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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING PROJECT DESIGN BUDGET OF \$140,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SECOND SUPPLEMENTAL AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR AN ADDITIONAL MAXIMUM COMPENSATION NOT TO EXCEED \$354,000 FOR THE AIRCRAFT RESCUE AND FIRE FIGHTING WASH RACK REHABILITATION PROJECT AND FISCAL YEAR 2020 AIRPORT SANITARY SEWER CONDITION ASSESSMENT PLAN AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 dated July 25, 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, on October 11, 2018, the Board authorized execution of a professional services agreement ("Agreement") with West Yost Associates, Inc. ("West Yost"), to provide engineering consulting services for sanitary sewer infrastructure projects at Oakland International Airport ("Sanitary Sewer Improvements Projects").

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 \$140,000 for the Aircraft Rescue and Fire Fighting Wash Rack Rehabilitation Project at Oakland International Airport ("ARFF Wash Rack Project"),

B. The **Agreement** with **West Yost**, 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 **West Yost**.

C. These actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines ("Guidelines"). The general rule in Section 15061(b)(3) of the Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that entering into a supplemental agreement with **West Yost** for design services may have a significant effect on the environment, this action is not a "Project" under CEQA, and is not subject to CEQA under the General Rule Exclusion.

D. Regarding the design services for the **ARFF Wash Rack Project**, this project is categorically exempt from CEQA Guidelines pursuant to Section 15302, Replacement and Reconstruction which exempts from CEQA the replacement or reconstruction of existing structures and activities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including replacement of existing utility facilities involving negligible or no expansion of capacity.

SECTION 2. The Board hereby:

A. Approves and authorizes project budget for design services of \$140,000 for the **ARFF Wash Rack Project**.

B. Approves a Supplemental Agreement with **West Yost** for engineering design services for the **ARFF Wash Rack Project** and **Sanitary Sewer Improvements Projects** in the additional amount of \$354,000 for a total maximum contract amount of \$1,579,000, 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.

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