

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING THE BUSINESS TERMS AND CONDITIONS FOR THE 2018 FOOD AND BEVERAGE CONCESSIONS OPPORTUNITIES REQUEST FOR PROPOSALS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 5.1, dated April 12, 2018 ("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; now, therefore, be it

RESOLVED, that the Board hereby approves of the business terms and conditions for the 2018 Food and Beverage Concessions Opportunities Request for Proposals ("RFP"), as outlined in the "Analysis" section of the Agenda Report and in Attachments "A," "B," "C" and "D" of the Agenda Report, subject to approval by the Port Attorney as to form and legality; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Director of Aviation to make such additions, modifications or corrections to the RFP as the Director of Aviation may deem necessary, provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth in the Agenda Report; and be it

FURTHER RESOLVED, that the Board hereby finds and determines that the action taken herein is categorically exempt from requirements of 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 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's determination. Approving the business terms and conditions for the 2018 Food and

Beverage Concessions RFP does not change the use of the existing facility; and be it

FURTHER RESOLVED, that 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 does not approve or authorize the execution of an agreement in connection with the 2018 Food and Beverage Concessions Opportunities RFP. Unless and until the Board has approved and authorized a separate written agreement, such agreement is duly executed on behalf of the Board as authorized by a future resolution, such agreement is signed and approved as to form and legality by the Port Attorney, and such agreement is delivered to the other contracting party, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, 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 materials and in testimony received.