



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 21-18

**RESOLUTION CONSENTING TO ASSIGNMENT OF
TWO LEASE AND OPTION TO LEASE AGREEMENTS
AT OAKLAND INTERNATIONAL AIRPORT, FROM
PIEDMONT HAWTHORNE AVIATION, LLC, TO
SIGNATURE FLIGHT SUPPORT, LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.1, dated April 22, 2021 ("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. The Board hereby finds and determines that this action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The Port has determined that this action is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities. Section 15301 exempts from CEQA 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 existing or former use. This action meets this criterion and is therefore exempt from the provisions of CEQA.

SECTION 2. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Consents to the assignment of two Lease and Option to Lease agreements (collectively, the "Leases") from Piedmont Hawthorne Aviation, LLC, to Signature Flight Support, LLC;

B. Waives any assignment fee or rent adjustment upon assignment applicable under the Leases;

C. Authorizes the Executive Director of the Port to execute the appropriate documentation to consent to the assignment, subject to approval as to form and legality by the Port Attorney; and

D. Make any additions, modifications, or corrections necessary to issue the Consent to Assignment or to correct errors, subject to the limitations set forth herein provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report and 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 Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

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

At the regular meeting held on April 22, 2021

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Cluver – 6

Excused: Commissioner Butner – 1

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

4/22/2021
Item No. 2.3
MCR/msr



RESOLUTION NO. 21-19

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO AWARD A CONTRACT FOR
THE REMOVAL AND DISPOSAL OF HAZARDOUS
WASTE, UNIVERSAL WASTE, AND OTHER
CONTAMINATED MATERIALS TO PATRIOT
ENVIRONMENTAL SERVICES FOR \$1,200,000 FOR
THE PERIOD COMMENCING JULY 1, 2021, AND
ENDING JUNE 30, 2022, 2023, OR 2024.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.3 dated April 22, 2021 ("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 and determines that:

A. The proposed action to award a contract for hazardous and universal waste services at the Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that authorizing this contract will result in a physical change in the environment, and therefore, this action is not subject to CEQA. No further environmental review is required for this action.

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

Section 2. The Board hereby approves the following:

A. Award of an on-call contract for the removal and disposal of hazardous waste, universal waste, and other contaminated materials ("Hazardous Waste Removal Contract") to Patriot Environmental Services ("Patriot"), the lowest responsible responsive bidder, in a total amount not to exceed \$1,200,000 for a term commencing July 1, 2021 and ending June 30, 2022, 2023, or 2024.

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

Section 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to do the following:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into the Hazardous Waste Removal Contract with Patriot, the lowest responsible responsive bidder, in a total amount not to exceed \$1,200,000 for a term commencing July 1, 2021 and ending June 30, 2022, 2023, or 2024.

Section 4. The Board further finds that:

A. The Chief Engineer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the Hazardous Waste Removal Contract 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. 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 Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 6. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on April 22, 2021
Passed by the following vote:

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

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

4/22/2021
Item No. 2.4
MCR/msr



RESOLUTION NO. 21-20

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO AWARD A CONTRACT FOR
PERFORMING EMERGENCY SPILL RESPONSE OR
EMERGENCY REPAIRS IN A HAZARDOUS
ENVIRONMENT TO PATRIOT ENVIRONMENTAL
SERVICES FOR \$450,000 FOR THE PERIOD
COMMENCING JULY 1, 2021, AND ENDING JUNE
30, 2022, 2023, OR 2024.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.4 dated April 22, 2021 ("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 and determines that:

A. The proposed action to award a contract for emergency spill response services at the Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. This action is statutorily exempt from CEQA per Section 15269(b) of the CEQA Guidelines, which exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare, as well as categorically exempt under Section 15330 of the CEQA Guidelines, which exempts minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.

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

Section 2. The Board hereby approves the following:

A. Award of an on-call contract to perform emergency spill response or emergency repairs in a hazardous environment ("Emergency Spill Response Contract") to Patriot Environmental Services ("Patriot"), the lowest responsible responsive bidder, in a total amount not to exceed \$450,000 for a term commencing July 1, 2021, and ending June 30, 2022, 2023, or 2024.

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

Section 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to do the following:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into the Emergency Spill Response Contract with Patriot, the lowest responsible responsive bidder, in a total amount not to exceed \$450,000 for a term commencing July 1, 2021, and ending June 30, 2022, 2023, or 2024.

Section 4. The Board further finds that:

A. The Chief Engineer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the Emergency Spill Response Contract 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. 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 Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

Section 6. This resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on April 22, 2021

