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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION (1) APPROVING A CONSTRUCTION BUDGET OF \$4,064,000 FOR A NOT-TO-EXCEED TOTAL PROJECT BUDGET OF \$4,584,000 AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE INTERNATIONAL ARRIVALS BUILDING CONTRACT WITH TURNER CONSTRUCTION COMPANY TO ADD CONSTRUCTION MANAGER AT RISK COSTRUCTION SERVICES FOR THE GUARANTEED MAXIMUM PRICE OF \$3,364,000 FOR THE TERMINAL 2 BOILER REPLACEMENT PROJECT AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated October 10, 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 and December 13, 2018 respectively, the Board exercised the option and authorized Turner to proceed with pre-construction services for several terminal improvement projects, including the **Terminal 2 Boiler Replacement Project ("Terminal 2 Boiler 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 project budget for construction services in the amount of \$4,064,000 for a total project budget of \$4,584,000 for the **Terminal 2 Boiler Project**.

- B. The proposed actions to approve project budget and authorize amendment of the IAB CMR Contract 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 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 the project budget for construction services in the amount of \$4,064,000 for a total project budget of \$4,584,000 for the **Terminal 2 Boiler Project**.
- B. Authorizes the Executive Director to amend the IAB CMR Contract with Turner to add Construction Manager at Risk Construction Services for the **Terminal 2 Boiler Project** for a guaranteed maximum price of \$3,364,000.

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.