

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-90**

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS IN THE  
ALAMEDA COUNTY SUPERIOR COURT MATTER, LAKITA  
SPENCER V. PORT OF OAKLAND, ET AL., CASE NO.  
RG18907125, IN THE AMOUNT OF \$51,263.38.

**RESOLVED**, that the Board of Port Commissioners ("Board") hereby approves and authorizes settlement in the Alameda County Superior Court Case No. RG18907125, Lakita Spencer v Port of Oakland, et al., in the amount of \$51,263.38, plus other matters, as addressed in the Settlement Agreement and Release of Claims; and be it

**FURTHER RESOLVED**, that this resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of any agreement in accordance with the terms of this resolution. Unless and until a separate agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

At the regular meeting held on September 12, 2019  
Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and  
President Butner – 7

Noes: – 0



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-91**

RESOLUTION: (1) AUTHORIZING A PROJECT BUDGET OF \$26,521,825, (2) DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS; (3) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH O.C. JONES & SONS, INC. IN THE AMOUNT OF \$13,472,607; (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN THE AMOUNT NOT TO EXCEED \$1,348,000; (5) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROPOSED SEVENTH SUPPLEMENTAL AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. TO PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES AT AN ADDITIONAL MAXIMUM COMPENSATION OF \$55,000; AND (6) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VALI COOPER & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR A COST NOT TO EXCEED \$2,100,000 ALL CONCERNING PHASE 1B OF THE AIRPORT PERIMETER DIKE IMPROVEMENTS PROJECT.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 3.2 dated September 12, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, by Resolution No. 07212, adopted by the Board in 2007, and as amended, the Board authorized an Agreement with **AECOM Technical Services, Inc. ("AECOM")** for engineering design services for the Phase 1 implementation of the **Airport Perimeter Dike Improvement Project at the Oakland International Airport ("Perimeter Dike Project")**; and

**WHEREAS**, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** Based upon the information contained in the Agenda Report, and testimony received, the Board finds and determines that:

A. It is in the best interest of the Port to authorize and approve project budget in the amount of \$26,521,825 for the **Perimeter Dike Project**.

B. It is in the best interest of the Port to authorize the **Perimeter Dike Project**.

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with the **Perimeter Dike Project**.

E. The agreement with **AECOM**, as supplemented, 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 **AECOM**.

F. The proposed professional services agreement with **Vali Cooper & Associates, Inc. ("Cooper")** for construction management services on the **Perimeter Dike Project** 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 **Cooper**.

**SECTION 2.** The Board hereby approves the following concerning the **Perimeter Dike Project**:

A. Authorize project budget of \$26,521,825.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual.

C. Award of a contract for construction to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$13,472,607.

D. Rejection of all other bids received and direction that securities accompanying said bids shall be returned to the respective bidders.

E. Approval of a Seventh Supplemental Agreement with **AECOM** for design services.

F. Approval of a professional services agreement with **Cooper** for construction management services.

**SECTION 3.** The Board hereby authorizes the Executive Director of the Port ("Executive Director") to:



A. Finally resolve bid protests in connection with the **Perimeter Dike Project** pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction of the **Perimeter Dike Project** to O.C. Jones & Sons, Inc., the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$13,472,607.

C. Execute contract change orders to the extent necessary for the **Perimeter Dike Project** in an amount not to exceed \$1,348,000.

D. Execute a Seventh Supplemental Agreement ("Supplemental Agreement") with **AECOM** to provide for engineering design and construction support services on the **Perimeter Dike Project**, upon terms and conditions consistent with the Agenda Report and providing that **AECOM** shall be compensated for such services, including costs of miscellaneous reimbursable expenses, at an additional maximum compensation that shall not exceed \$55,000.

E. Execute a Professional Services Agreement ("Services Agreement") with **Cooper** for construction management services on the **Perimeter Dike Project** for a total maximum contract amount not to exceed \$2,100,000.

F. Execute such Supplemental Agreement and Services 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 Services Agreement, Supplemental Agreement and amendments thereto 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 4.** The Board further finds that:

A. The Director of Engineering is authorized to approve the project manual and plans for the **Perimeter Dike Project** in advance of construction, pursuant to Government Code Section 830.6.

B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

**SECTION 5.** The proposed actions were reviewed in accordance with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines.

Port staff prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") in accordance with CEQA Guidelines, PRC Section 15000 *et seq.*, which was adopted by the Board on December 17, 2015 (Ordinance No. 4359) and the Notice of Determination was filed with the Alameda County Recorder's Office on December 18, 2015. All proposed actions are included in the IS/MND determination and no further environmental review is required.

**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. 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 September 12, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0

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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-92**

RESOLUTION AUTHORIZING \$210,000 IN CAPITAL BUDGET TO IMPLEMENT A DIGITAL DISPLAY CONTENT MANAGEMENT SYSTEM (CMS) AT THE OAKLAND INTERNATIONAL AIRPORT AND APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AGREEMENTS WITH INFAX, INC. TO LICENSE AND IMPLEMENT THE CMS AT A COST NOT TO EXCEED \$210,000 AND PROVIDE FIVE YEARS OF 3<sup>RD</sup> LEVEL SUPPORT FOR THE CMS AT A COST NOT TO EXCEED \$190,000.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated September 12, 2019 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**, 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:

A. The requested action is exempt from the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that entering into the requested agreements will not have a significant effect on the environment and therefore is not a "project" under CEQA; and

B. The requested action is for obtaining professional and technical services that are temporary in nature and will not result in the loss of employment or salary by any person having permanent status in the competitive service.



