

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH ELATION SYSTEMS, INC. FOR A PERIOD OF THREE YEARS (ALONG WITH TWO ONE-YEAR RENEWAL OPTIONS) AT A TOTAL AMOUNT NOT TO EXCEED \$246,000 TO PROVIDE FOR A WEB-BASED LABOR COMPLIANCE / WORKFORCE TRACKING SYSTEM AND LIVING WAGE COMPLIANCE SYSTEM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.1, dated January 26, 2017 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. The Board hereby authorizes the Executive Director to enter into an agreement with **Elation Systems, Inc.** for three (3) years, along with two one-year renewal options, in a total amount not to exceed \$246,000.00 for a web-based labor compliance / workforce tracking system and living wage compliance system, provided that the agreement is approved as to form and legality by the Port Attorney.

Section 2. Based upon the information contained in the Agenda Report and in testimony received, the Board finds that the requested action is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines because there is no potential that the requested purchase of computer software will result in a significant effect on the environment.

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 Board. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 other contracting party, there shall be no valid or effective contract.

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

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