) contracts to the lowest responsible, responsive bidders, for the **On-Call General Building Services** project, in a combined total amount not to exceed \$3,000,000 for a maximum three (3) year period, renewable in one-year increments.

C. If the lowest responsible responsive bid exceeds the estimated budgeted amount, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for **On-Call General Building Services** with one of the bidders or in the open market based on the receipt of informal proposals, in a total amount not to exceed \$3,000,000 for a maximum three (3) year period, renewable in one year increments.

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 each of the projects authorized under the **On-Call General Building Services** contract in advance of construction for each instance of work, 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. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-75

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR PERFORMING ON-CALL ELECTRICAL WORK AND ASSOCIATED SERVICES FOR THE PERIOD COMMENCING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019, 2020 OR 2021; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD UP TO FOUR CONTRACTS TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDERS IN THE TOTAL COMBINED AMOUNT NOT TO EXCEED \$2,100,000 FOR A THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 project for **Furnishing Labor, Materials, and Equipment for Electrical Work and Associated Services for the Port of Oakland Facilities for the Period Commencing January 1, 2019 and Ending December 31, 2019, 2020, or 2021 ("On-Call Electrical Services")**.

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.

C. Pursuant to the Port's 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 **On-Call Electrical Services** project.

B. Award up to four (4) contracts for the **On-Call Electrical Services** project to the lowest responsible, responsive bidders, based upon the receipt of formal sealed bids, in a total amount not to exceed \$2,100,000 for a maximum three (3) year period, renewable in one-year increments.

C. Rejection of all other bids received for the **On-Call Electrical Services** 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 Port's Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Purchasing Ordinance for the **On-Call Electrical Services** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.

B. Award up to four (4) contracts to the lowest responsible, responsive bidders, for the **On-Call Electrical Services** project, in a total amount not to exceed \$2,100,000 for a maximum three (3) year period, renewable in one-year increments.

C. If the lowest responsible responsive bid exceeds the estimated budgeted amount, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for **On-Call Electrical Services** with one of the bidders or in the open market based on the receipt of informal proposals, in a total amount not to exceed \$2,100,000 for a maximum three (3) year period, renewable in one year increments.

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 each of the projects authorized under the **On-Call General Building Services** contract in advance of construction for each instance of work, 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. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-76

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR MAINTENANCE DREDGING AND FURNISHING PILE DRIVER CREW FOR DOCK AND WATERFRONT REPAIRS FOR THE PERIOD COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN THE TOTAL AMOUNT NOT TO EXCEED \$9,000,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 project for Maintenance Dredging and Furnishing Pile Driver Crew for Repairs to Docks and Waterfront Facilities for Port of Oakland Facilities for the Period Commencing July 1, 2019 and Ending June 30, 2020, 2021, or 2022 ("On-Call Maintenance Dredging").

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.

C. Pursuant to the Port's 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 **On-Call Maintenance Dredging** project.

B. Award a contract for the **On-Call Maintenance Dredging** project to the lowest responsible, responsive bidder, based upon the receipt of formal sealed bids, in a total amount not to exceed \$9,000,000 for a maximum three (3) year period, renewable in one-year increments.

C. Rejection of all other bids received for the **On-Call Maintenance Dredging** 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 Port's Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Purchasing Ordinance for the **On-Call Maintenance Dredging** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.

B. Award a contract to the lowest responsible, responsive bidder, for the **On-Call Maintenance Dredging** project, in a total amount not to exceed \$9,000,000 for a maximum three (3) year period, renewable in one-year increments.

C. If the lowest responsible responsive bid exceeds the estimated budgeted amount, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for **On-Call Maintenance Dredging** with one of the bidders or in the open market based on the receipt of informal proposals, in a total amount not to exceed \$9,000,000 for a maximum three (3) year period, renewable in one-year increments.

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 **On-Call Maintenance Dredging** 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. 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 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 July 26, 2018

Passed by the following vote:

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

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-77

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR PERFORMING ON-CALL GANTRY CRANE REPAIR AND MAINTENANCE FOR THE PERIOD COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2020, 2021 OR 2022; CALLING FOR BIDS THEREFOR; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD CONTRACTS TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDERS IN THE TOTAL AMOUNT NOT TO EXCEED \$1,950,000 FOR THE THREE YEAR PERIOD.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 project for Port of Oakland Gantry Cranes Repair, Maintenance and Spot Painting for the Period Commencing July 1, 2019 and Ending June 30, 2020, 2021, or 2022 ("On-Call Gantry Crane Repair Services").

