

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE
DIRECTOR TO WAIVE STANDARD BIDDING
PROCEDURES AND EXECUTE AN AGREEMENT WITH
MASON TILLMAN ASSOCIATES, LIMITED FOR AN
AMOUNT NOT TO EXCEED \$350,000 TO CONDUCT A
RACE AND GENDER DISPARITY STUDY, AND TO
INCREASE THE SOCIAL RESPONSIBILITY
DIVISION'S OPERATING BUDGET FOR FISCAL YEAR
2017-18 BY \$175,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 5.2, dated December 14, 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. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the Agreement with **Mason Tillman Associates, Limited** will constitute an agreement for obtaining professional, technical, and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **Mason Tillman Associates, Limited**.

Section 2. The Board hereby:

A. Authorizes the Executive Director to waive standard bidding procedures and execute for and on behalf of the Board an Agreement with **Mason Tillman Associates, Limited** to perform a race and gender disparity study upon terms and conditions consistent with the Agenda Report and providing that **Mason Tillman Associates, Limited** shall

be compensated for such services, including costs of miscellaneous reimbursable expenses, at a compensation that shall not exceed \$350,000.

B. Authorizes an increase in the Social Responsibility Division's operating budget for Fiscal Year 2017-18 by \$175,000.

Section 3. 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 the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because completing a Port race and gender disparity study will not have a significant effect on the environment, and therefore the proposed action is not a "project" under CEQA.

Section 4. 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 5. This resolution shall be effective immediately upon adoption by the Board.