



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 JUN 30 AM 11:42


AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: Citywide Preventive Maintenance
Resurfacing

DATE: June 1, 2016

City Administrator Approval  Date: 6/28/16

RECOMMENDATION

Staff Recommends That City Council Adopt The Following Resolutions:

- 1. Resolution Rejecting All Bids, Waiving Further Advertising And Bidding Requirements, And Authorizing The City Administrator Or Designee To Negotiate And Execute A Construction Contract With Gallagher & Burk, Inc., In Accordance With Plans And Specifications For The Construction Of Citywide Preventive Maintenance Resurfacing (Project No. C427720) In The Amount Of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars And Seventy Cents (\$3,950,723.70)**
- 2. Resolution Allocating Measure BB Local Streets And Roads And Bike Fund (2216) Funds In The Amount Of Eight Hundred Fifty-Three Thousand Dollars (\$853,000.00) For The Paving Of Martin Luther King, Jr. Way From 27th Street To West MacArthur Boulevard**
- 3. Resolution Authorizing The Removal Of Travel Lanes And The Installation Of Class II Bicycle Lanes On Clay Street From 7th Street To 17th Street**

EXECUTIVE SUMMARY

Adoption of the three resolutions will allow the City Administrator or designee to negotiate and execute a construction contract with Gallagher & Burk, Inc. for the construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720) in the amount of \$3,950,723.70. As part of the construction contract, the resolution will also fund paving of Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard with Measure BB Local Streets and Roads and Bike Fund (2216) funds in the amount of \$853,000.00, and approve the removal of travel lanes and the installation of class II bicycle lanes on Clay Street from 7th Street to 17th Street.

As part of the City's street resurfacing program to improve pavement conditions, the selected streets will be rehabilitated to maintain the City's infrastructure, reduce maintenance costs, and improve driving conditions throughout Oakland. The work to be completed under this project is part of the City's street resurfacing program and includes streets from the City's Prioritized

Item: 4
Public Works Committee
July 12, 2016

Paving Plan with the exception of Martin Luther King, Jr. Way. Martin Luther King, Jr. Way was added to leverage a substantial grant investment in this corridor to complete an improvement that will be fully functional for all users. The work is located throughout the City and a list of streets to be resurfaced is included as **Attachment A**.

BACKGROUND / LEGISLATIVE HISTORY

In general, the proposed work consists of resurfacing approximately 6.9 centerline miles of City streets. The project includes: Asphalt emulsion membrane (Bonded Wearing Course), Asphalt Concrete (AC) base repairs; AC mill and overlay; replacement of traffic striping, 6.4 miles of new bike lanes, pavement markers, and pavement markings; curb ramp construction; curb and gutter repair; sidewalk repair; and other related work indicated on the plans and specifications. Bonded Wearing Course is a pavement treatment which includes a ¾" section of hot mix asphalt meant to seal and waterproof the existing pavement.

This project is part of the citywide program to improve pavement conditions. Oakland has a current backlog of \$443 million in pavement rehabilitation. While small in relation to the current backlog, this contract will help address some of the backlog and prevent further deterioration of these streets. The project will also further implement the City's Bicycle Master Plan. Construction work is anticipated to begin in December 2016 and should be completed by March 2017, weather permitting. The project schedule is shown in **Attachment B**.

ANALYSIS AND POLICY ALTERNATIVES

On June 2, 2016, the City Clerk received two bids. Upon a Compliance Evaluation of the bids shown in **Attachment C**, none of the bids were deemed responsive and responsible.

The apparent low bidder is Gallagher & Burk, Inc. whose Local Business Certification had lapsed. In addition, Gallagher & Burk, Inc. did not meet the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation requirement. If their certification had not lapsed, their LBE/SLBE participation would be 71%, which exceeds the City's 50% LBE/SLBE requirement. Gallagher & Burk has recently renewed their certification. The LBE/SLBE information has been verified by the Social Equity Division of the Department of Contracting and Purchasing.

