



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION APPROVING CONSENT TO  
ASSIGNMENT OF CONTRACT AND RIGHTS FROM  
GOLDEN GATE PETROLEUM TO DIESEL DIRECT  
WEST INCORPORATED.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.1 dated February 28, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

**WHEREAS**, in March of 2016, the Port entered into a contract with Golden Gate Petroleum to deliver diesel fuel to the Port facilities ("Fuel Delivery Contract");

**WHEREAS**, in December of 2018, Golden Gate Petroleum sold the delivery portion of their business to Diesel Direct Incorporated ("Diesel Direct"), and Diesel Direct has assumed the contract for diesel delivery to the Port; 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; and

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

- A. Consents to the assignment of the Fuel Delivery Contract from Golden Gate Petroleum to Diesel Direct;
- B. Authorizes the Executive Director to execute the appropriate documentation for the transaction, subject to approval as to form and legality by the Port Attorney.

**SECTION 2.** The proposed action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. The proposed action is categorically exempt from the renewals, extensions or amendments to agreements where the licensed activity was previously licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

**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 Board. Unless and until a separate written agreement 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 agreement.

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