

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

10/10/2024  
Item No.: 6.3  
ERR/pcm

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**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) WAIVE FORMAL COMPETITIVE PROCUREMENT PROCEDURES; (2) SOLICIT DESIGN-BUILD SERVICES FOR THE SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT SUBSTATION SS-1 REPLACEMENT PROJECT AND THE SUBSTATION SS-EV1 CONSTRUCTION PROJECT USING COMPETITIVE DESIGN-BUILD PROCUREMENT PROCEDURES; AND (3) RESOLVE ANY PROTESTS RESULTING FROM THE PROCESS.**

**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated Agenda Report Item 6.3, dated October 10, 2024, 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**, the Port desires to deliver the San Francisco Bay Oakland International Airport Substation SS-1 Replacement Project and the Substation SS-EV1 Construction Project (collectively, the "Projects") using design-build project delivery and solicit proposals for design-build services through an open and competitive best value selection, which considers cost, project approach, experience and qualifications, and small and local business utilization, as further described in the Agenda Report ("Competitive Design-Build Procurement Procedures"); and

**WHEREAS**, Port of Oakland Administrative Code ("POAC") Section 5.12.070.B authorizes the Board to waive formal competitive procurement procedures and adopt an alternative competitive procurement procedure for the Projects if it "is in the best interests of the Port considering the complexity, value, and timeline as well as other factors;" and

**WHEREAS**, 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.** The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

**Section 2.** The Board has considered the complexity, value, timeline, and other factors relating the Projects and hereby finds and determines it is in the Port's best interests to waive formal competitive procurement procedures under POAC Chapter 5.12 and adopt Competitive Design-Build Procurement Procedures for the Projects.

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

A. Waive formal competitive procurement procedures under POAC Chapter 5.12 and solicit proposals for design-build services for the Projects using Competitive Design-Build Procurement Procedures.

B. Finally resolve protests resulting from the process pursuant to POAC Chapter 5.12.

**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.

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

DRAFT