

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

9/24/2020
Item No.: 6.3
MCR/msr

MA

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) ENTER INTO A CONTRACT WITH VALENTINE CORPORATION, IN AN AMOUNT OF \$1,529,369; (2) EXECUTE CONTRACT CHANGE ORDERS TO THE EXTENT NECESSARY IN THE AMOUNT NOT TO EXCEED \$306,000; AND (3) EXECUTE A SUPPLEMENTAL AGREEMENT WITH SCHAAF & WHEELER TO EXTEND THE CONTRACT TERM FOR DESIGN SUPPORT SERVICES DURING CONSTRUCTION, ALL CONCERNING THE LIFT STATIONS AP12E AND AP15E REHABILITATION PROJECT AT THE OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 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, by Resolution No. 16-85, adopted by the Board in 2016, the Board authorized execution of a professional services agreement with Schaaf & Wheeler ("Schaaf") for on-call water and wastewater engineering services ("Agreement"); and

WHEREAS, by Resolution No. 18-33, adopted by the Board in 2018, the Board authorized budget for both design and design support during construction for the **Lift Stations AP12E and AP15E Rehabilitation Project at the Oakland International Airport ("Lift Stations Project")**, with subject design services performed by Schaaf pursuant to the Agreement; 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 finds and determines that:

A. The proposed actions were 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. It is in the best interest of the Port to authorize the **Lift Stations Project**.

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

D. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to delegate to the Executive Director the authority to finally resolve all bid protests in connection with the **Lift Stations Project**.

E. The Agreement with **Schaaf**, as supplemented, constitutes 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 **Schaaf**.

SECTION 2. The Board hereby approves the following concerning the **Lift Stations Project**:

A. Award of a contract for construction to Valentine Corporation, the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$1,529,369.

B. Rejection of all other bids received and direction that securities accompanying said bids shall be returned to the respective bidders.

C. Approval of a Supplemental Agreement with **Schaaf** for design support services during construction to extend the term of the Agreement to December 31, 2021.

SECTION 3. The Board hereby authorizes the Executive Director to do the following concerning the **Lift Stations Project**:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into a contract for construction with Valentine Corporation, the lowest responsible responsive bidder, in a total aggregate amount not to exceed \$1,529,369.

C. Execute contract change orders to the extent necessary in an amount not to exceed \$306,000.

D. Execute a Supplemental Agreement ("Supplemental Agreement") with **Schaaf** to provide for design support services during construction for a term extended to December 31, 2021, upon terms and conditions consistent with the Agenda Report, subject to approval as to form and legality by the Port Attorney, and make such additions, modifications, or corrections as necessary to implement the Supplemental Agreement and amendments thereto 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.

SECTION 4. The Board further finds that:

A. The Chief Engineer is authorized to approve the project manual and plans for the **Lift Stations Project** in advance of construction, pursuant to Government Code Section 830.6.

B. A bond for the faithful performance of the work, and a bond to guarantee the payment of all claims for labor and materials furnished and for amounts due under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

SECTION 5. 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.

SECTION 6. This resolution shall be effective immediately upon adoption by the Board.