

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

1/26/23
Item No.: 6.3
CLF/pcm

ncp

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH D-LINE CONSTRUCTORS, INC. IN AN AMOUNT NOT-TO-EXCEED \$444,666 FOR THE DEMOLITION OF BUILDING L619 AND NORTH FIELD BUNKERS (L921, L922, L923, AND L924) FOR A ONE YEAR TERM AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN AN AMOUNT NOT-TO-EXCEED \$90,000 AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated January 26, 2023, 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 testimony received, the Board finds and determines that:

A. The proposed action to approve a contract for the demolition of Building L619 and North Field Bunkers (L921, L922, L923, and L924) ("Demolition Services") for the Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The On-Call Crane Services are exempt under Section 15302 of CEQA because it consists solely of replacement and reconstruction of existing structures. No further environmental review is required.

B. The proposed contract for Demolition Services with D-Line Constructors, Inc. ("D-Line") will constitute an agreement for obtaining professional, technical, and specialized services that are temporary in nature and it is in the best interest of the Port to secure such services from D-Line.

Section 2. The Board hereby approves the award of a contract with D-Line for Demolition Services, in an amount not to exceed \$444,666 for a one-year term, with potential change orders to the extent necessary in an additional amount not to exceed \$90,000, as further described in the Agenda Report ("Demolition Services Contract").

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

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

B. To execute such Demolition Services Contract with D-Line, subject to approval as to form and legality by the Port Attorney.

C. Make such additions, modifications, or corrections as necessary to issue the total maximum contract amount 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. 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(s) 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 5. This resolution shall be effective immediately upon adoption by the Board.