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.

C. Pursuant to the Port's 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 **On-Call Gantry Crane Repair Services** project.

B. Award one or more contracts for the **On-Call Gantry Crane Repair Services** project to the lowest responsible, responsive bidders, based upon the receipt of formal sealed bids, in a total combined amount not to exceed \$1,950,000 for a maximum three (3) year period, each renewable in one-year increments.

C. Rejection of all other bids received for the **On-Call Gantry Crane Repair Services** 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 Port's Purchasing Ordinance, provided that if a bid protest is submitted in accordance with the Purchasing Ordinance for the **On-Call Gantry Crane Repair Services** project, the contract award shall be submitted to the Board for approval with a staff report outlining the nature and resolution of the bid protest.

B. Award one or more contracts to the lowest responsible, responsive bidders, for the **On-Call Gantry Crane Repair Services** project, in a total combined amount not to exceed \$1,950,000 for a maximum three (3) year period, each renewable in one-year increments.

C. If the lowest responsible responsive bid exceeds the estimated budgeted amount, the Executive Director is authorized to reject all bids, and negotiate and execute a contract for **On-Call Gantry Crane Repair Services** with one of the bidders or in the open market based on the receipt of informal proposals, in a total amount not to exceed \$1,950,000 for a maximum three (3) year period, renewable in one year increments.

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 each of the projects authorized under the **On-Call Gantry Crane Repair Services** contract in advance of construction for each instance of work, 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. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-78

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$4,000,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.9 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Construction Management Support Services for Federally Funded Projects at the Port of Oakland ("On Call Construction Management 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Construction Management Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall not exceed \$4,000,000, (3) the contract period for any contract

shall not exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION NO. 18-79

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL CONSTRUCTION MANAGEMENT SUPPORT FOR NON-FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$4,000,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Construction Management Support Services for Non-Federally Funded Projects at the Port of Oakland** ("On-Call Construction Management 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Construction Management Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for

shall not exceed \$4,000,000, (3) the contract period for any contract shall not exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-80

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL ELECTRICAL, MECHANICAL AND LOW-VOLTAGE DESIGN AND ANALYSIS SERVICES, AT A COMBINED MAXIMUM COST OF \$1,500,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Electrical Mechanical, and Low Voltage Design and Analysis Services for the Development and Maintenance of Various Port Facilities at the Port of Oakland for the Period Commencing January 1, 2019 and Ending December 31, 2019, 2020, or 2021 ("EMLV 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **EMLV Design Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port

Ordinance 4321 (2) the combined compensation contracted for shall not exceed \$1,500,000 for a contract period commencing on January 1, 2019 and ending December 31, 2019, 2020, or 2021 (3) the contract period for any contract shall not exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-81

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL ENGINEERING DESIGN SERVICES FOR FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$5,750,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Engineering Design Services for Federally Funded Projects at the Port of Oakland ("On-Call 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Design Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall not exceed \$5,750,000, (3) the contract period for any contract shall not

exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-82

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL ENGINEERING DESIGN SERVICES FOR NON-FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$5,750,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Engineering Design Services for Non-Federally Funded Projects at the Port of Oakland ("On-Call 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Design Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall not exceed \$5,750,000, (3) the contract period for any contract shall not

exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION NO. 18-83

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$1,000,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Material Testing and Construction Inspection Services for Federally Funded Projects** ("On-Call Material Testing 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Material Testing Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall

not exceed \$1,000,000, (3) the contract period for any contract shall not exceed three years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-84

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR NON-FEDERALLY FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$1,000,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Material Testing and Construction Inspection Services for Federally Funded Projects ("On-Call Material Testing 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Material Testing Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall

not exceed \$1,000,000, (3) the contract period for any contract shall not exceed three (3) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-85

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL PROFESSIONAL LAND SURVEYING SERVICES FOR AIRPORT GRANT PROJECTS AT OAKLAND INTERNATIONAL AIRPORT, AT A COMBINED MAXIMUM COST OF \$2,500,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Professional Land Surveying Services for Airport Grant Projects at Oakland International Airport** ("On-Call Airport Land Surveying 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Airport Land Surveying Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for

shall not exceed \$2,500,000, (3) the contract period for any initial contract shall not exceed three (3) years, with an option for the Port to extend for up to two (2) one year extensions for a total maximum contract term not to exceed five (5) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION NO. 18-86