**Section 2.** The Board hereby:

A. Authorizes a capital budget of up to \$210,000 to implement the Digital Display Content Management System at the Oakland International Airport ("CMS") in Fiscal Year 2019-20; and

B. Approves and authorizes the Executive Director to enter into agreements with **Infax, Inc.** to (i) license and implement a CMS at a cost not to exceed \$210,000, and (ii) provide five years of 3<sup>rd</sup> level support and software updates for the CMS at a cost not to exceed \$190,000, 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 September 12, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0

*[Handwritten signatures]*

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION NO. 19-93**

RESOLUTION: (1) APPROVING AND RATIFYING THE DECLARATION OF EMERGENCY BY THE EXECUTIVE DIRECTOR FOR EMERGENCY TAXIWAY PAVEMENT REPAIRS AT AN ESTIMATED TOTAL COST OF \$715,000; (2) APPROVING AND AUTHORIZING PROJECT BUDGET OF \$2,200,000 FOR THE REPAIR OF TAXIWAY B; (3) APPROVING AND AUTHORIZING PROJECT DESIGN BUDGET IN THE AMOUNT OF \$666,000 FOR REPAIR OF TAXIWAY C; (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH ORION ENGINEERS AND ASSOCIATES FOR AN ADDITIONAL MAXIMUM COMPENSATION NOT TO EXCEED \$757,000 FOR THE DESIGN OF THE EMERGENCY REPAIRS AT TAXIWAYS B AND C; AND (5) AUTHORIZING THE EXECUTIVE DIRECTOR TO UTILIZE THE ON-CALL PAVING AND GRADING CONTRACTORS TO PERFORM THE TAXIWAY B REPAIRS AT OAKLAND INTERNATIONAL AIRPORT.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated September 12, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, in or around December 2016, pursuant to Resolution No. 16-108, the Port entered into on-call paving and grading construction contracts with Oliver DeSilva Gates Inc. dba Gallagher & Burk, Inc.; O.C. Jones & Sons, Inc.; Teichert & Son, Inc. dba Teichert Construction; and Beliveau Engineering Contractors ("On-Call Paving Contractors");

**WHEREAS**, on November 28, 2018, pursuant to Resolution No. 18-113, the Port entered into a professional services agreement ("**Agreement**") with **Orion Engineers & Associates ("Orion")**, to provide engineering design consulting services for pavement rehabilitation projects at Oakland International Airport ("Airport");

**WHEREAS**, on or about August 6, 2019, Port staff notified the Executive Director of the Port ("Executive Director") that two separate areas of airfield taxiway pavement at the Airport were failing and required immediate emergency repair to ensure continued business operations;



**WHEREAS**, on or about August 6, 2019, the Executive Director declared an emergency and directed Port staff to take actions necessary to repair the affected taxiways, Taxiway B and Taxiway C;

**WHEREAS**, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that:

A. It is in the best interest of the Port to approve and authorize project budget of \$2,220,000 (which includes the \$285,000 spent under the declaration of emergency) for **Taxiway B at Taxilane S Repairs Project at Oakland International Airport ("Taxiway B Project")**.

B. It is in the best interest of the Port to approve and authorize project budget of \$666,000 (which includes the \$430,000 spent under the declaration of emergency) for **Taxiway C Repairs Project at Oakland International Airport ("Taxiway C Project")**.

C. The **Agreement** with **Orion**, 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 **Orion**.

D. These actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines ("Guidelines"). The proposed actions are categorically exempt from CEQA Guidelines pursuant to Section 15302, Replacement and Reconstruction which exempts from CEQA the replacement or reconstruction of existing structures and activities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including replacement of existing utility facilities involving negligible or no expansion of capacity.

**SECTION 2.** The Board hereby:

A. Approves and ratifies the declaration of emergency by the Executive Director for pavement repairs for the estimated sum of \$285,000 for the **Taxiway B Project** and \$430,000 for the **Taxiway C Project**.

B. Approves and authorizes project budget of \$2,220,000 for the **Taxiway B Project**.

C. Approves and authorizes project budget for design services of \$666,000 for the **Taxiway C Project**.

D. Approves a Supplemental Agreement with **Orion** for engineering design services for the **Taxiway B Project** and **Taxiway C Project** in the additional amount of \$757,000, and as further described in the Agenda Report.

E. Authorizes the Executive Director to utilize one of the On-Call Paving Contractors to perform the **Taxiway B Project**.

F. Authorizes the Executive Director to execute such Supplemental Agreement and to make such additions, modifications, or corrections as necessary to issue 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 and provided that the Supplemental Agreement is approved as to form and legality by the Port of 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. 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 September 12, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and President Butner – 7

Noes: – 0