

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION: (1) APPROVING AND RATIFYING THE DECLARATION OF EMERGENCY BY THE EXECUTIVE DIRECTOR FOR EMERGENCY TAXIWAY PAVEMENT REPAIRS AT AN ESTIMATED TOTAL COST OF \$715,000; (2) APPROVING AND AUTHORIZING PROJECT BUDGET OF \$2,200,000 FOR THE REPAIR OF TAXIWAY B; (3) APPROVING AND AUTHORIZING PROJECT DESIGN BUDGET IN THE AMOUNT OF \$666,000 FOR REPAIR OF TAXIWAY C; (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH ORION ENGINEERS AND ASSOCIATES FOR AN ADDITIONAL MAXIMUM COMPENSATION NOT TO EXCEED \$757,000 FOR THE DESIGN OF THE EMERGENCY REPAIRS AT TAXIWAYS B AND C; AND (5) AUTHORIZING THE EXECUTIVE DIRECTOR TO UTILIZE THE ON-CALL PAVING AND GRADING CONTRACTORS TO PERFORM THE TAXIWAY B REPAIRS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated September 12, 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, in or around December 2016, pursuant to Resolution No. 16-108, the Port entered into on-call paving and grading construction contracts with Oliver DeSilva Gates Inc. dba Gallagher & Burk, Inc.; O.C. Jones & Sons, Inc.; Teichert & Son, Inc. dba Teichert Construction; and Beliveau Engineering Contractors ("On-Call Paving Contractors");

WHEREAS, on November 28, 2018, pursuant to Resolution No. 18-113, the Port entered into a professional services agreement ("**Agreement**") with **Orion Engineers & Associates ("Orion")**, to provide engineering design consulting services for pavement rehabilitation projects at Oakland International Airport ("Airport");

WHEREAS, on or about August 6, 2019, Port staff notified the Executive Director of the Port ("Executive Director") that two separate areas of airfield taxiway pavement at the Airport were failing and required immediate emergency repair to ensure continued business operations;

WHEREAS, on or about August 6, 2019, the Executive Director declared an emergency and directed Port staff to take actions necessary to repair the affected taxiways, Taxiway B and Taxiway C;

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 of \$2,220,000 (which includes the \$285,000 spent under the declaration of emergency) for **Taxiway B at Taxiway S Repairs Project at Oakland International Airport ("Taxiway B Project")**.

B. It is in the best interest of the Port to approve and authorize project budget of \$666,000 (which includes the \$430,000 spent under the declaration of emergency) for **Taxiway C Repairs Project at Oakland International Airport ("Taxiway C Project")**.

C. The **Agreement with Orion**, 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 **Orion**.

D. These actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines ("Guidelines"). The proposed actions are 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 ratifies the declaration of emergency by the Executive Director for pavement repairs for the estimated sum of \$285,000 for the **Taxiway B Project** and \$430,000 for the **Taxiway C Project**.

B. Approves and authorizes project budget of \$2,220,000 for the **Taxiway B Project**.

C. Approves and authorizes project budget for design services of \$666,000 for the **Taxiway C Project**.

D. Approves a Supplemental Agreement with **Orion** for engineering design services for the **Taxiway B Project** and **Taxiway C Project** in the additional amount of \$757,000, and as further described in the Agenda Report.

E. Authorizes the Executive Director to utilize one of the On-Call Paving Contractors to perform the **Taxiway B Project**.

F. Authorizes the Executive Director to execute such Supplemental Agreement and 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 and provided that the Supplemental Agreement is approved as to form and legality by the Port of 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. 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.