

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

4/22/2021
Item No. 2.4
MCR/msr



**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO AWARD A CONTRACT FOR
PERFORMING EMERGENCY SPILL RESPONSE OR
EMERGENCY REPAIRS IN A HAZARDOUS
ENVIRONMENT TO PATRIOT ENVIRONMENTAL
SERVICES FOR \$450,000 FOR THE PERIOD
COMMENCING JULY 1, 2021, AND ENDING JUNE
30, 2022, 2023, OR 2024.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.4 dated April 22, 2021 ("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. The proposed action to award a contract for emergency spill response services at the Port was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and CEQA Guidelines. This action is statutorily exempt from CEQA per Section 15269(b) of the CEQA Guidelines, which exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare, as well as categorically exempt under Section 15330 of the CEQA Guidelines, which exempts minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.

B. 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:

A. Award of an on-call contract to perform emergency spill response or emergency repairs in a hazardous environment ("Emergency Spill Response Contract") to Patriot Environmental Services ("Patriot"), the lowest responsible responsive bidder, in a total amount not to exceed \$450,000 for a term commencing July 1, 2021, and ending June 30, 2022, 2023, or 2024.

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

Section 3. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to do the following:

A. Finally resolve bid protests pursuant to the Port Purchasing Ordinance.

B. Enter into the Emergency Spill Response Contract with Patriot, the lowest responsible responsive bidder, in a total amount not to exceed \$450,000 for a term commencing July 1, 2021, and ending June 30, 2022, 2023, or 2024.

Section 4. The Board further finds that:

A. The Chief Engineer or Principal Engineer of the Port is authorized to approve the project manual and plans for each instance of work performed under the Emergency Spill Response 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 under the Unemployment Insurance Code, each in the amount of one hundred percent (100%) of the contract price shall be provided by the contractor as prescribed by applicable laws and regulations and the contract specifications.

C. The procedure prescribed by applicable laws, regulations and the contract specifications shall be taken for the execution of said contract.

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 Port. 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.

Section 6. This resolution shall be effective immediately upon adoption by the Board.