

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A CHANGE ORDER WITH SILMAN
INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$64,028 FOR
THE 31 WEBSTER STREET SIDING REPLACEMENT PROJECT.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.2 dated February 13, 2020 ("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, on November 19, 2019, under the Executive Director of the Port's ("Executive Director") authority, the Port entered into a contract with **Silman Industries ("Silman")** for the **31 Webster Street Siding Replacement Project ("31 Webster Siding Project")** in an amount not to exceed \$248,851.14; 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 action to approve and authorize a change order was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The proposed actions are categorically exempt from CEQA Guidelines pursuant to Section 15301, Existing Facilities, which exempts the repair, maintenance and minor alteration of existing structures or facilities that involve negligible or no expansion of existing or former use. No significant changes to the premises or use are proposed, only exterior refurbishment and repairs.

SECTION 2. The Board hereby approves and authorizes the Executive Director to execute a change order with **Silman** in an amount not to exceed \$64,028 for the **31 Webster Siding Project**.

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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

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