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ONE OR MORE CONSULTANTS TO PROVIDE FOR ON-CALL PROFESSIONAL LAND SURVEYING SERVICES FOR PORT FUNDED PROJECTS AT THE PORT OF OAKLAND, AT A COMBINED MAXIMUM COST OF \$1,500,000 FOR A CONTRACT PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated July 26, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 an agreement with one or more consultants for **On-Call Professional Land Surveying Services for Port Funded Projects at the Port of Oakland** ("On-Call Land Surveying 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 from one or more consultants.

SECTION 2. The Board hereby:

A. Delegates to the Executive Director the authority to enter into an Agreement with one or more consultants to provide **On-Call Land Surveying Services**, provided that (1) the consultant(s) is/are selected pursuant to the standard RFQ/RFP process in accordance with Port Ordinance 4321 (2) the combined compensation contracted for shall not exceed \$1,500,000, (3) the contract period for any contract shall

not exceed three (3) years, with an option for the Port to extend for up to two (2) one year extensions for a total maximum contract term not to exceed five (5) years and (4) subject to additional specifications as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement(s), 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-87

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ON-CALL CONSTRUCTION MANAGEMENT SUPPORT SERVICES AGREEMENTS TO INCREASE THE TOTAL CONTRACT EXPENDITURE LIMIT WITH CONSOLIDATED CM, INC., GHIRADELLI ASSOCIATES, INC., VSCE, INCS. AND DABRI, INC. IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,800,000 AND TO EXTEND THE AGREEMENTS THROUGH JUNE 30, 2019.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 authorized the award of contracts for **On-Call Construction Management Support Services at the Port of Oakland, ("On-Call Construction Management Services")**, with contracts thereafter executed with Consolidated CM, Inc. ("Consolidated"), Ghiradelli Associates, Inc. ("Ghiradelli"), VSCE, Inc. ("VSCE") and Dabri, Inc. ("Dabri") with a maximum combined contract expenditure limit of \$3,000,000 and a current expiration date of October 1, 2018; and

WHEREAS, it is desirable at this time to extend the term and increase the total authorized contract expenditures for the agreements for **On-Call Construction Management Services** for a period not to exceed nine (9) months to maintain continuity with ongoing projects, and as set forth in the Agenda Report;

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. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements for **On-Call Construction Management Services**, as supplemented, will constitute agreements 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 through Consolidated, Ghiradelli, VSCE, and Dabri.

SECTION 2. The Board hereby approves the following:

A. Increase the contract expenditure limit for the **On-Call Construction Management Services** project by \$1,800,000 for a total combined contract expenditure limit not to exceed \$4,800,000.

B. Extension of the contract term for a period not to exceed eight (8) months for a total term not to exceed June 30, 2019.

SECTION 3. The Board hereby authorizes the Executive Director to:

A. Execute an amendment(s) of the **On-Call Construction Management Services** contract(s) with Consolidated, Ghiradelli, VSCE and Dabri to increase the contract expenditure limit by \$1,800,000 for a total combined contract expenditure limit not to exceed \$4,800,000 and to extend the contract term for a period not to exceed eight (8) months for a total term not to exceed June 30, 2019.

SECTION 4. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-88

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ON-CALL ENGINEERING DESIGN SERVICES AGREEMENTS WITH TRANSYSTEM CORPORATION, AECOM TECHNICAL SERVICES, INC., HNTB CORPORATION, MOTT MACDONALD, LLC, AND WSP USA, INC. TO INCREASE THE TOTAL CONTRACT EXPENDITURE LIMIT BY AN AMOUNT NOT TO EXCEED \$4,800,000 AND TO EXTEND THE AGREEMENTS THROUGH JUNE 30, 2019.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 authorized the award of contracts for **On-Call Engineering Design Services at the Port of Oakland**, ("On-Call Engineering Design Services"), with contracts thereafter executed with Transystem Corporation ("Transystem"), AECOM Technical Services, Inc. ("AECOM"), HNTB Corporation ("HNTB"), Mott MacDonald, LLC ("Mott"), and WSP USA, Inc. ("WSP") a maximum combined contract expenditure limit of \$7,200,000 and a current expiration dates ranging from October 15, 2018 to December 22, 2018; and

WHEREAS, it is desirable at this time to extend the term and increase the total authorized contract expenditures for the agreements for **On-Call Engineering Design Services** to maintain continuity with ongoing projects, and as set forth in the Agenda Report;

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. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements for **On-Call Engineering Design Services**, as supplemented, will constitute agreements 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 through the Transystem, AECOM, HNTB, Mott and WSP agreements.

