



## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$425,000 WITH VALENTINE CORPORATION TO REPLACE THREE PUMPS AND APPROVING A TOTAL PROJECT BUDGET IN AN AMOUNT NOT TO EXCEED \$3,383,000, CONCERNING THE CONSTRUCTION OF LIFT STATION 2 IMPROVEMENTS CONTRACT AT OAKLAND INTERNATIONAL AIRPORT.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1 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**, on December 12, 2019, the Board authorized execution of a construction contract ("**Construction Contract**") with **Valentine Corporation ("Valentine")** for the construction of **Lift Station 2 Improvements at Oakland International Airport ("Lift Station Project")**. The Board further authorized contract change authority as needed in an amount not to exceed \$253,631; and

**WHEREAS**, on November 5, 2020, the Board authorized a contract change order authority increase of \$75,000, for a total contract change order authority of \$328,631; 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 the proposed actions was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines ("Guidelines"). The **Lift Station Project** is categorically exempt from CEQA pursuant to Section 15302, Replacement or Reconstruction, which exempts from CEQA the replacement or construction 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.

**SECTION 2.** The Board hereby:

A. Approves a total project budget for the **Lift Station Project** in an amount not to exceed \$3,383,000.

B. Authorizes the Executive Director of the Port ("Executive Director") or his designee to execute a contract change order ("**Change Order**") in an amount not-to-exceed \$425,000 with **Valentine** to replace three pumps associated with the **Lift Station Project**, subject to approval as to form and legality by the Port Attorney.

C. Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the **Change Order** 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 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.