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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION: (1) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH BOCKMON & WOODY ELECTRIC, CO., INC. IN AN AMOUNT NOT TO EXCEED \$972,000; AND (2) AUTHORIZING THE EXECUTIVE DIRECTOR TO DISPENSE WITH STANDARD BIDDING PROCEDURES AND AWARD A PROCUREMENT CONTRACT WITH TRANSPORTATION POWER, INC. FOR 10 CHARGING STATIONS IN AN AMOUNT NOT TO EXCEED \$200,000, FOR THE ELECTRIC TRUCK CHARGING STATIONS (ZERO AND NEAR-ZERO EMISSIONS FREIGHT FACILITIES GRANT) PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3 dated January 23, 2020 ("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; 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 testimony received, the Board finds and determines that:

A. Pursuant to the Port Purchasing Ordinance, it is in the best interest of the Port to waive formal competitive procurement requirements for the procurement of ten (10) electric truck charging units ("charging units") at the Shippers Transport Express facility ("Shippers Facility") as part of the Zero and Near-Zero Emissions Freight Facilities ("Zanzeff") Project as these charging units can only be obtained from one source, **Transportation Power, Inc.**, and to contract directly with **Transportation Power, Inc.** for these charging units.

B. It is in the best interest of the Port to authorize the installation of the charging units at the Shippers Facility as part of the Zanzeff Project ("Charging Units Project").

C. The development and use provided for in the project manual and the subsequent use of the development approved by this resolution are in conformity with the General Plan of the City of Oakland.

**SECTION 2.** The Board hereby approves the following concerning the **Charging Units Project**.

A. Delegation of authority to the Director of Engineering to approve the Plans and Project Manual.

B. Award of a contract for the **Charging Units Project** to **Bockmon & Woody Electric Co., Inc.**, the lowest responsible responsive bidder, in a total amount not to exceed \$972,000 ("Contract").

C. Rejection of all other bids received and direction that securities accompanying said bids shall be returned to the respective bidders.

D. Approval of an agreement with **Transportation Power, Inc.** for procurement of the charging units for an amount not to exceed \$200,000 ("Agreement").

**SECTION 3.** The Board hereby authorizes the Executive Director of the Port ("Executive Director") to:

A. Finally resolve bid protests in connection with the **Charging Units Project** pursuant to the Port Purchasing Ordinance.

B. Enter into a Contract for the **Charging Units Project** to **Bockmon & Woody Electric Co., Inc.**, the lowest responsible responsive bidder, in a total amount not to exceed \$972,000.

C. Execute contract change orders to the extent necessary for the **Charging Units Project** in an amount not to exceed \$195,800.

D. Execute an agreement with **Transportation Power, Inc.** for procurement of the charging units for an amount not to exceed \$200,000.

E. Execute such Agreement and Contract, subject to approval as to form and legality by the Port Attorney, and make such additions, modifications, or corrections as necessary to implement the Agreement, the Contract, and amendments thereto or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report.

**SECTION 4.** The proposed actions were reviewed in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. On June 14, 2018, the Board determined that project activities are covered in the Oakland Army Base Redevelopment Project Environmental Impact Report. No changes have been proposed to the

project that would require supplemental environmental review per Section 15162 of the CEQA Guidelines. No further environmental review is required.

**SECTION 5.** 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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