

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/08/2023
Item No.: 2.5
ERR/pcm

HEP

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO: (1) DISPENSE WITH
STANDARD BIDDING PROCEDURES, 2) ISSUE A REQUEST
FOR PROPOSALS TO SOLICIT PROPOSALS FROM
INTERESTED PRIME BUILDER ENTITIES FOR DESIGN
BUILDER SERVICES FOR MOBILE SHORE POWER OUTLET
SYSTEM AT BERTHS 55 AND 59, 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 2.5, dated June 8, 2023, 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, 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, the Board hereby finds and determines that:

A. 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.

B. It is in the best interest of the Port to dispense with standard bidding procedures and solicit proposals from interested prime builder entities with an open and competitive "best value" selection for design builder services for the mobile shore power outlet system at Berths 55 and 59 ("Project").

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

A. Dispense with the standard bidding procedures under Ordinance No. 4576, issue a request for proposals, and solicit proposals from interested prime builder entities through an open and competitive "best value" selection for the Project so that the Port can consider, in addition to price, project approach, the qualifications and experience of the entity, and the entity's contractor procurement/implementation plan to maximize local and small business participation, as further set forth in the Agenda Report.

B. Finally resolve protests resulting from the process pursuant to the Port Purchasing Ordinance.

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.

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

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