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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WSP, INC. TO PROVIDE ASSESSEMENT AND PRELIMINARY DESIGN SERVICES FOR THE REPLACEMENT OF SUBSTATIONS SS-1 AND SS-2 AND THE REHABILITATION OF PORTIONS OF THE ELECTRICAL DISTRIBUTION NETWORK INFRASTRUCTURE AT THE OAKLAND INTERNATIONAL AIRPORT FOR A CONTRACT AMOUNT NOT TO EXCEED \$1,160,000.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2 dated September 24, 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**, 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. The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). This project is categorically exempt from the CEQA Guidelines pursuant to Section 15302, Replacement or Reconstruction. Section 15302 exempts from CEQA the replacement or reconstruction of existing structures and facilities 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.

B. The proposed professional services agreement ("Agreement") with WSP, Inc. ("WSP") to provide assessment and preliminary design services for the replacement of Substations SS-1 and SS-2 and the rehabilitation of portion of the electrical distribution network infrastructure at the Oakland International Airport (collectively, "Substation and Network Infrastructure Work") 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 secure such services from WSP.

**SECTION 2.** The Board hereby approves and authorizes the Executive Director of the Port ("Executive Director") to execute the Agreement with WSP for the Substation and Network Infrastructure Work, for a total maximum contract amount not to exceed \$1,160,000 and subject to additional material terms and conditions as further described in the Agenda Report. The Agreement is subject to approval as to form and legality by the Port Attorney. The Executive Director is authorized to make such additions, modifications, or corrections to the Agreement as necessary to implement the Agreement and any amendments to the Agreement or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report; provided any such written additions, modifications, or corrections are approved 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. 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.