

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WOOD RODGERS, INC. TO UPDATE THE STORMWATER MANAGEMENT IMPLEMENTATION PLAN AND ASSESS TIDAL FLOODING VULNERABILITY AT OAKLAND INTERNATIONAL AIRPORT FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,100,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated September 26, 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, 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. The proposed agreement with Wood Rodgers, Inc. ("Wood Rodgers") to update the Port's Stormwater Management Implementation Plan and assess tidal flooding vulnerability at the North Field of the Oakland International Airport ("Stormwater Plan Project") 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 secure such services from Wood Rodgers.

B. This action to enter into the proposed agreement for the Stormwater Plan Project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA). The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect

on the environment. It can be seen with certainty that there is no possibility that taking the proposed action will result in a physical change in the environment, and therefore this action is not subject to CEQA.

SECTION 2. The Board hereby:

A. Approves a professional services agreement with Wood Rodgers for the Stormwater Plan Project, for a total maximum contract amount not to exceed \$1,100,000 and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to execute a professional services agreement with Wood Rodgers for the Stormwater Plan Project, for a total maximum contract amount not to exceed \$1,100,000, subject to approval as to form and legality by the Port Attorney, and make such additions, modifications, or corrections as necessary to implement the Agreement and amendments 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.