Staff recommends rejecting all bids, waiving further advertising and bidding requirements, and authorizing the City Administrator or designee to negotiate and execute a construction contract with Gallagher & Burk, Inc. in the amount of \$3,950,723.70.

This recommendation is based on:

1. Timely award of the construction contract will allow paving to start this year.
2. Gallagher & Burk, Inc. has already renewed their Local Business Certification and would meet the L/SLBE participation requirement.

The Engineer's estimate for the construction work is \$3,536,129.00. Staff has reviewed the bid and has deemed that it is reflective of the current construction bidding environment.

All of the streets selected for this contract are from the City's Prioritized Paving Plan with the exception of Martin Luther King, Jr. Way. In planning the work, consideration was given to known planned utility projects, such as sewer rehabilitation, gas, and water replacement, which would impact the planned street rehabilitation. The list of proposed streets for this contract is included as **Attachment A**.

Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard was added to this contract to leverage a substantial grant investment in this corridor to complete an improvement that will be fully functional for all users. Pedestrian improvements and striping of bike lanes for this street were funded through the One Bay Area Grant Program grant, which awarded \$5.5 million to the Peralta and MLK Streetscape Phase 1 project in 2012. The project is currently scheduled for construction in 2017. However, grant proceeds may not be used for paving auto travel lanes and paving the bike lanes only is impractical. The estimated cost is \$853,000. Funding is available in Project No. C491141. The proposed resolution will allow the use of existing pavement funds to be used under this contract to pave Martin Luther King, Jr. Way.

Clay Street Bike Lanes

The City's Bicycle Master Plan Policy 3C requires City Council approval of projects that remove travel lanes for the installation of bikeways. On Clay Street, the proposed project would add bicycle lanes by reducing the number of travel lanes from three or four travel lanes to two travel lanes from 7th Street to 17th Street.

The proposed Clay Street bike lanes from 7th Street to 17th Street provide an important link in the downtown bikeway network. The project would help create a continuous north-south connection through downtown on the west side of Broadway via Telegraph Avenue, 16th Street/17th Street, Clay Street, and Washington Street. Currently, Clay Street has a lane configuration that varies from block to block. Some blocks have two northbound lanes and one southbound lane. Other blocks have one northbound lane and two southbound lanes. Some blocks have four lanes with no parking one side.

The proposed project will install a consistent lane configuration for the length of the corridor: one travel lane and one buffered bike lane in each direction from 7th Street to 17th Street. The proposed configuration will allow for new on-street parking in some locations where there is currently red curb. The City prepared an assessment of traffic and safety impacts of the project, which includes measures in the project to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts. The assessment shows that the project will have negligible impacts on traffic operations and will not result in a decrease in safety for any travel mode.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to negotiate and execute a construction contract with Gallagher & Burk, Inc. in accordance with plans and specifications for Citywide Street Resurfacing Project (C427720) in the amount of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars and Seventy Cents (\$3,950,723.70), which includes \$853,000 for the paving of Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard.

1. SOURCE OF FUNDING:

- Measure BB Local Streets and Roads Fund (2216) Appropriation; Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C491141; \$3,882,723.70
- Measure BB Bike Fund (2216) Appropriation: Transportation, Planning, and Funding Organization (92260); Street Construction Account (57411); Project No. C491220; \$68,000.00

2. FISCAL IMPACT:

This resurfacing contract will rehabilitate and reconstruct selected streets, and improve existing pavement conditions, which will reduce the short-term street pavement maintenance demand on these resurfaced streets.

PUBLIC OUTREACH / INTEREST

In April 2016 staff sent an outreach mailer requesting input on the Clay Street bike lanes and the proposed lane reduction to all addresses within 400 feet of the project – 365 addresses in total. Seven percent of recipients (24 individuals) responded with 83% (20) in favor, 13% (3) opposed, 4% (1) with no opinion. In accordance with Government Code section 6061, on May 27, 2016, the City published notice of a public hearing on June 16, 2016, to consider the proposed project. That notice was published in the East Bay Times, a newspaper of general circulation in the area affected by the proposed project. As required by Public Resources Code section 21080.20.5, on June 16, 2016, the City held a duly noticed public hearing before the City's Bicyclist and Pedestrian Advisory Commission to hear and respond to public comments on the project. The public hearing took place at Oakland City Hall, which is in close proximity to the areas affected by the project. Commissioners and members of the public asked clarifying questions regarding the project's scope and vehicular and pedestrian impacts. Staff responded to these questions at the hearing and these responses will be published as part of the minutes for the Commission's June meeting. There was no opposition to the project.

