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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION: (1) AUTHORIZING ADDITIONAL PROJECT BUDGET OF \$3,337,503; (2) DELEGATING AUTHORITY TO THE DIRECTOR OF ENGINEERING TO APPROVE THE PROJECT MANUAL AND PLANS; (3) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH CB2 BUILDERS, INC. IN THE AMOUNT OF \$2,803,603.13; AND (4) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN THE AMOUNT NOT TO EXCEED \$421,000 ALL CONCERNING THE JOINT TRAFFIC MANAGEMENT CENTER/EMERGENCY OPERATIONS CENTER PROJECT AND THE FREIGHT INTELLIGENT TRANSPORTATION CENTER PROGRAM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 3.1 dated October 24, 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 finds and determines that:

A. It is in the best interest of the Port to authorize and approve additional project budget in the amount of \$3,337,503 for the **Freight Intelligent Transportation Center Program ("FITS Program")**.

B. It is in the best interest of the Port to authorize the **Joint Traffic Management Center/Emergency Operations Center Project as part of the FITS Program ("TMC/EOC Project")**.

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with the **TMC/EOC Project**.

SECTION 2. The Board hereby approves the following concerning the **TMC/EOC Project**:

A. Authorize additional project budget of \$3,337,503.

B. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual.

C. Award of a contract for construction to CB2 Builders, Inc., the lowest responsible responsive bidder, in a total amount not to exceed \$2,806,603.13.

D. Rejection of all other bids received and direction that securities accompanying said bids shall be returned to the respective bidders.

SECTION 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to:

A. Finally resolve bid protests in connection with the **TMC/EOC Project** pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction of the **TMC/EOC Project** to CB2 Builders, Inc., the lowest responsible responsive bidder, in a total amount not to exceed \$2,806,603.13.

C. Execute contract change orders to the extent necessary for the **TMC/EOC Project** in an amount not to exceed \$421,000.

SECTION 4. The Board further finds that:

A. The Director of Engineering is authorized to approve the project manual and plans for the **TMC/EOC Project** in advance of construction, pursuant to Government Code Section 830.6.

B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

SECTION 5. The proposed actions were reviewed in accordance with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines.

The Board determined by Resolution 19-07 that CEQA review of implementation and maintenance of projects in the **FITS Program** was addressed in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report. The **TMC/EOC Project** does not trigger any of the conditions set forth in Section 15162 of the CEQA Guidelines, therefore, no environmental review is required.

SECTION 6. 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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