

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/14/2021
Item No.: 6.3(1)
MCR/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CONTRACTS FOR ON-CALL GENERAL BUILDING CONTRACTOR SERVICES WITH A-1 MODULAR; FISHER DEVELOPMENT, INC.; SILMAN VENTURE CORPORATION DBA SILMAN INDUSTRIES; AND ANGOTTI & REILLY, INC. IN AN AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR THE PERIOD COMMENCING NOVEMBER 1, 2021, AND ENDING OCTOBER 31, 2022, 2023, OR 2024.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3, dated October 14, 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, 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 action to approve contracts for on-call general building contractor services for the Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that authorizing this contract will result in a physical change in the environment, and therefore, this action is not subject to CEQA. No further environmental review is required for this action. Projects identified for future implementation would be subject to environmental review when proposed for implementation.

B. 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.

Section 2. The Board hereby approves the following:

A. Award of four (4) contracts for **On-Call General Building Contractor Services at the Port of Oakland For the Period Commencing November 1, 2021, and Ending October 31, 2022, 2023, or 2024, Oakland, California** ("**On-Call General Building Contracts**") to A-1 Modular, Inc. ("A-1"); Fisher Development, Inc. ("Fisher"); SilMan Venture Corporation dba SilMan Industries ("SilMan"); and Angotti & Reilly, Inc. ("A&R"), for a maximum period of three (3) years, renewable in one-year increments, in a total combined amount not to exceed \$5,000,000.00 for the three (3) year term of the contracts.

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

Section 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to do the following:

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

B. Enter into four (4) **On-Call General Building Contracts** with A-1, Fisher, SilMan, and A&R, in a total combined amount not to exceed \$5,000,000 and each for a term commencing November 1, 2021, and ending October 31, 2022, 2023, or 2024.

Section 4. The Board further finds that:

A. The Chief Engineer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the **On-Call General Building Contracts** 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 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 the other contracting party, there shall be no valid or effective agreement.

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

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