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Cluver – 6

Excused: Commissioner Butner – 1

Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

04/22/2021
Item No.: 6.2
MH/msr



RESOLUTION NO. 21-21

RESOLUTION: (1) AUTHORIZING THE RENEWAL OF THE PORT OF OAKLAND'S ("PORT") INSURANCE POLICIES TO BE PLACED AND PAID THROUGH PRIME INSURANCE BROKERS (WITH PARTICIPATION BY SMALL AND LOCAL BUSINESSES), INCLUDING COVERAGE FOR AIRPORT LIABILITY, AUTOMOBILE LIABILITY, AUTOMOBILE PHYSICAL DAMAGE (AIRPORT BUSES AND MARITIME ELECTRIC BUS), CAPA UMBRELLA, CRANE INSURANCE (ALL RISK INCLUDING EARTHQUAKE), CRANE BOILER AND MACHINERY, CRANE TERRORISM, EXCESS WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY, FOREIGN LIABILITY PACKAGE, PUBLIC OFFICIALS ERRORS AND OMISSIONS (INCLUDING EMPLOYMENT PRACTICES LIABILITY), EARTHQUAKE ON 530 WATER STREET (BUILDING AND CONTENTS), ELECTRONIC DATA PROCESSING EQUIPMENT FLOATER, FIDELITY, FIDUCIARY LIABILITY, PROPERTY INSURANCE INCLUDING TERRORISM (INCLUDING ZONE A&V FLOOD INSURANCE BUT EXCLUDING CRANES), BOILER AND MACHINERY (EXCLUDING CRANES), CYBER LIABILITY INSURANCE, AND MOBILE EQUIPMENT (FIRE TRUCKS/COBUS) PHYSICAL DAMAGE, AT AN AMOUNT NOT TO EXCEED \$5,707,000; AND (2) DELEGATING TO THE PORT'S RISK MANAGER THE AUTHORITY TO APPROVE SUBSTITUTIONS OF INSURERS IN THE GROUP INSURANCE PROGRAMS AND TO DETERMINE THE CYBER LIABILITY INSURANCE LIMITS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 6.2, dated April 22, 2021, (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, 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, in related agenda materials, and in testimony received; and be it

FURTHER RESOLVED, that the Board hereby authorizes the renewal of the Port's insurance policies including participation in two group insurance programs as follows: 1) California Association of Port Authorities ("CAPA") for Umbrella Excess; and 2) Alliant Property Insurance Program ("APIP"); and be it

FURTHER RESOLVED, that said insurance policies shall be placed and paid through the following prime brokers (with participation by small and local businesses): 1) Alliant Insurance Services in Seattle office (for CAPA Umbrella Excess); 2) Alliant Insurance Services, Inc. in San Francisco office (for APIP); and 3) Marsh Risk & Insurance Services in San Francisco office for all other insurance policies); and be it

FURTHER RESOLVED, that said insurance shall include coverage for Airport Liability, Automobile Liability, Automobile Physical Damage (Airport Buses and Maritime Electric Bus), CAPA Umbrella, Crane Insurance (All Risk including Earthquake), Crane Boiler and Machinery, Crane Terrorism, Excess Workers' Compensation and Employers' Liability, Foreign Liability Package, Public Officials Errors and Omissions (including Employment Practices Liability), Earthquake on 530 Water Street (Building and Contents), Electronic Data Processing Equipment Floater, Fidelity, Fiduciary Liability, Property Insurance Including Terrorism (Including Zone A&V Flood Insurance but Excluding Cranes), Boiler and Machinery (Excluding Cranes), Cyber Liability Insurance, and Mobile Equipment (Fire Trucks/COBUS) Physical Damage, in accordance with the Agenda Report, provided; however, that said insurances shall be subject to the Port Attorney's review as to form and legality; and be it

FURTHER RESOLVED, that said renewals to insurance policies in said Agenda Report shall not exceed the total amount of \$5,707,000; and be it

FURTHER RESOLVED, that the Board delegates to the Port's Risk Manager to approve substitutions of insurers in the CAPA and AIPIP group programs including Cyber Liability Insurance from those that are listed in Exhibit A to Board Agenda Report Item No. 6.2 dated April 22, 2021, and to determine Cyber Liability Insurance limits; and be it

FURTHER RESOLVED, that the Board hereby finds and determines that said insurance program is in such amounts and against such risks as are, in the judgment of the Board, prudent and reasonable taking into account, but not being controlled by, the amounts and types of insurance or self-insured programs provided by similar ports; and be it

FURTHER RESOLVED, that the Board finds that the renewal of Port insurance policies as described herein was reviewed in accordance with the requirements of the California Environmental Air Quality Act ("CEQA"), and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that taking the actions related to the Port's insurance program will result in a physical change in the environment, and, therefore, they are not subject to CEQA and no further environmental review is required; and be it

FURTHER RESOLVED, that this resolution shall become effective immediately upon adoption by the Board.

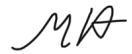
At the regular meeting held on April 22, 2021

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Cluver – 6

Excused: Commissioner Butner – 1

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 21-22

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO SUPPLEMENT THE
AGREEMENT WITH ELATION SYSTEMS, INC. FOR
THE WEB-BASED LABOR COMPLIANCE/WORKFORCE
TRACKING SYSTEM AND LIVING WAGE COMPLIANCE
SYSTEM TO ADD AN ADDITIONAL ONE-YEAR OPTION
TERM AND TO INCREASE THE NOT TO EXCEED
AMOUNT BY \$56,500, FOR A TOTAL AMOUNT NOT
TO EXCEED \$267,500.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated April 22, 2021, 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 taking the proposed action will not result in a significant effect on the environment and therefore is not a an action subject to CEQA.

B. The requested action is for obtaining technical services that are temporary in nature, are in the public interest because of economy and better performance, 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 approves and authorizes the Executive Director of the Port to supplement the agreement with **Elation Systems, Inc.** for the Web-Based Compliance/Workforce Tracking System and Living Wage Compliance System to add an additional one-year option term and to increase the not to exceed amount by \$56,500, for a total amount not to exceed \$267,500, 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 Port. 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 April 22, 2021

Passed by the following vote:

Ayes: Commissioners Colbruno, Lee, Leslie, Martinez, Story and President Cluver – 6

Excused: Commissioner Butner – 1

Noes: – 0