

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION APPROVING AND AUTHORIZING ADDITIONAL PROJECT BUDGET IN THE AMOUNT OF \$3,755,000; AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO THE LOWEST RESPONSIBLE RESPONSIVE BIDDER IN TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$6,298,906 FOR THE CONSTRUCTION OF CHECKED BAGGAGE INSPECTION SYSTEM TO SUPPORT EXPLOSIVE DETECTION SYSTEM RECAPITALIZATION AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated June 8, 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 and authorize additional project budget for the **Construction of Checked Baggage Inspection System to Support Explosives Detection System Recapitalization at Terminal 2, Oakland International Airport** ("TSA Recapitalization Project") in an amount not to exceed \$3,755,000.

B. It is in the best interest of the Port to authorize the project for the **TSA Recapitalization Project**.

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City.

D. Pursuant to the Port Purchasing Ordinance, 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.

E. The proposed actions to approve additional project budget, award the TSA Recapitalization Project and enter into a modified Other Transaction Agreement with the Transportation Security Agreement were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. Because the proposed actions will not result in a physical change to the environment, the action is not a "project" under CEQA and is not subject to CEQA.

SECTION 2. The Board hereby approves the following:

A. Authorizing additional project budget for the **TSA Recapitalization Project** in an amount not to exceed \$3,755,000.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for **TSA Recapitalization Project**.

C. Award of a contract for construction of the **TSA Recapitalization Project** to the lowest responsible responsive bidder, Silman Venture Corporation dba Silman Construction in a total aggregate amount not to exceed \$6,298,906.

D. Rejection of all other bids received for the **TSA Recapitalization Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

E. Authorizing execution of a modified Other Transaction Agreement with the Transportation Security Administration ("TSA OTA") for an amount of \$8,494,004 to reimburse the Port for the allowable costs associated with the **TSA Recapitalization Project**.

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

A. Finally resolve bid protests in connection with this project pursuant to the Port Purchasing Ordinance.

B. Award contract to the lowest responsible responsive bidder, Silman Venture Corporation dba Silman Construction in a total aggregate amount not to exceed \$6,298,906.

C. Execute a modified TSA OTA for an amount of \$8,494,004 to reimburse the Port for the allowable costs associated with the **TSA Recapitalization Project**.

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 TSA Recapitalization 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. 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 under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the Contractor as prescribed by applicable laws and regulations and the contract specifications.

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

SECTION 5. This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public and private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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).