

1/26/17

Item No: 3.1

MCR/hr

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION (1) APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO APPLY FOR AND ACCEPT FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM ("AIP") GRANTS UP TO \$39,200,000, (2) AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR THE CONSTRUCTION OF RUNWAY 12-30 REHABILITATION PROJECT AT OAKLAND INTERNATIONAL AIRPORT; CALLING FOR BIDS THEREFORE; AND EXTENDING THE BID ACCEPTANCE PERIOD FOR UP TO ONE HUNDRED AND EIGHTY (180) DAYS FROM BID OPENING.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 3.1 dated January 26, 2017 ("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 that:

A. It is in the best interest of the Port to approve the submittal and acceptance of Federal Aviation Administration Airport Improvement Program ("FAA AIP") grant applications to the Federal Aviation Administration for all eligible work associated with the **Runway 12-30 Rehabilitation Project ("Runway 12-30 Project")** in an amount not to exceed \$39,400,000.

B. It is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with this project.

SECTION 2. The Board hereby approves the following:

A. Submission of and acceptance of FAA AIP grants for all eligible work associated with the **Runway 12-30 Project** in an amount not to exceed \$39,400,000.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for **Runway 12-30 Project**.

C. Advertising for bids for the construction of the **Runway 12-30 Project**.

D. Extend the bid acceptance period for the **Runway 12-30 Project** for up to one hundred and eighty (180) days after the bid opening date.

E. Rejection of all other bids received for the **Runway 12-30 Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

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

A. Submit and accept FAA AIP grants on behalf of said Board, and to execute and submit all documents which may be necessary or convenient to complete said applications when said Grant Offers are released by the FAA, up to the amount of \$39,200,000. The Secretary is hereby authorized and directed to attest to the execution of such grant agreements, if deemed necessary.

B. Finally resolve bid protests in connection with this project.

C. Extend the bid acceptance period for the **Runway 12-30 Project** for up to one hundred and eighty (180) days after the bid opening date.

SECTION 4. The Board further finds that:

A. The Director of Engineering or his designee is authorized to approve the project manual and plans for the **Runway 12-30 Project** in advance of construction, pursuant to Government Code Section 830.6.

B. The Secretary of the Board is hereby authorized to advertise for four consecutive days in the official newspaper of the City of Oakland for sealed bids for the project, not less than ten calendar days prior to the date set for receiving said bids.

C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. The **Runway 12-30 Project** was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Projects that restore or rehabilitate deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety are exempt from the provisions of CEQA pursuant to CEQA Guidelines, Section 15301 Existing Facilities. This project meets this exemption and will not have a significant effect on the environment.

SECTION 6. 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).

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