

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS AND WAIVE STANDARD BIDDING PROCEDURES FOR CONSTRUCTION OF A SERVICE ANIMAL RELIEF AREA, TERMINAL 2, AT THE OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.6 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. The Port's Small Business Utilization ("SB" or "Small Business") Program encourages small contractors to develop the capacity to perform public works contracts on a competitive basis, thereby increasing the pool of competitive contractors for future Port contracts.

B. It is in the best interest of the Port to accomplish the project for the Construction of the Service Animal Relief Area, Terminal 2, Oakland International Airport ("Relief Area Project") without standard bidding procedures and to include it in the Port's Small Business Program.

C. If staff is unable to identify at least three (3) willing and able SBE contractors, or bids exceed the estimated budgeted amount, it is in the best interest of the Port to waive standard bidding and authorize the Executive Director to negotiate either a change order or a technical service order with a qualified contractor currently under contract with the Port for the Relief Area Project.

D. 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.

E. Pursuant to 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.

SECTION 2. The Board hereby approves the following:

A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual for the **Relief Area Project**.

B. Waiving standard bidding procedures for the **Relief Area Project**, if staff is able to identify at least three (3) Port-certified Small Business Enterprise (SBE) contractors willing and able to bid on this project, and

C. Advertising for bids for the **Relief Area Project**.

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

A. Waive standard bidding procedures and solicit bids from Port-certified SBE contractors.

B. If the Port does not receive any responsive, responsible bids from Port-certified SBE contractors, then the Executive Director is authorized to negotiate either a change order or a technical service order with a qualified contractor currently under contract with the Port.

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 **On Call Electrical Work project** 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 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.

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

SECTION 5. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, the service animal relief area construction project has been determined to be categorically exempt from CEQA Guidelines pursuant to Section 15301,

Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or 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 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).