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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO ENTER INTO AN
AGREEMENT WITH WESTERN STATES OIL
INTERNATIONAL TO PROCURE UNLEADED AND
RENEWABLE DIESEL FUEL IN AN AMOUNT NOT TO
EXCEED \$450,000 ANNUALLY AND FOR A TERM
ENDING NO LATER THAN JUNE 30, 2023.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated December 12, 2019 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 in testimony received, the Board finds and determines that:

A. The requested action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. The requested action is categorically exempt from CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines, which exempts from CEQA the operation of existing structures and facilities that involves negligible or no expansion of existing or former use.

B. The Port's use of the competitive procurement conducted by the City of Oakland ("City") and approved by the City Council in May of 2018 and the resulting cooperative purchasing agreement with **Western States Oil International ("Western Oil")** for unleaded and renewable diesel fuel complies with the Port's Purchasing Ordinance No. 4321.

Section 2. The Board hereby approves and authorizes the Executive Director of the Port ("Executive Director") to enter into an agreement with **Western Oil** to procure unleaded and renewable diesel bulk rate fuel base deliveries of up to 1,000 gallons, 1,000-4,000 gallons and over 4,000 gallons for an initial term expiring on June 30, 2021, with an option to extend by the Port for up to two (2) additional one-year periods for a maximum term ending no later than June 30, 2023, and for an annual amount not to exceed \$450,000, as further described in the Agenda Report and provided that all agreements 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 Board. 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.