

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

1/30/2025
Item No.: 6.2
RS/pcm

MR

RESOLUTION APPROVING A NEW CAPITAL PROJECT FOR THE REPLACEMENT OF TWO CRANE SPREADERS AT THE TRAPAC TERMINAL, INCLUDING A BUDGET OF \$496,100 ACROSS FISCAL YEARS (FY) 2025 AND 2026; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A COST REIMBURSEMENT AGREEMENT WITH TRAPAC, LLC FOR REPLACEMENT CRANE SPREADERS AT THE TRAPAC TERMINAL IN AN AMOUNT NOT TO EXCEED \$446,000; DESIGNATING EXISTING CRANE SPREADER EQUIPMENT AS SURPLUS BECAUSE IT IS UNSUITABLE FOR PORT USE AND IS EITHER INADEQUATE, OBSOLETE OR WORN-OUT AND APPROVE TO SELL, DONATE, OR DISPOSE OF SUCH PROPERTY IN ACCORDANCE WITH PORT OF OAKLAND ADMINISTRATIVE CODE SECTION 5.12.160; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated January 30, 2025, and related agenda materials ("Agenda Report"), 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 testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15302 of the CEQA Guidelines because the proposed structure(s) will have substantially the same purpose and capacity as the existing structure(s) on the property.

Section 2. The Board hereby approves a new capital project for the replacement of two crane spreaders at the Trapac Terminal, including a budget of \$496,100 across fiscal years (FY) 2025 and 2026, and authorizes the Executive Director to make any additions, modifications, or corrections necessary to include this new capital project in the budget.

Section 3. The Board hereby approves and authorizes the Executive Director to:

- A. Execute a cost reimbursement agreement with TraPac, LLC in an amount not to exceed \$446,000 for the replacement of crane spreaders (for two Port-owned cranes), as further described in the Agenda Report, for a 12-month term through January 30, 2026, subject to a six-month extension by mutual agreement by the parties, under which the Port will reimburse TraPac for the cost of the spreaders in three installments, with the first being upon order placement and the last payment upon TraPac's completion of the installation; and
- B. Make any additions, modifications, or corrections necessary to execute the requested agreement 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; and
- C. Designate existing crane spreader equipment as surplus, if the aggregate value of said equipment exceeds \$50,000, because it is unsuitable for Port use as it is either inadequate, obsolete, or worn-out and approve to sell, donate, or dispose of such property in accordance with Port of Oakland Administrative Code Section 5.12.160, as the Port will manage the disposal of the two obsolete spreaders within 30 days of installation of new spreaders under the cost reimbursement agreement.

Section 4. 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 5. This resolution shall be effective immediately upon adoption by the Board.