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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION (1) APPROVING ADDITIONAL PROJECT CONSTRUCTION BUDGET OF \$685,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CHANGE ORDER WITH TURNER CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER AT RISK CONSTRUCTION SERVICES FOR AN AMOUNT NOT TO EXCEED \$610,000 FOR THE MOVING WALKWAY REMOVAL AND RESTORATION PROJECT AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 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 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, the IAB CMR Contract includes an option that the Port can exercise allowing Turner to serve as designer, manager and/or contractor for terminal-related projects as identified by the Port; and

WHEREAS, on May 24, 2018, the Board exercised the option and authorized the Executive Director to issue change order with Turner to proceed with several terminal improvement projects, including the **Moving Walkways Removal and Restoration Project** ("Moving Walkways Project"); 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 authorize and approve additional project budget for construction services in the amount of \$610,000 for the **Moving Walkways Project**.

- B. 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 proposed actions are categorically exempt from CEQA Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographic features, involving negligible or no expansion of use.

**SECTION 2.** The Board hereby:

- A. Approves the additional project budget for construction services in the amount of \$610,000 for the **Moving Walkways 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 \$610,000 for the **Moving Walkways 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.