COORDINATION

The work to be completed under this contract was coordinated with:

- Oakland Public Works - Bureau of Infrastructure and Operations
- Utility companies
- Environmental documents described under "CEQA" below
- In addition, the following review this report and resolutions:
 - Office of the City Attorney
 - Controller's Bureau

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Gallagher & Burk, Inc. from a previously completed project was satisfactory and is included in **Attachment D**.

Item: _____
Public Works Committee
July 12, 2016

SUSTAINABLE OPPORTUNITIES

Economic: The street rehabilitation program improves paving conditions, enhancing and protecting the City's infrastructure. Street repair and rehabilitation contracts create job opportunities for local contractors. Streets in good condition reflect well on the community and indirectly improve the business climate.

Environmental: Recyclable materials will be used within the concrete and asphalt concrete construction materials to the extent possible. Grindings from the asphalt paving will be recycled whenever possible. This project will use several paving methods in various locations promoting recycling

In addition, this contract will create new bike lanes which will further encourage residents to use bicycles more and drive less, thereby helping to reduce air pollution and traffic congestion. Improved pavement conditions reduce vehicle wear and tear and increase fuel efficiency.

Social Equity: The street rehabilitation program works to preserve the City's infrastructure, enhance public access and protect the public from hazardous conditions. The Pavement Management Program ensures that street rehabilitation funds are spent in a manner that is cost effective throughout the City.

CEQA

The approval of the Clay Street bike lanes is exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.20.5 (restriping of streets and highways for bicycle lanes in an urbanized area that is consistent with a bicycle transportation plan) and CEQA Guidelines Sections 15183 (projects consistent with general plan and zoning), 15301 (existing facilities), 15304 (minor alterations), and 15061(b)(3) (no significant effect on the environment).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Adopt The Following Resolutions:

1. Resolution Rejecting All Bids, Waiving Further Advertising And Bidding Requirements, And Authorizing The City Administrator Or Designee To Negotiate And Execute A Construction Contract With Gallagher & Burk, Inc., In Accordance With Plans And Specifications For The Construction Of Citywide Preventive Maintenance Resurfacing (Project No. C427720) In The Amount Of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars And Seventy Cents (\$3,950,723.70)
2. Resolution Allocating Measure BB Local Streets And Roads And Bike Fund (2216) Funds In The Amount Of Eight Hundred Fifty-Three Thousand Dollars (\$853,000.00) For The Paving Of Martin Luther King, Jr. Way From 27th Street To West MacArthur Boulevard

3. Resolution Authorizing The Removal Of Travel Lanes And The Installation Of Class II Bicycle Lanes On Clay Street From 7th Street To 17th Street

For questions regarding this report, please contact Gus Amirzehni, P.E., Engineering Design and Right-of-Way Manager at (510) 238-6601.

Respectfully submitted,



BROOKE A. LEVIN
Director, Oakland Public Works

Reviewed by:
Michael J. Neary, P.E., Assistant Director
OPW, Bureau of Engineering and Construction

Reviewed by:
Gus Amirzehni, P.E., Division Manager
Engineering Design and R.O.W Management
Division

Prepared by:
Jimmy Mach, P.E., Supervising Civil Engineer
Engineering Design and R.O.W Management
Division

Attachments (4):

- A: Project Location List
- B: Project Construction Schedule
- C: Contracts & Compliance Unit Compliance Evaluation
- D: Contractor Performance Evaluation

