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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO AWARD AND EXECUTE A CONTRACT WITH ANCON MARINE DBA ANCON SERVICES, INC. FOR PERFORMING EMERGENCY SPILL RESPONSE OR EMERGENCY REPAIRS IN A HAZARDOUS ENVIRONMENT FOR PORT OF OAKLAND FACILITIES FOR THE PERIOD COMMENCING APRIL 1, 2026 AND ENDING MARCH 31, 2027, 2028, OR 2029 IN AN AMOUNT NOT TO EXCEED \$450,000, 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. 2.5, dated January 22, 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 not subject to the California Environmental Quality Act ("CEQA") under the general rule of exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore the action is not subject to CEQA.

B. The proposed action is for the performance of general services by contract that are in the public interest because of economy or better performance 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. Enter into an agreement with Ancon Marine dba Ancon Services, Inc. for performing emergency spill response or emergency repairs in a hazardous environment for Port facilities for a period commencing April 1, 2026 and ending March 31, 2027, 2028, or 2029 in an amount not to exceed \$450,000, 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. The Board further finds that:

A. The Director of Engineering, Principal Engineer, and Director of Environmental Programs and Planning are each authorized to approve the project manual and plans for each instance of work performed under the Contract 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 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.