

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION (1) APPROVING ADDITIONAL CAPITAL BUDGET
AUTHORIZATION OF \$5,000,000 AND (2) AUTHORIZING ADDITIONAL
CONTRACT AUTHORITY FOR THE CONTRACT WITH TURNER
CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION MANAGER AT
RISK SERVICES FOR UPGRADES TO THE INTERNATIONAL ARRIVALS
BUILDING AT OAKLAND INTERNATIONAL AIRPORT IN AN ADDITIONAL
AMOUNT NOT TO EXCEED \$7,310,000.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1 dated November 10, 2016 ("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, in 1997, the Port proposed an Airport Development Program ("ADP") to improve airport facilities and to relieve existing and projected future congestion to accommodate forecasted air passenger and air cargo activity; and

WHEREAS, Port staff prepared an Environmental Impact Report ("EIR") for the ADP, which was certified and approved by the Board in 1997, with the Board later approving and adopting a first supplemental EIR in 1999 and a second supplemental EIR in 2003. The EIR and supplemental EIRs evaluated upgrades and expansion of Terminal 1, including design improvements and upgrades to the International Arrivals Building at the Airport; and

WHEREAS, on February 11, 2016, the Board authorized the Executive Director to enter into a contract with Turner Construction Company ("Turner") for Construction Manager at Risk Services for Upgrades to the International Arrivals Building at Oakland International Airport ("IAB Upgrades Project") with a currently authorized contractual maximum of \$30,400,000; 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 proposal to approve additional project budget and increase the contract authority for Turner for the IAB Upgrades Project as described in the Agenda Report was reviewed in accordance with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The ADP EIR and supplemental EIRs evaluated upgrades and improvements to the IAB, and therefore, no further CEQA review is required to approve additional project budget and increase contractual authority for the IAB Upgrades Project.

B. It is in the best interest of the Port to authorize and approve an increase in the IAB Upgrades Project budget of \$5,000,000.

SECTION 2. The Board hereby approves the following:

A. Approval of increase in capital budget authorization of \$5,000,000.

B. Approval of additional contract authority for the contract with Turner for construction services in the additional contracting amount not to exceed \$7,310,000 for the **IAB Upgrades Project**, subject to the provisions and requirements of the Port Purchasing Ordinance 4321.

SECTION 3. The Board hereby authorizes the Executive Director to:

A. Award and execute change orders or other amendments to the contract with Turner for preconstruction services and construction services for an additional contract authorization not to exceed \$7,310,000 for the **IAB Upgrades Project**.

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. 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(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).