Attachment A

*Citywide Preventive Maintenance Resurfacing
(Project No. C427720)*

Project Location List

Street Location	From	To	Pavement Treatment	Length in Miles
98 th Ave.	Highway 880 on ramp	Thermal St.	Bonded Wearing Course	2.0
Broadway Terrace	Broadway	Harbord Drive	Bonded Wearing Course, 4" Mill And Overlay	0.9
<i>Adeline St</i>	<i>10th St</i>	<i>19th St</i>	Bonded Wearing Course	0.4
<i>Fruitvale Ave.</i>	<i>Foothill Blvd</i>	<i>Harold St</i>	Bonded Wearing Course	1.0
Market St	7 th St	18 th St	Bonded Wearing Course	0.6
Joaquin Miller Rd	Monterey Blvd	Sanborn Dr	Bonded Wearing Course	0.8
Clay St	7 th St	18 th St	Bonded Wearing Course	0.5
Martin Luther King Jr way	27 th St	W Macarthur	4" Mill And Overlay, 2" Mill And Overlay	0.5
Linwood Avenue	E 38 th St	Hample St	4" Mill And Overlay	0.2
Total				6.9

Attachment B

**Citywide Preventive Maintenance Resurfacing
(Project No. C427720)**

Project Construction Schedule

ID	Task Name	Duration	Start	Finish	2014-2015							
					Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1	C427720 Citywide Street Resurfacing	120 days	12/04/16	4/16/17								
2	Construction	120 days	12/04/16	4/16/17								

Attachment C

***Citywide Preventive Maintenance Resurfacing
(Project No. C427720)***

**Department of Contracting and Purchasing
Compliance Evaluation**



INTER OFFICE MEMORANDUM

TO: Jimmy Mach
Civil Engineer

FROM: Deborah Barnes, *DB*
Director, Contracts & Compliance

SUBJECT: Compliance Analysis
Citywide Preventive Maintenance Resurfacing
Project No. C427720

DATE: June 13, 2016

City Administrator's Office, Contracts and Compliance Unit reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Non-Compliant with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	L/S/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
*Gallagher & Burk	\$3,950,723.70	13.26%	0%	11.74%	1.52%	87.01%	0%	0%	NA	Y
Telfer Pavement	\$5,259,688.10	3.69%	0%	1.41%	2.28%	69.07%	0%	0%	NA	N

Comments: As noted above, Gallagher & Burk and Telfer Pavement failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with the L/SLBE requirement. Telfer Pavement is not EBO compliant. They will have to come into compliance prior to contract execution.

***It is important to note: No Local Business Enterprise (LBE) or Locally Produced Goods (LPG) credit was given to Gallagher and Burk. Their certification as an LBE and LPG expired on May 31, 2016. Per the L/SLBE program, the firm must be certified at the time of bid in order to receive credit.**

Should you have any questions, you may contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.

CITY ADMINISTRATOR'S OFFICE



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C427720

RE:

Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Gallagher & Burk

<u>Engineer's Estimate:</u> \$3,536,129.00	<u>Contractors' Bid Amount</u> \$3,950,723.70	<u>Over/Under Engineer's Estimate</u> (\$414,594.70)
--	---	--

<u>Discounted Bid Amount:</u> N/A	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
---	--	---

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **NO**

a) % of LBE participation	<u>0.00%</u>
b) % of SLBE participation	<u>11.74%</u>
c) % of VSLBE participation	<u>1.52%</u>

3. Did the contractor meet the Trucking requirement? **YES**

a) Total L/S/VLBE trucking participation **87.01%**

4. Did the contractor receive bid discount points? **NO**

(If yes, list the points received) **0%**

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-compliant with the L/SLBE requirements.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/13/2016

Date

Reviewing Officer:

Vincent [Signature]

Date: 6/13/2016

Approved By:

Shelley [Signature]

