

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION (1) APPROVING PROJECT DESIGN BUDGET OF \$520,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER AT RISK PRE-CONSTRUCTION SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$350,000 FOR THE TERMINAL 2 BOILER REPLACEMENT PROJECT AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 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 or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("IAB CMR Contract"); 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:

B. It is in the best interest of the Port to authorize and approve project design budget in the amount of \$520,000 for the **Terminal 2 Boiler Replacement Project ("Terminal Boiler Project")**.

C. The proposed actions to approve project budget and authorize a contract change order for construction were reviewed in accordance with the requirements of the California Environmental Quality Act

("CEQA"), and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is not possibility that approving the proposed actions will result in a physical change in the environment, and therefore is not subject to CEQA.

SECTION 2. The Board hereby:

A. Approves the project design budget in the amount of \$520,000 for the Terminal Boiler Project.

B. Authorizes the Executive Director to execute a contract change order with Turner for the IAB CMR Contract in an amount not to exceed \$350,000 for the Terminal Boiler Project.

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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.