SECTION 2. The Board hereby approves the following:

A. Increase the contract expenditure limit for the **On-Call Engineering Design Services** project by \$4,800,000 for a total combined contract expenditure limit not to exceed \$12,000,000.

B. Extension of the contract term for the **On-Call Engineering Design Services** for a total term not to exceed June 30, 2019.

SECTION 3. The Board hereby authorizes the Executive Director to:

A. Execute an amendment(s) of the **On-Call Engineering Design Services** contract(s) with Transystem, AECOM, HNTB, Mott and WSP to increase the contract expenditure limit by \$4,800,000 for a total combined contract expenditure limit not to exceed \$12,000,000 and to extend the contract term for a total term not to exceed June 30, 2019.

SECTION 4. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-89

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXECUTE AN AMENDMENT TO THE CONTRACT FOR AS-NEEDED
ELECTRICAL TESTING AND ENGINEERING SERVICES WITH
POWER SYSTEMS TESTING CO. TO EXTEND THE TERM OF THE
AGREEMENT FOR ONE YEAR TO SEPTEMBER 10, 2019.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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, by Resolution No. 14-89, adopted by the Board of Port Commissioners ("Board") on September 11, 2014, the Board authorized execution of agreements with one or more consultants, including **Power Systems Testing Company** ("Power") to provide on-call electrical testing and engineering services, with a current expiration date of September 10, 2018; and

WHEREAS, it is desirable at this time to extend the term of the **Power** Agreement for a period not to exceed one (1) year to maintain continuity for electrical testing and engineering services on ongoing projects, as set forth in the Agenda Report; 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 agreement with **Power**, as supplemented, 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 **Power**.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with **Power** to provide on-call electrical testing and engineering services, for an additional period of one (1) year for a total term not to exceed September 10, 2019, and as further described in the Agenda Report.

B. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-90

**RESOLUTION APPROVING AMENDMENT OF AGREEMENT WITH
CONSTRUCTION TESTING SERVICES TO EXTEND THE
AGREEMENT TERM FOR A MAXIMUM PERIOD OF ONE YEAR
AND INCREASE CONTRACT EXPENDITURE LIMIT BY
\$500,000 TO PROVIDE FOR ON-CALL MATERIAL TESTING
AND CONSTRUCTION INSPECTION SERVICES.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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, by Resolution No. 14-94, adopted by the Board of Port Commissioners ("Board") on September 11, 2014, the Board authorized execution of agreements with one or more consultants, including **Construction Testing Services ("CTS")** to provide on-call structural inspection and material testing services, with a current expiration date of October 31, 2018 and a contract expenditure limit of \$500,000; and

WHEREAS, it is desirable at this time to extend the term of the **CTS** Agreement for a period not to exceed eight (8) months and to increase the maximum compensation by \$500,000 to maintain continuity for structural inspection and material testing services on ongoing projects, as set forth in the Agenda Report; 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 agreement with **CTS**, as supplemented, 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 **CTS**.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with CTS to provide on-call structural inspection and material testing services, for additional compensation not to exceed \$500,000 for total compensation not to exceed \$1,000,000 for the CTS Agreement and for an additional period of eight months for a total term not to exceed July 1, 2019, and as further described in the Agenda Report.

B. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-91

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE ON-CALL WATER AND WASTE WATER ENGINEERING SERVICES AGREEMENTS WITH MOTT MACDONALD, LLC, WRECO AND SCHAAF & WHEELER CONSULTING CIVIL ENGINEERS TO INCREASE THE TOTAL CONTRACT EXPENDITURE LIMIT BY AN AMOUNT NOT TO EXCEED \$1,400,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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 authorized the award of contracts for **On-Call Water and Waste Water Engineering Services at the Port of Oakland**, ("On-Call Water and Waste Water Services"), with contracts thereafter executed with Mott MacDonald, LLC ("Mott"), WRECO, and Schaaf & Wheeler Consulting Civil Engineers ("S&W") for a maximum combined contract expenditure limit of \$1,500,000 and current expiration dates ranging from September 26, 2019 to October 10, 2019; and

WHEREAS, it is desirable at this time to increase the total authorized contract expenditures for the agreements for **On-Call Water and Waste Water Services** to maintain continuity with ongoing projects, and as set forth in the Agenda Report;

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. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements for **On-Call Water and Waste Water Services**, as

supplemented, will constitute agreements 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 through the Mott, WRECO and S&W agreements.