Date: 6/13/2016

LBE/SLBE Participation Bidder 1

Project Name: Citywide Preventive Maintenance Resurfacing														
Project No.: C427720		Engineer's Estimate 3,536,129.00				Under/Over Engineers Estimate: -414,594.70								
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LP G	Total LBE/SLBE	/SLBE Trucking (2x Value)	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethnicity		
												Ethn.	MBE	WBE
PRIME	Gallagher & Burk Johnson Construction Company	Oakland	UB								1,307,173.70	C		
Adjust Iron		Concord	UB								203,650.00	C		
Bonded Wearing Course & Related	Telfer Pavement Technologies, LLC	McClellan	UB								656,400.00	C		
Minor Concrete	AJW Construction	Oakland	CB		390,000		390,000				390,000.00	H	390,000	
Crack Seal	Graham Contractors, Inc.	San Jose	UB								33,600.00	NL		
Roadside Signs	Chrisp Company	Fremont	UB								31,970.00	C		
Striping, Pavement Markers, Pavement Markings	Chrisp Company	Fremont	UB								124,630.00	C		
Trucking(partial)	All City Trucking Inc.	Oakland	CB		73,920		73,920		73,920	73,920	73,920.00	AI	73,920	
Trucking(partial)	Monroe Trucking Double D. Transportation	Oakland	CB			60,000	60,000	60,000	60,000	60,000	60,000.00	AA	60,000	
Trucking(partial)		Dublin	UB							20,000	20,000.00	C		
Furnish Asphalt Concrete	Gallagher & Burk	Oakland	UB								360,000.00	C		
Furnish Bonded Wearing Course	Gallagher & Burk for Telfer	Oakland	UB								614,780.00	C		
Surveying	Cunha Engineering	Pinole	UB								74,600.00	C		
Project Totals				\$0.00	\$463,920.00	\$60,000.00	\$523,920.00	\$60,000.00	\$133,920.00	\$153,920.00	\$3,950,723.70		\$523,920.00	0
				0.00%	11.74%	1.52%	13.26%	0.00%	87.01%	100.00%	100.00%		13.26%	0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.											Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE-Very Small Local Business Enterprise LPG = Locally Produced Goods Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise											UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit



PROJECT COMPLIANCE EVALUATION FOR :

Project No. C427720

RE: Citywide Preventive Maintenance Resurfacing

CONTRACTOR: Telfer Pavement Technologies, LLC

<u>Engineer's Estimate:</u> \$3,536,129.00	<u>Contractors' Bid Amount</u> \$5,259,688.10	<u>Over/Under Engineer's Estimate</u> (\$1,723,559.10)
--	---	--

<u>Discounted Bid Amount:</u> N/A	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
---	--	---

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
 - a) % of LBE participation **0.00%**
 - b) % of SLBE participation **1.41%**
 - c) % of VSLBE participation **2.28%**

- 3. Did the contractor meet the Trucking requirement? **YES**
 - a) Total L/S/VLBE trucking participation **69.07%**

- 4. Did the contractor receive bid discount points? **NO**
 - (If yes, list the points received) **0%**

5. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-compliant with the L/SLBE requirements.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/13/2016

Reviewing Officer:

Vivian J. [Signature]

Date: 6/13/2016

Approved By:

