

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO
EXTEND THE CONTRACT FOR SECURITY SERVICES AT MIDDLE
HARBOR SHORELINE PARK WITH ABC SECURITY SERVICES,
INC. THROUGH JUNE 30, 2019.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.4, dated December 14, 2017 ("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, in December 2014 following a competitive selection process, the Board authorized execution of an agreement with **ABC Security Services, Inc. ("ABC")** for a total amount not to exceed \$600,000 for unarmed security services at Middle Harbor Shoreline Park with a current expiration date of July 1, 2018 ("Agreement"); 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 proposed extension of the Agreement with **ABC** involves an agreement for services of a professional, technical nature that are temporary in nature and that is in the best interest of the Port to continue to secure such services from **ABC**.

B. The proposed extension of the Agreement with **ABC** has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The general rule in Section 15061(b)(3) of the Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the

environment. Because it can be seen with certainty that there is no possibility that the proposed extension of the **ABC** Agreement may have a significant effect on the environment, the action is not a "Project" under CEQA, and is not subject to CEQA under the General Rule Exclusion. No further review of this action under CEQA is required.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with **ABC** to extend the Agreement with a term ending no later than June 30, 2019, with a cost for the extended term that shall not exceed \$220,000, and as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Supplemental Agreement described herein and in the Agenda Report, subject to approval of all documents as to form and legality by the Port Attorney and (ii) make such additions, modifications, or corrections as necessary to implement the Agreement or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report.

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.