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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING CONSTRUCTION BUDGET OF \$7,185,000 AND TOTAL PROJECT BUDGET OF \$7,851,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO (1) MODIFY THE EXPENDITURE LIMIT IN THE ESTIMATED AMOUNT OF \$6,700,000 (WHICH INCLUDES A \$900,000 CHANGE ORDER CONTINGENCY) AND (2) EXTEND THE CONTRACT TERM TO JUNE 30, 2020, FOR THE SELECTED ON-CALL PAVING AND GRADING CONTRACTOR TO PERFORM THE TAXIWAY C REPAIRS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 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, in or around December 2016, pursuant to Resolution No. 16-108, the Port entered into on-call paving and grading construction contracts with Oliver DeSilva Gates Inc. dba Gallagher & Burk, Inc.; O.C. Jones & Sons, Inc.; Teichert & Son, Inc. dba Teichert Construction; and Beliveau Engineering Contractors ("On-Call Paving Contractors"), with said agreements expiring on December 31, 2019 and a combined maximum expenditure limit of \$5,300,000; and

WHEREAS, Port staff recently solicited bids from the On-Call Paving Contractors to perform **pavement repairs on Taxiway C at the Oakland International Airport ("Taxiway C Pavement Project")**, which work needs to be performed immediately to avoid disruptions to airport operations; and

WHEREAS, the **Taxiway C Pavement Project** is expected to be completed on or before June 30, 2020, for an estimated contract amount of \$6,700,000 (which includes a \$900,000 change order contingency), which is beyond the duration and maximum contract expenditure limit approved by the Board; 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 approve and authorize project construction budget of \$7,185,000 and a total project budget of \$7,851,000 for the **Taxiway C Pavement Project**.

B. These actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines ("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 and authorizes project construction budget of \$7,185,000 and a total project budget of \$7,851,000 for the **Taxiway C Pavement Project**.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute an amendment to the construction contract ("Contract") with the On-Call Paving Contractor selected to perform the **Taxiway C Pavement Project** to (1) extend the Contract to June 30, 2020 and (2) modify the expenditure limit in the estimated amount of \$6,700,000 (which includes a \$900,000 change order contingency) for the sole purpose of performing the **Taxiway C Pavement Project**, and as further described 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.