SECTION 2. The Board hereby approves the following:

A. Increase the contract expenditure limit for the **On-Call Water and Waste Water Services** project by \$1,400,000 for a total combined contract expenditure limit not to exceed \$2,900,000.

SECTION 3. The Board hereby authorizes the Executive Director to:

A. Execute an amendment(s) of the **On-Call Engineering Design Services** contract(s) with Mott, WRECO and S&W to increase the contract expenditure limit by \$1,400,000 for a total combined contract expenditure limit not to exceed \$2,900,000.

SECTION 4. 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-92

**RESOLUTION APPROVING AMENDMENT OF AGREEMENT WITH
RAMBOLL US CORPORATION TO EXTEND THE AGREEMENT TERM
FOR A MAXIMUM PERIOD OF ONE YEAR AND INCREASE
CONTRACT EXPENDITURE LIMIT BY \$400,000 TO PROVIDE
FOR ON-CALL AIR QUALITY CONSULTING SERVICES.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5 dated July 26, 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, by Resolution No. 12-174, adopted by the Board of Port Commissioners ("Board"), the Board authorized execution of an agreement with **Ramboll US Corporation ("Ramboll")** to provide on-call air quality consulting services, with a current expiration date of December 31, 2020 and a maximum combined contract expenditure limit of \$600,000; and

WHEREAS, it is desirable at this time to extend the term of the **Ramboll Agreement** for a period not to exceed one (1) year and to increase the maximum compensation by \$400,000 to maintain continuity for special crane inspection services on ongoing projects, as set forth in the Agenda Report; 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 agreement with **Ramboll**, as supplemented, 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 **Ramboll**.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with **Ramboll** to provide on-call air quality consulting services, for additional compensation not to exceed \$400,000 for total compensation not to exceed \$1,000,000 for the **Ramboll** Agreement and for an additional period of one (1) year for a total term not to exceed December 31, 2021, and as further described in the Agenda Report.

B. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-93

**RESOLUTION APPROVING THE ASSIGNMENT AND
AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXECUTE AN ASSIGN THE CONTRACT WITH AMEC
ENVIRONMENT AND INFRASTRUCTURE, INC. TO AND
EXECUTE AN AMENDED AGREEMENT WITH WOOD
ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.5, dated July 26, 2018 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, as further described in the Agenda Report, on December 20, 2012, the Board awarded a contract for furnishing on-call environmental compliance services to AMEC Environment & Infrastructure, which was subsequently renamed AMEC Foster Wheeler Environment & Infrastructure, Inc. ("AMEC"); and

WHEREAS, in or about April 2018, AMEC was acquired by Wood Environment & Infrastructure Solutions, Inc. ("Wood"); and

WHEREAS, Port staff would like to utilize Wood's services through the January 1, 2019 expiration date of the contract and with the remaining contract balance of \$161,354 and maximum not to exceed compensation of \$600,000; 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 in testimony received, the Board finds and determines that the agreement with AMEC, as assigned to Wood, constitutes 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 Wood.

C. 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 2. The Board hereby:

A. Approves the assignment of the on-call environmental services agreement from AMEC to Wood for the remainder of the contract term which expires on January 1, 2019 and with a remaining contract balance of \$161,354 and a maximum not to exceed compensation of \$600,000; and

B. Authorizes the Executive Director to execute such assignment documents, and any related documents or agreements, to effectuate the assignment, provided that such documents or agreements 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 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 July 26, 2018

Passed by the following vote:

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

Noes: 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 18-94

**RESOLUTION RATIFYING AND APPROVING MEMORANDUM OF
UNDERSTANDING WITH WESTERN COUNCIL OF ENGINEERS
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 6.6 dated July 26, 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 Western Council of Engineers ("WCE") 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 July 26, 2018

Passed by the following vote:

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

Noes: 0