Shelley Sarenburg

Date: 6/13/2016

LBE/SLBE Participation Bidder 2

Project Name:		Citywide Preventive Maintenance Resurfacing												
Project No.: C427720		Engineer's Estimate 3,536,129.00			Under/Over Engineers Estimate: -1,723,559.10									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG	Total LBE/SLBE	VSLBE Trucking	L/S/VLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethn.	MBE	WBE
PRIME	Telfer Pavement Technologies, LLC	McClellan	UB								2,458,055.10	NL		
Paving	Gallagher & Burk	Oakland	UB								1,000,000.00	C		
Trucking(partial)	Double D Trucking	Dublin	UB							20,000.00	20,000.00	C		
Trucking	Monroe Trucking	Oakland	CB			60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	AA	60,000.00	
AC	Gallagher & Burk	Oakland	UB								972,022.00	C		
Striping/Signs	Chrisp Company	Fremont	UB								270,201.00	C		
Trucking(partial)	All City Trucking	Oakland	CB		74,000.00		74,000.00		74,000.00	74,000.00	74,000.00	AI	74,000.00	
Raise Utilities	Pixley Construction	Hayward	UB								275,250.00	C		
T/C(part)	TMI	Oakland	UB								125,000.00	C		
Prune Roots	Professional Tree Care	Berkeley	UB								5,160.00	C		
Project Totals				0.00 0.00%	74,000.00 1.41%	60,000.00 2.28%	134,000.00 3.69%	60,000.00 1.14%	134,000.00 69.07%	194,000.00 0.00%	5,259,688.10 100.00%		134,000.00 2.55%	0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and a VSLBE/LPG firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend														
LBE = Local Business Enterprise					UB = Uncertified Business									
SLBE = Small Local Business Enterprise					CB = Certified Business									
VSLBE-Very Small Local Business Enterprise					MBE = Minority Business Enterprise									
LPG = Locally Produced Goods					WBE = Women Business Enterprise									
Total LBE/SLBE = All Certified Local and Small Local Businesses														
NPLBE = NonProfit Local Business Enterprise														
NPSLBE = NonProfit Small Local Business Enterprise														

Attachment D

*Citywide Preventive Maintenance Resurfacing
(Project No. C427720)*

Contractor Performance Evaluation

**Schedule L-2
City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C376410 - VARIOUS STREETS AND ROADS REHABILITATION

Work Order Number (if applicable): _____

Contractor: GALLAGHER & BURK, INC.

Date of Notice to Proceed: MARCH 1, 2010

Date of Notice of Completion: JANUARY 20, 2012

Date of Notice of Final Completion: JANUARY 20, 2012

Contract Amount: \$3,412,248.58

Evaluator Name and Title: WAI WONG, CONSTRUCTION COORDINATOR

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.					
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7 2 X 0.25 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: SATISFACTORY

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.

Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

D. W. S. L. 9/11/12 Wm. W. S. 9/12/2012
Contractor / Date Resident Engineer / Date

D. J. L. 09/12/12
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

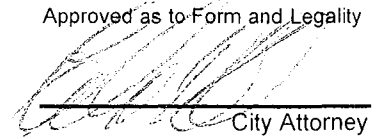
Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 AM 11:42

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND BIDDING REQUIREMENTS, AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT WITH GALLAGHER & BURK, INC., IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF CITYWIDE PREVENTIVE MAINTENANCE RESURFACING (PROJECT NO. C427720) IN THE AMOUNT OF THREE MILLION NINE HUNDRED FIFTY THOUSAND SEVEN HUNDRED TWENTY-THREE DOLLARS AND SEVENTY CENTS (\$3,950,723.70)

WHEREAS, the City of Oakland's street infrastructure is considered a significant asset that impacts the quality of life for those who live and work in Oakland; and

WHEREAS, the City Council adopted Resolution No. 85227 C.M.S. establishing a Prioritization Plan, representing the optimized distribution of paving funds as analyzed by the City's Pavement Management Program; and

WHEREAS, On June 2, 2016, the City Clerk received two bids for this project in the amount of \$3,950,723.70 and \$5,259,688.10 for the Construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720) and there were no responsible and responsive bidders for the project; and

WHEREAS, the lowest bidder is Gallagher & Burk, Inc. and their Local Business Certification had lapsed; and

WHEREAS, the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation will be 71%, which exceeds the City's 50% LBE/SLBE requirement if their certification had not lapsed; and

WHEREAS, timely award of the construction contract will allow paving to start this year; and

WHEREAS, Gallagher & Burk, Inc. has already renewed their Local Business Certification and would meet the LBE/SLBE requirement; and

4
PUBLIC WORKS CMTE.

JUL 1 2 2016

WHEREAS, it is in the best interest of the City to reject all bids, waive further advertising and bidding requirements, and authorize the City Administrator or designee to negotiate and execute a construction contract with Gallagher & Burk, Inc., in accordance with plans and specifications for the construction of citywide preventive maintenance resurfacing (project no. C427720) in the amount of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars and Seventy Cents (\$3,950,723.70); and

