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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH VAN SCOYOC ASSOCIATES, INC. TO PROVIDE FEDERAL GOVERNMENT ADVOCACY AND CONSULTING SERVICES FOR TWO (2) YEARS, WITH TWO (2) ADDITIONAL ONE-YEAR EXTENSIONS, FOR A TOTAL AMOUNT NOT TO EXCEED \$610,000 (\$12,500 PER MONTH) PLUS \$2,500 PER YEAR IN INCIDENTAL AND PRE-APPROVED EXPENSES.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.4 dated October 8, 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 makes the following findings and determinations:

A. The requested action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") Guidelines. CEQA only requires analysis of activities that are defined as a "project." Organizational and administrative activities of governments that will not result in direct or indirect changes in the environment are not considered a project pursuant to Section 15378(b) of the CEQA Guidelines, and, therefore, this action is not subject to CEQA and no further environmental review is required.

B. The proposed professional services agreement ("Agreement") with **Van Scoyoc Associates, Inc.** will constitute an agreement for obtaining professional, technical, and specialized services that are temporary in nature and it is in the best interest of the Port to secure such services from **Van Scoyoc Associates, Inc.** through execution of the Agreement.

**SECTION 2.** The Board hereby:

A. Approves and authorizes the Executive Director of the Port ("Executive Director") to execute an Agreement with **Van Scoyoc Associates, Inc.** to provide federal government advocacy and consulting services in support of federal Port priorities, at a rate of \$12,500 per month in addition to \$2,500 per year in incidental and pre-approved expenses for a total amount not to exceed \$610,000, for an initial term of two (2) year with two (2) 1-year extensions as permitted at the discretion of the Executive Director, and as further described in and subject to additional material terms and conditions set forth in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such Agreement described herein and in the Agenda Report, subject to approval of all documents as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement 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.

**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.

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