

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

7/24/25
Item No.: 6.5
CLF/pcm



**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO AWARD AND EXECUTE CONTRACTS WITH NIBBI
BROS. ASSOCIATES, INC., SILMAN VENTURE CORP DBA
SILMAN INDUSTRIES, AND SUFFOLK CONSTRUCTION
COMPANY, INC. FOR ON-CALL BUILDING RELATED
CONSTRUCTION IN AN AGGREGATE AMOUNT NOT TO EXCEED
\$24,000,000 COMMENCING SEPTEMBER 1, 2025 AND
ENDING AUGUST 31, 2026, 2027, OR 2028 AND RESOLVE
BID PROTESTS IN ACCORDANCE WITH CHAPTER 5.12 OF
THE PORT OF OAKLAND'S ADMINISTRATIVE CODE AND
FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.5, dated July 24, 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 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 the proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. The action was found to be exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the action may have a significant impact on the environment.

Section 2. The Board hereby approves the award of contracts to: Nibbi Bros. Associates, Inc., SilMan Venture Corp DBA SilMan Industries, and Suffolk Construction Company, Inc. for on-call building related construction in an aggregate amount not to exceed \$24,000,000 commencing September 1, 2025 and ending August 31, 2026, 2027, or 2028, as further described in the Agenda Report (collectively, "On-Call Contracts").

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

A. Finally resolve bid protests pursuant to Chapter 5.12 of the Port of Oakland Administrative Code.

B. Execute on behalf of the Board the On-Call Contracts on the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

C. Make such additions, modifications, or corrections as necessary to issue the Contract 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 and is approved as to form and legality by the Port Attorney.

Section 4. The Board further finds that:

A. The Director of Engineering, the Chief Engineer, and the Principal Engineer are each authorized to approve the project manual and plans for each instance of work performed under the On-Call 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, each in the amount of one hundred percent (100%) of the contract price shall be provided as prescribed by applicable laws and regulations and the contract specifications.

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. This resolution approves and authorizes the execution of agreements in accordance with the terms of this resolution. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this resolution, signed as approved as to form and legality by the Port Attorney, and delivered to the other contracting party, there shall be no valid or effective agreements.

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