



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH DAVILLIER-SLOAN, INC. FOR MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA) CONSULTING SERVICES FOR A TERM OF THREE (3) YEARS WITH TWO (2) ONE-YEAR OPTIONS, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,177,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated April 26, 2018 (the "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. The Board hereby approves and authorizes the Executive Director to execute an agreement with Davillier-Sloan, Inc. for Maritime and Aviation Project Labor Agreement Consulting Services for a term of three years with two, one-year options for a total amount not to exceed \$1,177,000, subject to approval as to form and legality by the Port Attorney, and as further described in the Agenda Report.

SECTION 2. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the following:

- A. The proposed assignment is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to activities that have a potential for causing a significant effect on the environment, and the requested action will not result in a physical change in the environment.

- B. The proposed agreement is for the performance of services of a professional nature and is temporary in nature, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

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.

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

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