



## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND THE EXISTING CONTRACT WITH TURNER CONSTRUCTION COMPANY, INC. TO ADD PRIME CONTRACTOR SERVICES TO REPLACE THE TERMINAL 2 ROOF DRAINAGE SYSTEM AT OAKLAND INTERNATIONAL AIRPORT FOR A GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$1,433,000.**

**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report Item 6.4 dated September 30, 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 or about February 11, 2016, the Board authorized the Executive Director of the Port ("Executive Director") to enter into a contract with Turner Construction Company, Inc. ("Turner") for construction manager at risk services for upgrades to the International Arrivals Building at Oakland International Airport ("Turner Contract"); and

**WHEREAS**, the Turner Contract includes an option that the Port can exercise allowing Turner to serve as designer, manager, and/or contractor for terminal-related projects as identified by the Port; 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 action to amend the Turner Contract was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the CEQA Guidelines. The proposed action is categorically exempt from CEQA Guidelines pursuant to Section 15302, Replacement and Reconstruction which 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.

**SECTION 2.** The Board hereby approves and authorizes the Executive Director of the Port ("Executive Director") to:

- A. Amend the Turner Contract to add Construction Manager at Risk Construction Services ("Amendment") to construct the Building M-130 Roof Drain Replacement for a guaranteed maximum price not to exceed \$1,433,000; and
- B. Make any additions, modifications, or corrections necessary to issue the Amendment or to correct errors, subject to the limitations set forth herein provided that any 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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

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