

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A TWELVE-MONTH EXTENSION OF THE
AIRPORT SHUTTLE BUS FLEET MAINTENANCE SERVICES
AGREEMENT WITH KELLY'S TRUCK REPAIR THROUGH
DECEMBER 31, 2019, FOR AN AMOUNT NOT TO EXCEED
\$237,180.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2, dated December 13, 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 June 13, 2013, pursuant to Resolution No. 13-62, the Board authorized execution of an agreement with Kelly's Truck Repair ("Kelly's") for a total amount not to exceed \$2,250,000 for Airport shuttle bus fleet maintenance for a five-year period beginning July 1, 2013, and ending June 30, 2018 ("Agreement"); and

WHEREAS, on May 24, 2018, pursuant to Resolution No. 18-38, the Board approved an amendment to the Agreement with Kelly's to extend the Agreement by six months to December 31, 2018; and

WHEREAS, Port staff posted and advertised a Request for Proposals for Airport Shuttle Bus Fleet Maintenance on March 30, 2018, and received only one proposal by the proposal deadline of April 27, 2018; and

WHEREAS, Port staff were unable to agree to the terms of an agreement with the one proposer; and

WHEREAS, Port staff will be reissuing the Request for Proposal after soliciting feedback from vendors who had attended the pre-proposal meeting; 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:

A. Approves an amendment to the Agreement with Kelly's to extend the Agreement by twelve months to December 31, 2019, with an increase in the contract amount by \$237,180, and as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such amendment described herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney and (ii) make such additions, modifications, or corrections as necessary to implement the amendment 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 2. 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.