

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION (1) APPROVING OF CAPITAL BUDGET IN THE AMOUNT OF \$1,100,000 FOR THE TERMINAL 1 (M102) OUTBOUND BAGGAGE SCREENING DEVICE (CT-80) INTERIM PLACEMENT PROJECT (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY TO ADD THE M102 CT-80 PROJECT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT IN AN AMOUNT NOT TO EXCEED \$688,000, (3) FINDING THAT IT IS IN THE BEST INTEREST OF THE PORT OF OAKLAND TO WAIVE COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MWA ARCHITECTS TO PROVIDE DESIGN SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000, AND (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated April 12, 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, on or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("IAB CMR Contract").

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:

A. It is in the best interest of the Port to authorize and approve capital project budget in the amount of \$1,100,000 for the

**Terminal 1 (M102) Outbound Baggage Screening Device (CT-80) Interim Placement Project ("M102 CT-80 Project").**

B. The proposed agreement with MWA Architects, Inc. ("MWA") for design services related to the **M102 CT-80 Project** will constitute an agreement for obtaining professional, technical, and specialized services that are temporary in nature and it is in the best interest of the Port to waive competitive bidding and to secure such services from MWA.

C. The proposed actions to approve project budget, authorize an agreement with the Transportation Security Administration and authorize contracts for design and construction were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the Port CEQA Guidelines. The proposed actions are categorically exempt from the requirements of CEQA 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. The proposed actions involve a negligible expansion of use, will not have a significant effect on the environment, and therefore will not require further environmental review.

**SECTION 2. The Board hereby:**

A. Approves the capital project budget in the amount of \$1,100,000 for the **M102 CT-80 Project**.

B. Authorizes the Executive Director to execute a professional services agreement with MWA for the **M102 CT-80 Project** for a maximum contract amount not to exceed \$200,000.

C. Authorizes the Executive Director to execute a contract change order with Turner for the IAB CMR Contract in an amount not to exceed \$688,000 for construction manager at risk services on the **M102 CT-80 Project**.

D. Authorizes the Executive Director to execute a Memorandum of Agreement with the Transportation Security Administration for the **M102 CT-80 Project**. The Secretary of the Board is hereby authorized and directed to attest to the execution of such agreement, if deemed necessary.

**SECTION 3.** 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.

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