WHEREAS, streets selected are from the City's Prioritized Paving Plan with the exception of Martin Luther King, Jr. Way; and

WHEREAS, a separate Resolution is presented for approval to include allocating Measure BB Local Streets And Roads And Bike Fund (2216) Funds for the paving of Martin Luther King, Jr. Way; and

WHEREAS, the City of Oakland coordinates and screens all proposed streets for conflicts with sewer, storm drainage, gas, water, electrical, cable, and fiber optic replacement projects to insure that all underground rehabilitation work occurs prior to scheduled street rehabilitation projects; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the City Council finds and determines that the performance of this contract is the public interest because of the economy; and

WHEREAS, the City Council has determined that this contract is professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, sufficient funding is available in the following accounts:

- Measure BB Local Streets and Roads Fund (2216) Appropriation; Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C491141; \$3,882,723.70
- Measure BB Bike Fund (2216) Appropriation; Transportation, Planning, and Funding Organization (92260); Street Construction Account (57411); Project No. C491220; \$68,000.00; now, therefore be it

RESOLVED: That the City Administrator or designee is authorized to negotiate and execute a construction contract for Construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720) with Gallagher and Burk, Inc., in accordance with plans and specifications for the Project and contractor's bid therefore, dated June 2nd, 2016, in an amount of Three Million Nine Hundred Fifty Thousand Seven Hundred Twenty-Three Dollars and Seventy Cents (\$3,950,723.70); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, shall be 100% of the contract price and are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That all other bids are hereby rejected and further advertising and bidding requirements are waived; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

4
PUBLIC WORKS CMTE.
JUL 1 2 2016

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 JUN 30 AM 11:42

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ALLOCATING MEASURE BB LOCAL STREETS AND ROADS AND BIKE FUND (2216) FUNDS IN THE AMOUNT OF EIGHT HUNDRED FIFTY-THREE THOUSAND DOLLARS (\$853,000.00) FOR THE PAVING OF MARTIN LUTHER KING, JR. WAY FROM 27TH STREET TO WEST MACARTHUR BOULEVARD

WHEREAS, paving plan for Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard is part of the project plans and specifications for the construction of Citywide Preventive Maintenance Resurfacing (Project No. C427720); and

WHEREAS, this paving segment is not part of the City Council adopted Resolution No. 85227 C.M.S. Prioritization Plan; and

WHEREAS, staff recommends to allocate Measure BB Local Streets and Roads and Bike Fund (2216) funds for the paving of Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard to leverage a \$5.5 million One Bay Area Grant Program grant investment in this corridor to complete an improvement that will be fully functional for all users; and

WHEREAS, the project with \$5.5 million One Bay Area Grant Program grant is Martin Luther King Jr. Way Streetscape Improvement Project (Project No. P414230); and

WHEREAS, pavement conditions on paving segment is poor; and

WHEREAS, grant funds may not be used for paving streets; and

WHEREAS, sufficient funding is available in the following accounts:

- Measure BB Local Streets and Roads Fund (2216) Appropriation; Streets and Structures Organization (92242); Street Construction Account (57411); Project No. C491141; \$785,000.00
- Measure BB Bike Fund (2216) Appropriation; Transportation, Planning, and Funding Organization (92260); Street Construction Account (57411); Project No. C491220; \$68,000.00; now, therefore be it

4

PUBLIC WORKS CMTE.

JUL 12 2016

RESOLVED: That allocating of Measure BB Local Streets and Roads and Bike Fund (2216) Funds Project No. C491141 and Project No. C491220 in the amount of \$853,000.00 for the paving of Martin Luther King, Jr. Way from 27th Street to West MacArthur Boulevard, are hereby approved;

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

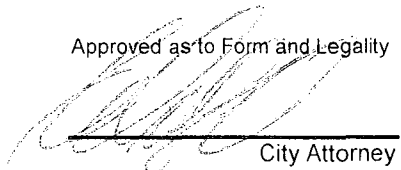
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

