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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH CYPRESS PRIVATE SECURITY LP FOR PORT OF OAKLAND SECURITY OPERATIONS CENTER STAFFING SERVICES IN THE MARITIME AREA FOR A TERM COMMENCING ON APRIL 23, 2018, AND TERMINATING ON JUNE 30, 2021, WITH TWO ONE-YEAR OPTIONS TO EXTEND IN AN AMOUNT NOT TO EXCEED \$2,400,000 (IF EXTENDED THROUGH JUNE 30, 2023).

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 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, 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. The Agreement with Cypress Private Security LP ("Cypress") 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 Cypress.

B. The proposal to authorize the Executive Director of the Port ("Executive Director") to enter into an agreement with Cypress was reviewed in accordance with the requirements of CEQA and Port CEQA Guidelines. Section 15378 of the CEQA Guidelines defines a project by an agency as "an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." In particular, per section 15378(b), projects do not include "continuing administrative or maintenance activities" or "organizational or

administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed action to enter into a professional services agreement has no potential for direct or indirect physical change in the environment. Therefore, this action is not subject to CEQA.

**SECTION 2.** The Board hereby:

A. Approves and authorizes the Executive Director to execute an Agreement with **Cypress** for Port of Oakland Security Operations Center staffing services for a term commencing on April 23, 2018, and ending on June 30, 2021, with two one-year options to extend subject to written approval by the Executive Director, and as further described in the Agenda Report in an amount not to exceed \$2,400,000 (if extended through June 30, 2023).

**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. 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 other contracting party, there shall be no valid or effective agreement.