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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING A SECOND SUPPLEMENTAL AGREEMENT WITH EOA, INC TO PROVIDE ON-CALL ENVIRONMENTAL CONSULTING SERVICES FOR STORM WATER COMPLIANCE TO SUPPORT THE PORT OF OAKLAND'S CLEAN WATER PROGRAM TO INCREASE THE CONTRACT AMOUNT BY AN ADDITIONAL \$98,500 AND TO EXTEND THE TERM FOR AN ADDITIONAL ONE (1) YEAR PERIOD THROUGH DECEMBER 31, 2020.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.3 dated December 12, 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, by Resolution No. 6098, adopted by the Board of Port Commissioners ("Board") on April 18, 2006, the Board authorized execution of an agreement with EOA, Inc. ("EOA"), to provide on-call environmental consulting services for storm water program compliance, with a current expiration date of December 31, 2019, and a current maximum contract expenditure limit of \$201,062.83 ("Agreement"); and

WHEREAS, it is desirable at this time to extend the term of the Agreement for one (1) year through December 31, 2020, and to increase the maximum expenditure limit by \$98,500 to allow EOA to assist the Port with compliance with State Water Board Trash Provisions and other programs; 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 agreement with EOA, as supplemented, will 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 continue to secure such services from EOA.

**SECTION 2.** The Board hereby:

A. Approves a Second Supplemental Agreement with **EOA** to provide on-call environmental consulting services for stormwater program compliance to support the Port's Clean Water Program, for an additional period of one (1) year for a total term through December 31, 2020, and for an additional expenditure amount of \$98,500 for a total maximum expenditure limit of \$299,562.83, as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute such Second Supplemental Agreement, subject to approval as to form and legality by the Port Attorney.

**SECTION 3.** The proposed actions were reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. 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. It can be seen with certainty that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore this action is not subject to CEQA and no further environmental review is required. Projects identified for future implementation may be subject to environmental review when they are proposed for implementation.

**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.