



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD AND EXECUTE AN AGREEMENT WITH SPHEROS ENVIRONMENTAL GROUP PARENT INC. ("SPHEROS") TO IMPLEMENT A CLEAN PORTS AIR QUALITY MONITORING PROGRAM FOR AN AMOUNT NOT-TO-EXCEED \$2,145,868 FOR A FOUR-YEAR TERM WITH A ONE-YEAR EXTENSION OPTION, BUT IF NEGOTIATIONS WITH SPHEROS ARE UNSUCCESSFUL, AWARD AND EXECUTE AN AGREEMENT WITH THE NEXT HIGHEST RATED FIRM FOR AN AMOUNT NOT-TO-EXCEED \$2,145,868; 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. 6.3, dated July 23, 2026, 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. The Board finds and determines that:

A. The proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15306 of the CEQA Guidelines because the proposed action is for basic data collection and information gathering that will not result in a serious or major disturbance to an environmental resource; and

B. The proposed action is for obtaining professional, scientific, or technical services that are temporary in nature, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Award and Execute an agreement with **Spheros Environmental Group Parent Inc. ("Spheros")** to implement a Clean Ports Air Quality Monitoring Program for a total amount not-to-exceed \$2,145,868 for a four-year term with a one-year extension option, but if negotiations with **Spheros** are unsuccessful, award and execute an agreement with the next highest rated firm for an amount not-to-exceed \$2,145,868, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Enter into any agreements or make any additions, modifications, or corrections necessary to implement the proposed action 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.