4
PUBLIC WORKS CMTE.
JUL 12 2016

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 AM 11:42

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE REMOVAL OF TRAVEL LANES AND THE INSTALLATION OF CLASS II BICYCLE LANES ON CLAY STREET FROM 7TH STREET TO 17TH STREET

WHEREAS, the City of Oakland's Bicycle Master Plan was adopted by City Council on December 7, 2007 as part of the Land Use and Transportation Element of the City's General Plan and reaffirmed by City Council on December 4, 2012; and

WHEREAS, the City of Oakland's Bicycle Master Plan calls for the implementation of a citywide network of bikeways to connect downtown, transit stations, commercial districts, neighborhoods, and the waterfront; and

WHEREAS, the Bicycle Master Plan identifies Clay Street from 7th Street to 17th Street as a proposed bikeway; and

WHEREAS, the Complete Streets Policy for the City of Oakland was adopted by City Council on February 5, 2013 and the Policy calls for the incorporation of bicycle lanes in reconstruction and maintenance projects to create a connected network of facilities for bicyclists; and

WHEREAS, Action 1B.1 of the Bicycle Master Plan states, "Include bicycle safety and access improvements in roadway resurfacing, realignment, and reconstruction projects"; and

WHEREAS, Clay Street from 7th Street to 17th Street is scheduled for a preventive maintenance paving project and the striping has been designed to include bike lanes; and

WHEREAS, the installation of bicycle lanes on Clay Street will reduce the number of travel lanes from three or four (4) through lanes to two (2) through lanes; and

WHEREAS, installation of bicycle lanes on Clay Street is consistent with the City's General Plan, Bicycle Master Plan, and Complete Streets Policy; and

WHEREAS, City Council has directed staff to prepare reports for their approval when bicycle projects require the reduction of travel lanes on a roadway; and

4
PUBLIC WORKS CMTE.

JUL 1 2 2016

WHEREAS, the Clay Street project will be constructed as part of a citywide paving project that is funded by Measure BB Local Streets and Roads Fund (2216); Streets and Structures Organizations (92242) Street construction Account (57411); Project C491141; and

WHEREAS, in accordance with Government Code section 6061, on May 27, 2016, the City published notice of a public hearing on June 16, 2016, to consider the proposed restriping of travel lanes to remove travel lanes and install bike lanes on Clay Street; that notice was published in the East Bay Times, a newspaper of general circulation in the area affected by the proposed projects; and

WHEREAS, as required by Public Resources Code section 21080.20.5, on June 16, 2016, the City held a duly noticed public hearing before the Bicyclist and Pedestrian Advisory Commission to hear and respond to public comments on the project; the hearing was held at Oakland City Hall, which is in close proximity to area affected by the project; and

WHEREAS, after a duly noticed public meeting on July 12, 2016, the Public Works Committee voted to recommend the proposal to the City Council; and

WHEREAS, on July 19, 2016, the City Council considered the proposed restriping of travel lanes to remove travel lanes and install bicycle lanes on Clay Street; and

WHEREAS, the City has prepared an assessment of traffic and safety impacts of the project, which includes measures in the project to mitigate potential vehicular traffic impacts and bicycle and pedestrian safety impacts, and concludes that the project will have negligible impacts on traffic operations and will not result in a decrease in safety for any travel mode; and

WHEREAS, each as a separate and independent basis, these actions are exempt from CEQA pursuant to Public Resources Code Section 21080.20.5 (restriping of streets and highways for bicycle lanes in an urbanized area that is consistent with a bicycle transportation plan) and CEQA Guidelines Sections 15183 (projects consistent with general plan and zoning), 15301 (existing facilities), 15304 (minor alterations), and 15061(b)(3) (no significant effect on the environment); now, therefore be it

RESOLVED: That the City Council authorizes the installation of bicycle lanes on Clay Street by reducing the number of travel lanes from three or four (4) through lanes to two (2) through lanes from 7th Street to 17th Street; and be it

FURTHER RESOLVED: That the City Administrator or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

4

PUBLIC WORKS CMTE.

JUL 1 2 2016

