



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A FIRST SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH D&A COMMUNICATIONS TO: (1) EXPAND THE SCOPE OF WORK FOR THE "EVERYONE'S PORT" PUBLIC EDUCATION CAMPAIGN; AND (2) INCREASE THE COST FOR THE THREE-YEAR TERM TO A TOTAL AMOUNT NOT TO EXCEED \$505,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.5, dated June 23, 2022, 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 proposed action is not subject to 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 the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

B. The proposed First Supplemental Agreement to the Professional Services Agreement with **D&A Communications** expanding the scope of work for the "Everyone's Port" Public Education Campaign and Opinion Polling 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 continue to secure such services from **D&A Communications**.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Enter into a First Supplemental Agreement to the Professional Services Agreement with **D&A Communications** to: (1) expand the scope of work for the "Everyone's Port" Public Education Campaign and Opinion Polling Services; and (2) increase the cost by \$155,000, to a total amount not to exceed \$505,000 for the three-year term, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Make any additions, modifications, or corrections necessary to execute the requested agreement 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. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. 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 the other contracting party, there shall be no valid or effective agreement.

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