

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO ENTER INTO A
PROFESSIONAL SERVICES AGREEMENT WITH CIRCA
NOW, LLC FOR CREATIVE DESIGN SERVICES FOR A
PERIOD OF TWO YEARS (ALONG WITH ONE ONE-
YEAR OPTIONAL EXTENSION) FOR A TOTAL AMOUNT
NOT TO EXCEED \$450,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated July 25, 2019, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; 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 in testimony received, the Board finds and determines that:

A. The requested action is exempt from the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that entering into the requested professional services agreement will not have a significant effect on the environment and therefore is not a "project" under CEQA.

B. The requested action is for obtaining professional, scientific, or technical services that are temporary in nature and are in the public interest because of economy or better performance, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

Section 2. The Board hereby approves and authorizes the Executive Director to enter into a professional services agreement with **Circa Now,**

LLC for creative design services for a period of two years in an amount not to exceed \$300,000, with one one-year extension option, pending performance, in an additional amount not to exceed \$150,000, for a combined maximum compensation of \$450,000 and a maximum contract term of three years, as further described in the Agenda Report, and provided that all agreements are approved as to form and legality by the Port Attorney.

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.

Section 4. This resolution shall be effective immediately upon adoption by the Board.

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