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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO ENTER INTO
SUPPLEMENTAL AGREEMENTS WITH RAY A. MORGAN
COMPANY FOR MANAGED PRINT SERVICES AND
EQUIPMENT LEASE FOR THREE YEARS IN THE
AMOUNT NOT TO EXCEED \$362,250 AND TO WAIVE
FORMAL COMPETITIVE PROCUREMENT PROCEDURES.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated May 14, 2020, 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; 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 in testimony received, the Board finds and determines that

- A. It is in the best interest of the Port to waive formal competitive procurement procedures, for the reasons set forth in the Agenda Report; and
- B. The requested action is not subject to the California Environmental Quality Act ("CEQA") because it is not a "project" as defined in Section 15378 of the CEQA Guidelines because the proposed action has no potential for a direct or indirect physical change to the environment.

Section 2. The Board hereby approves and authorizes the Executive Director to: (a) enter into supplemental agreements with **Ray A. Morgan Company** for managed print services and equipment lease for a period of three years for a total cost not to exceed \$362,250, as further described in the Agenda Report; and (b) execute or amend any other documents necessary to implement the approvals described in this resolution, provided that all agreements are approved as to form and legality by the Port Attorney.

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.

Section 4. This resolution shall be effective immediately upon adoption by the Board.

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