BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS FOR THE MIDDLE HARBOR ROAD PAVEMENT IMPROVEMENTS PROJECT IN THE MARITIME AREA; AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD A CONTRACT TO VSS INTERNATIONAL, INC. IN THE TOTAL AMOUNT OF $281,120.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated March 22, 2018 ("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 the **Middle Harbor Road Pavement Improvements – Slurry Seal Project ("MHR Slurry Seal Project")** in an amount not to exceed $281,120.

B. 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.

C. 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.

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 **MHR Slurry Seal Project.**

B. Award of a contract for construction of the **MHR Slurry Seal Project** to VSS International, Inc., the lowest responsible responsive bidder, in a total aggregate amount of $281,120.

C.   Rejection of all other bids received for the **MHR Slurry Seal Project** and direction that securities accompanying said bids shall be returned to the respective bidders.

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 of a contract for construction of the **MHR Slurry Seal Project** to VSS International, Inc., the lowest responsible responsive bidder, in a total aggregate amount of $281,120.

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 **MHR Slurry Seal 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. The proposed actions to approve the plans and project manual and award the construction contract were reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. These actions has been determined to be categorically exempt from requirements of the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15061(b)(3). Port staff conducted an environmental analysis on the **MHR Slurry Seal Project** and determined that it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment; therefore the activity is not subject to CEQA.