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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-102

RESOLUTION (1) APPROVING A CONSTRUCTION BUDGET OF \$4,064,000 FOR A NOT-TO-EXCEED TOTAL PROJECT BUDGET OF \$4,584,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE INTERNATIONAL ARRIVALS BUILDING CONTRACT WITH TURNER CONSTRUCTION COMPANY TO ADD CONSTRUCTION MANAGER AT RISK COSTRUCTION SERVICES FOR THE GUARANTEED MAXIMUM PRICE OF \$3,364,000 FOR THE TERMINAL 2 BOILER REPLACEMENT PROJECT AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated October 10, 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, on or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("IAB CMR Contract"); and

WHEREAS, the IAB CMR Contract includes an option that the Port can exercise allowing Turner to serve as designer, manager and/or contractor for terminal-related projects as identified by the Port; and

WHEREAS, on May 24, 2018 and December 13, 2018 respectively, the Board exercised the option and authorized Turner to proceed with pre-construction services for several terminal improvement projects, including the **Terminal 2 Boiler Replacement Project** ("**Terminal 2 Boiler 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 hereby finds and determines that:

- A. It is in the best interest of the Port to authorize and approve project budget for construction services in the amount of \$4,064,000 for a total project budget of \$4,584,000 for the **Terminal 2 Boiler Project**.

- B. The proposed actions to approve project budget and authorize amendment of the IAB CMR Contract were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The proposed actions are categorically exempt from 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 the project budget for construction services in the amount of \$4,064,000 for a total project budget of \$4,584,000 for the **Terminal 2 Boiler Project**.
- B. Authorizes the Executive Director to amend the IAB CMR Contract with Turner to add Construction Manager at Risk Construction Services for the **Terminal 2 Boiler Project** for a guaranteed maximum price of \$3,364,000.

SECTION 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest; or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of 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 October 10, 2019

Passed by the following vote:

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

Noes: – 0

[Signature] *MA*

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 19-103

RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES AGREEMENTS WITH ACC ENVIRONMENTAL, SCA ENVIRONMENTAL AND MILLENIUM CONSULTING FOR ON-CALL ASBESTOS AND LEAD PAINTING CONSULTING SERVICES, FOR \$250,000 EACH FOR A COMBINED MAXIMUM COST OF \$750,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE (3) YEARS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 dated October 10, 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, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the proposed Professional Services Agreements ("Agreements") with ACC Environmental ("ACC"), SCA Environmental ("SCA"), and Millenium Consulting ("Millenium") for **On-Call Asbestos and Lead Paint Consulting Services ("On-Call Asbestos Consulting")** will each 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 ACC, SCA and Millenium.

SECTION 2. The Board hereby:

A. Authorizes award of Agreements to ACC, SCA and Millenium to provide **On-Call Asbestos Consulting**, with each Agreement having a maximum compensation of \$250,000 for a combined maximum compensation of \$750,000, and for a maximum contract term not to exceed three (3) years and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to (i) execute such Agreements, 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.

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 October 10, 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. 19-104

RESOLUTION PROVIDING FOR THE PAYMENT TO THE CITY OF OAKLAND ("CITY") FOR GENERAL SERVICES PROVIDED TO THE PORT OF OAKLAND ("PORT") IN FISCAL YEAR 2018-2019 AND FOR THE REIMBURSEMENT OF CERTAIN CITY EXPENDITURES FOR LAKE MERRITT TIDELAND TRUST PURPOSES IN FISCAL YEAR 2018-2019 IN THE AGGREGATE AMOUNT OF \$2,549,577, AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4, dated October 10, 2019, ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board, subject to the terms and conditions hereinafter described, hereby authorizes the transfer, from the Port Revenue Fund to the General Fund of the City, of a total amount not greater than \$2,549,577, said transfer to be made from any funds available in the Port Revenue Fund in accordance with the Ninth purpose of Section 717(3) of the Charter of the City, subject and subordinate to all payments required by the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth purposes of Section 717(3) of the Charter of the City; and be it

FURTHER RESOLVED, that the Board does hereby determine that moneys, sufficient to make the \$2,549,577 maximum transfer hereinabove specified, exist in said Port Revenue Fund which are not needed for any of the First through Eighth purposes of said Section 717(3) of said Charter; and be it

FURTHER RESOLVED, that the General Services payments and Lake Merritt reimbursements are conditioned upon and subject to the terms and conditions contained in the Memorandum of Understanding effective July 1, 1983 between the Board and the City of Oakland, acting by and through its City Council, as amended by the Eleventh Supplemental Agreement (General Services) effective July 1, 1993 and as amended by the Twelfth Supplemental Agreement (Lake Merritt Tidelands) effective July 1, 1993; and be it

FURTHER RESOLVED, that the action taken by this resolution does not constitute a commitment by the Board with respect to any other determination of moneys being available for the Ninth purpose of Section 717(3) of the Charter of the City; 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 October 10, 2019

Passed by the following vote:

Ayes: Commissioners Colbruno, Cluver, Lee, Leslie, Martinez, Story and

President Butner – 7

Noes: – 0