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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION (1) APPROVING AND AUTHORIZING PROJECT BUDGET OF \$262,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO UTILIZE WSP USA, INC. FOR THE DESIGN EFFORT FOR THE OUTER HARBOR INTERMODAL TERMINAL INTERIM USE YARD PAVING PROJECT AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO UTILIZE O.C. JONES & SONS, INC. AND DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL, PLANS AND SPECIFICATIONS FOR THE FORMER OAKLAND ARMY BASE TRENCH SPOILS OFF-HAUL PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 dated January 24, 2019 ("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, the Port entered into an on-call engineering design services agreement with WSP USA, Inc. ("WSP") in 2014, as authorized by the Board by Resolution 14-90 ("WSP Agreement"); and

WHEREAS, the Port entered into an on-call paving and grading contract with O.C. Jones & Sons, Inc. ("O.C. Jones") in 2016, as authorized by the Board by Resolution 16-108 ("O.C. Jones 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. It is in the best interest of the Port to approve and authorize project budget for design services of \$262,000 for the Outer Harbor Intermodal Terminal Phase 2 - Interim Use Yard Paving Project ("OHIT Paving Project"),

B. This action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). In 2002, the City of Oakland ("City") approved a reuse plan for the entire Oakland

Army Base, and as lead agency certified an Environmental Impact Report. Also, in 2002, the Board, acting on behalf of the Port as a responsible agency, adopted findings, a mitigation program, and a Statement of Overriding Considerations. In 2012, City staff, in consultation with Port staff, prepared an addendum to the EIR and Standard Conditions of Approval to mitigate environmental impacts. The Port filed a Notice of Determination in June 2012. The OAB redevelopment project, as described in the 2002 EIR and 2012 Addendum, includes required infrastructure improvements such as roadways and access to individual sites. Impacts from construction of the access to the 800 series buildings would be the same as those described in the 2002 EIR, as addended, for construction of infrastructure improvements. Project construction will comply with the OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program. No new impacts would occur, and no additional environmental review per Section 15162 of the CEQA Guidelines is required.

**SECTION 2.** The Board hereby:

A. Approves and authorizes project budget for design services of \$262,000 for the **OHIT Paving Project**.

B. Authorizes the Executive Director to utilize the WSP Agreement for the **OHIT Paving Project** design effort.

C. Authorizes utilization of the O.C. Jones Agreement for the **Former Oakland Army Base Trench Spoils Off-Haul Project ("OAB Off-Haul Project")**.

D. Authorizes and delegates authority to the Director of Engineering of the Port of Oakland ("Director of Engineering") to approve the Project Manual, plans and specifications for the **OAB Off-Haul 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. 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.