

KIM *MSR*

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING A FISCAL YEAR 2020 CAPITAL EQUIPMENT BUDGET OF UP TO \$6,481,045 TO PROCURE EQUIPMENT FOR USE BY AVIATION DIVISION AND HARBOR FACILITIES DEPARTMENT, AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCURE THE EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$6,481,045, AND DESIGNATING CERTAIN EXISTING EQUIPMENT AS SURPLUS BECAUSE IT IS EITHER INADEQUATE, OBSOLETE, OR WORN OUT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO DISPOSE OF SUCH EQUIPMENT THROUGH A VARIETY OF MEANS, INCLUDING SALE, DONATION, ABANDONMENT, SCRAPPING AND RECYCLING IN ACCORDANCE WITH PORT ORDINANCE NO. 4321.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.3 dated November 21, 2019, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

WHEREAS, 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. It is in the best interest of the Port to approve and authorize the total fiscal year 2020 capital equipment budget in a total aggregate amount not to exceed \$6,481,045 for purchase of new vehicles and equipment, specifically a replacement roller, replacement ride-on mowers, a replacement ten-yard dump truck, a replacement two-yard dump truck, a replacement water truck, a new cone truck, replacement half ton crew cabs, replacement pick-up trucks, replacement one-ton trucks, a new Ford 550 with 21' crane, a replacement four-door car, replacement pool cars, new electronic trace detection machines, replacement common use computers, firewall management upgrades, replacement boarding bridge

ticket scanners, replacement and new VMWARE servers, replacement Cisco fiber hardware, replacement visual paging computers, new visual docking guidance systems, a replacement radio dispatch system, replacement LED airfield lights, a replacement vehicle light bar, a new airfield maintenance trailer, new floor cleaning machines, replacement sweepers, replacement scrubbers, new baggage claim furniture, replacement paint shakers, a new Scorpion attenuator, a new boom lift, a new mobile column lift, a new 14' blade grader, a replacement 35' bucket truck, a replacement 70' bucket platform truck, a replacement small sweeper truck, a replacement large broom bear sweeper truck, replacement electricians trucks, replacement work trucks, a replacement survey truck, a replacement large walk-behind saw with trailer, a replacement air compressor, a spare replacement shore power transformer, and trailers for skid-mounted restrooms ("New Equipment") as further described in the Agenda Report;

B. It is in the best interest of the Port to authorize the Executive Director to waive the requirements of formal competitive bidding for procurement of New Equipment with a purchase price exceeding \$250,000 for reasons of efficiency;

C. It is in the best interest of the Port to designate and the Board hereby designates certain miscellaneous Port property, including a roller, ride-on mowers, a ten-yard dump truck, a two-yard dump truck, a water truck, half ton crew cabs, pick-up trucks, one-ton trucks, a one-ton utility truck, a four-door car, pool cars, common use computers, boarding bridge ticket scanners, servers, fiber hardware, visual paging computers, the radio dispatch system, airfield lights, a vehicle light bar, sweepers, scrubbers, baggage claim furniture, paint shakers, a 35' bucket truck, a 70' bucket platform truck, a small sweeper truck, a large sweeper truck, electricians trucks, work trucks, a survey truck, a large walk-behind saw with trailer, and an air compressor, all as further described in the Agenda Report (collectively, "Surplus Property"), as inadequate, obsolete or worn-out within the meaning of Port Ordinance No. 4321, and Sections 5.13(a) of the Port's Bond Indentures.

SECTION 2. The Board hereby approves the following:

A. Authorizing the total fiscal year 2020 capital equipment budget for purchase of New Equipment in a total aggregate amount not to exceed \$6,481,045.

B. Authorizing the sale, donation, and/or disposition of Surplus Property.

C. Authorizing the Executive Director to dispose of Surplus Property through a variety of means, including sale, donation, scrapping, recycling, and abandonment in compliance with Port Ordinance No. 4321, as more fully described in the Agenda Report.

D. Authorizing the Executive Director to execute all appropriate documents necessary to transfer ownership of property subject to the conditions stipulated, as more fully described in the Agenda Report.

E. Authorizing the Executive Director to procure the New Equipment at a total cost not to exceed \$6,481,045, provided, however, that the contract(s) for said procurement shall be approved as to form and legality by the Port Attorney.

SECTION 3. The proposed actions to approve a capital equipment budget, procure New Equipment thereunder, and designate and dispose of certain equipment as surplus were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA guidelines. The CEQA Guidelines Section 15378(b)(2) states that "(c)ontinuing administrative or maintenance activities, such as purchases for supplies" is not considered a project under CEQA. Because the proposed actions involve purchasing equipment for maintenance activities, Section 15378(b)(2) applies, and the proposed actions are not subject to CEQA.

FURTHER RESOLVED, that 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 disposition and execution of any necessary agreements in accordance with the terms of this resolution. Unless and until each such separate agreement 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 the other contracting party, there shall be no valid or effective agreement; and be it

FURTHER RESOLVED, 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.