



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH ABC SECURITY SERVICES, INC. TO (1) EXTEND THE TERM OF THE AGREEMENT FOR ONE YEAR EXPIRING JUNE 30, 2022, AND (2) INCREASE THE TOTAL MAXIMUM COMPENSATION BY \$280,000 THROUGH JUNE 30, 2022, FOR A MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$1,500,000 FOR SECURITY SERVICES AT MIDDLE HARBOR SHORELINE AND PORT VIEW PARKS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.5, dated May 13, 2021 ("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, in December 2014 following a competitive selection process, the Board authorized execution of an agreement with **ABC Security Services, Inc. ("ABC")** for an amount not to exceed \$600,000, for unarmed security services at Middle Harbor Shoreline Park ("MHSP") with an expiration date of August 3, 2019 ("Agreement"); and

WHEREAS, pursuant to Board approval, the Agreement has been amended and currently has an expiration date of June 30, 2021, and a maximum compensation amount of \$1,220,000; 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 extension of the Agreement with **ABC** has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The general rule in Section 15061(b)(3) of the Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that the proposed amendment of the Agreement may have a significant effect on the environment, the action is not a "Project" under CEQA, and is not subject to CEQA under the General Rule Exclusion. No further review of this action under CEQA is required.

B. The proposed extension of the Agreement with **ABC** involves an agreement for services of a professional, technical nature that are temporary in nature and will not result in the loss of employment or salary by any person having permanent status in the competitive service, and that is in the best interest of the Port to continue to secure such services from **ABC**.

SECTION 2. The Board hereby:

A. Approves a Supplemental Agreement with **ABC** to (1) extend the Agreement with a term ending no later than June 30, 2022, and (2) increase the maximum compensation by \$280,000 for a total maximum compensation not to exceed \$1,500,000.

B. Authorizes the Executive Director to (i) execute such Supplemental Agreement described herein, 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, as amended by the Supplemental 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 and 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 Port. 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.