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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES AGREEMENTS WITH ACC ENVIRONMENTAL, SCA ENVIRONMENTAL AND MILLENIUM CONSULTING FOR ON-CALL ASBESTOS AND LEAD PAINTING CONSULTING SERVICES, FOR \$250,000 EACH FOR A COMBINED MAXIMUM COST OF \$750,000 FOR A CONTRACT PERIOD NOT TO EXCEED THREE (3) YEARS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 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, 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 the proposed Professional Services Agreements ("Agreements") with ACC Environmental ("ACC"), SCA Environmental ("SCA"), and Millenium Consulting ("Millenium") for **On-Call Asbestos and Lead Paint Consulting Services ("On-Call Asbestos Consulting")** will each 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 ACC, SCA and Millenium.

SECTION 2. The Board hereby:

A. Authorizes award of Agreements to ACC, SCA and Millenium to provide **On-Call Asbestos Consulting**, with each Agreement having a maximum compensation of \$250,000 for a combined maximum compensation of \$750,000, and for a maximum contract term not to exceed three (3) years and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to (i) execute such Agreements, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement the Agreement(s) 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.** In accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines, it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment.

**SECTION 4.** 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.

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