



## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION (1) AUTHORIZING A DESIGN PROJECT BUDGET OF \$500,000 AND (2) APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A THIRD SUPPLEMENTAL AGREEMENT FOR ON-CALL WATER AND WASTE WATER ENGINEERING SERVICES AGREEMENT WITH WRECO TO EXTEND THE CONTRACT TERM FOR ONE (1) YEAR.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.4 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, the Board authorized the award of contracts for **On-Call Water and Waste Water Engineering Services at the Port of Oakland, ("On-Call Water and Waste Water Services")**, with a contract thereafter executed with WRECO, with a current expiration date of October 10, 2020; and

WHEREAS, it is desirable at this time to extend the agreement for **On-Call Water and Waste Water Services** with WRECO for work on the **Sewer Pipeline Rehabilitation Project at the Ben E. Nutter Terminal ("Sewer Pipeline 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 finds that:

A. The Third Supplemental Agreement for the **On-Call Water and Waste Water Services** with WRECO 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 with WRECO.

B. It is in the best interest of the Port to authorize and approve design project budget in the amount of \$500,000 for the **Sewer Pipeline Project**.

C. In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, the proposed action is categorically exempt from CEQA pursuant to Section 15301 Existing Facilities. CEQA does not apply to 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 beyond that existing at the time of the lead agency's determination.

**SECTION 2.** The Board hereby approves the following:

A. Design project budget in the amount of \$500,000 for the **Sewer Pipeline Project**.

B. Execution of a third supplemental agreement with **WRECO** to extend the **On-Call Water and Waste Water Services** contract for one (1) year, expiring no later than October 10, 2021.

**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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and 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(s).