

AGENDA REPORT

Ordinance: Authorize the Executive Director to Enter into a First Amendment to Extend the Term of a No-Cost Temporary Rental Agreement with Jacobs Engineering Group, Inc. Through December 31, 2020 for Data Collection, Land Surveying, Utility Potholing and Soil Testing at Premises Located Adjacent to and Within the-Right-Of-Way of: (1) Middle Harbor Road from Adeline Street Bridge to 7th Street; (2) Maritime Street from Chungking Street to Middle Harbor Road; and (3) 7th Street from Caltrans Right-of-Way to Ben E. Nutter Terminal in Support of GoPort Projects. **(Engineering)**

MEETING DATE: 10/11/2018

AMOUNT: \$0
Revenue

PARTIES INVOLVED: Jacobs Engineering Group, Inc., Oakland, CA
Scott O. Jones, Vice President

SUBMITTED BY: Chris Chan, Director of Engineering

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

Port staff requests authorization for the Executive Director to enter into a first amendment ("Proposed First Amendment") that extends the term of a no-cost Temporary Rental Agreement ("TRA") between the Port of Oakland ("Port") and Jacobs Engineering Group, Inc. ("Jacobs") within the-right-of-way of: (1) Middle Harbor Road from Adeline Street Bridge to 7th Street; (2) Maritime Street from Chungking Street to Middle Harbor Road; and (3) 7th Street from Caltrans right-of-way to Ben E. Nutter Terminal. The extension will allow for ongoing data collection, land surveying, utility potholing and soil testing to support GoPort projects.

BACKGROUND

For the last several years, the Port has worked closely with the Alameda County Transportation Commission ("Alameda CTC") on the development and delivery of GoPort and other Port priority projects that are critical to enhancing the activities of the Port's Maritime Area (Seaport) and the entire goods movement sector in the region. In August 2016, Alameda CTC secured Jacobs for preliminary engineering for the GoPort projects. The GoPort projects include technology improvements to improve seaport operations. On November 1, 2017, the Port and Jacobs entered into a no-cost TRA for data collection within the Port boundaries. The work scope included land surveying, utility potholing, and

soil testing at the premises located adjacent to and within the right of way of (1) Middle Harbor Road from Adeline Street Bridge; (2) Maritime Street from Chungking Street to Middle Harbor Road; and (3) 7th Street from Caltrans right of way to Ben E. Nutter Terminal.

ANALYSIS

Given the complex nature of the GoPort projects, additional data collection is required and is expected to be on-going during the design efforts, as the design is refined. Therefore, staff is requesting to extend the no-cost TRA, that is set to expire on October 31, 2018, through December 31, 2020.

Extending the TRA with Jacobs through December 31, 2020 is critical to complete design efforts related to the GoPort projects. Staff has the ability to grant TRA's for periods not exceeding one (1) year in total duration. Because the total duration of the amended TRA would exceed 1 year, staff is requesting Board action. If approved, Jacobs will continue to follow the Port's soil management and environmental protocols as it relates to material stockpiling, as well as all other provisions under the current TRA.

BUDGET & STAFFING

The proposed action does not have any budget or staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) apply to this professional services contract only to the extent it involves work within the craft jurisdiction of the unions signatory to the MAPLA, such as any field surveying, on-site soils and materials testing and inspection, and geotechnical and exploratory drilling work.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022).

<https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

- Goal: Modernize and Maintain Infrastructure
- Goal: Strengthen Safety and Security

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the tenancy agreement is not expected to generate greater than \$50,000 in payments to the Port over the term of the

tenancy agreement. However, the tenant will be required to certify that should living wage obligations become applicable, the tenant shall comply with the Living Wage Regulations.

SUSTAINABILITY

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

ENVIRONMENTAL

This action was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines. The Port has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15306, Information Collection. Section 15306 exempts from CEQA data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

The Owner Controlled Insurance Program (OCIP) does not apply to the matter addressed by this Agenda Report as it is not a capital improvement construction project.

OPTIONS

Staff has identified the following options for the Board's consideration:

1. Approve the actions as outlined in this agenda report. This is the preferred option.
2. Authorize the Executive Director to enter into a First Amendment to extend the term of a no-cost temporary rental agreement with Jacobs Engineering Group, Inc. with different terms than those described herein.
3. Do not authorize the Executive Director to enter into a First Amendment to extend the term of a no-cost temporary rental agreement with Jacobs Engineering Group, Inc. as described herein. As a result, Jacobs will be unable to perform timely data collection, land surveying, utility potholing and soil testing at general premises located adjacent to and within the-right-of-way of Middle Harbor Road, Maritime Street and 7th Street to support the GoPort Projects.

RECOMMENDATION

Staff recommends that the Board approve and authorize the Executive Director to:

Adopt an Ordinance that authorizes the Executive Director to enter into a first Amendment to extend the term of a no-cost temporary rental agreement with Jacobs Engineering Group, Inc. through December 31, 2020 for data collection, land surveying, utility potholing and soil testing at premises located adjacent to and within the-right-of-way of: (1) Middle Harbor Road from Adeline Street Bridge to 7th Street; (2) Maritime Street from Chungking Street to Middle Harbor Road; and (3) 7th Street from Caltrans right-of-way to Ben E. Nutter Terminal in support of GoPort Projects.