

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES TO PROVIDE FOR ENGINEERING DESIGN SERVICES RELATED TO THE FREIGHT INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.9, dated June 13, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

WHEREAS, on July 26, 2018, the Port entered into a professional services agreement ("Agreement") with **Kimley-Horn and Associates ("Kimley-Horn")**, to provide engineering consulting services relating to the Freight Intelligent Transportation Projects ("FITS Projects") with a maximum compensation of \$95,500 which is within the Executive Director's contracting authority pursuant to Port Ordinance 4321; 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 the agreement with **Kimley-Horn**, as supplemented, will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to continue to secure such services from **Kimley-Horn**.

Section 2. The Board hereby:

A. Finds and determines that no additional environmental review is required for the proposed action. The proposed action was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. By Resolution No. 19-07, the Board determined CEQA review of the implementation and maintenance of the FITS Projects was addressed by the 2002 Oakland Army Base Area Redevelopment Plan EIR, The FITS Projects do not trigger any of the conditions set

for the in Section 15162 of the CEQA Guidelines, and therefore no additional environmental review is required.

B. Approves a Supplemental Agreement with Kimley-Horn for engineering consulting services relating to the FITS Projects for an additional not to exceed amount of \$294,500 and a total maximum contract amount not to exceed \$390,000, as further described in the Agenda Report.

C. Authorizes the Executive Director to execute such supplemental agreement, subject to approval as to form and legality by the Port Attorney.

D. Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the Supplemental 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.