

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE WAIVER OF FORMAL COMPETITIVE PROCUREMENT PROCEDURES AND AUTHORIZING AN INCREASE TO THE CONTRACT AMOUNT FOR LABOR FINDERS INC. UP TO A MAXIMUM OF \$325,000 ANNUALLY THROUGH JUNE 30, 2020 AND AN INCREASE TO THE CONTRACT AMOUNT FOR WEST VALLEY STAFFING GROUP TO A MAXIMUM OF \$195,000 THROUGH JUNE 30, 2017.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 6.8 dated June 8, 2017 ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and,

WHEREAS, in December, 2015, and pursuant to a resolution, the Board authorized staff to enter into a contract with **Labor Finders, Inc.** ("**Labor Finders**") to provide specialized temporary staffing services for skilled trades for a maximum authorized amount of \$300,000 annually through June 30, 2020;

WHEREAS, in June, 2016, and pursuant to the Executive Director's contract authority, the Port entered into a contract with **West Valley Staffing Group** ("**West Valley**") to provide specialized temporary engineering, technology, accounting or administrative staffing services for a maximum authorized amount of \$150,000 through June 30, 2017;

WHEREAS, based on actual utilization rates for the current fiscal year, and based on anticipated future Port employee attrition, staff requests increases in the authorization amounts for **Labor Finders** and for **West Valley** to cover the Port's existing and anticipated staffing needs; 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 the testimony received, the Board hereby finds and determines that the contract with **Labor Finders** is a contract for services; that the performance of such services is in the public interest because of economy; and, that waiver of the Port's formal competitive procurement procedures and increasing **Labor Finders'** maximum contract amount to \$325,000 annually through the remainder of its contract which expires on June 30, 2020 is in the best interest of the Port and will enable the Port to continue to secure skilled trade services from **Labor Finders**.

Section 2. The Board hereby:

- A. Authorizes the execution of a supplemental purchase order/contract with **Labor Finders** and authorizes the increase of the supplemental purchase order/contract amount to a maximum of \$325,000 annually through the remainder of its contract which expires on June 30, 2020, as further described in the Agenda Report; and,
- B. Authorizes the Executive Director to execute such supplemental purchase order/contract, subject to its approval by the Port Attorney as to form and legality.

Section 3. Based upon the information contained in the Agenda Report and the testimony received, the Board hereby finds and determines that the contract with **West Valley** is a contract for services; that the services are of a professional, scientific or technical nature; that the services are temporary in nature; and, that waiver of the Port's formal competitive procurement procedures and increasing **West Valley's** maximum contract amount to \$195,000 through the remainder of its contract which expires on June 30, 2017 is in the best interest of the Port and will enable the Port to continue to secure skilled specialized services from **West Valley**.

Section 4. The Board hereby:

- A. Authorizes the execution of a supplemental purchase order/contract with **West Valley** and authorizes the increase of the supplemental purchase order/contract amount to a maximum \$195,000 through the remainder of its contract which expires on June 30, 2017, as further described in the Agenda Report; and,
- B. Authorizes the Executive Director to execute such supplemental purchase order/contract, subject to its approval by the Port Attorney as to form and legality.

Section 5. 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. Unless and until a separate written agreement 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 the other contracting party, there shall be no valid or effective agreement.

Section 6. This resolution shall be effective immediately upon adoption by the Board.

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