

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

5/25/23  
Item No.: 6.1  
ERR/pcm

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**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD CONTRACTS TO: (1) SILMAN INDUSTRIES AND PLANT CONSTRUCTION COMPANY, L.P. FOR ON-CALL GENERAL BUILDING CONTRACTOR SERVICES IN THE AGGREGATE AMOUNT OF \$5,000,000; (2) GALLAGHER & BURK INC., MCGUIRE AND HESTER, O.C. JONES & SONS, INC., TEICHERT CONSTRUCTION, AND BUHLER ENGINEERING FOR ON-CALL PAVING, GRADING AND GENERAL CONTRACTOR SERVICES IN THE AGGREGATE AMOUNT OF \$14,000,000; WITH ALL CONTRACTS COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, 2025, OR 2026; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated May 25, 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 the proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The action was found to be exempt under CEQA Guidelines Section 15061(b) (3) because it can be seen with certainty that there is no possibility the action may have a significant impact on the environment.

**Section 2.** The Board hereby approves the award of contracts to: (1) Silman Industries and Plant Construction Company, L.P. for on-call general building contractor services in the aggregate amount of \$5,000,000; and (2) Gallagher & Burk Inc., McGuire and Hester, O.C. Jones & Sons, Inc., Teichert Construction, and Buhler Engineering for on-call paving, grading and general contractor services in the aggregate amount of \$14,000,000; with all contracts commencing July 1, 2023 and ending June 30, 2024, 2025, or 2026, as further described in the Agenda Report (collectively, "On-Call Contracts").

**Section 3.** The Board hereby authorizes the Executive Director of the Port to execute on behalf of the Board the On-Call Contracts on the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board further finds that:

A. The Chief Operating Officer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the **On-Call Contracts** 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, each in the amount of one hundred percent (100%) of the contract price shall be provided as prescribed by applicable laws and regulations and the contract specifications.

**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. This resolution approves and authorizes the execution of agreements in accordance with the terms of this resolution. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this resolution, signed as approved as to form and legality by the Port Attorney, and delivered to the other contracting party, there shall be no valid or effective agreements.

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