


2023 MAY 11 PM 6:49

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89759 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH ALAMEDA-CONTRA COSTA TRANSIT DISTRICT (AC TRANSIT) FOR COST-SHARING OF ONE-TIME FIBER REPAIR WORK ALONG THE AC TRANSIT BUS RAPID TRANSIT ROUTE IN THE AMOUNT NOT TO EXCEED \$97,265**

**WHEREAS**, On or about August 15, 2022, a contractor performed pavement saw-cutting within the intersection of International Boulevard and 22nd Avenue near the gutter line on the northeast quadrant of the intersection (nearby Experience Auto Body); and

**WHEREAS**, This saw-cutting operation severed through an existing 3-inch conduit that contained four (4) fiber optic cables; each cable with 144 fiber strands; and

**WHEREAS**, This saw cutting operation significantly impacted multiple services; and

**WHEREAS**, the saw cutting damage was caused by the contractor Accurate Saw Cutting, a subcontractor of the contractor VPI, who in turn is a subcontractor to PG&E; and

**WHEREAS**, PG&E is the entity responsible for the permitted work within City right of way. The City of Oakland permit number is X2200104 and the PG&E project number is PM 35291344; and

**WHEREAS**, the City has sent a demand letter to the PG&E Claims Department requesting reimbursement for the temporary repairs recommended in this resolutions, and complete, permanent repairs of all impacted BRT fiber strands; and

**WHEREAS**, the City has negotiated a one-time agreement with Alameda-Contra Costa Transit District (AC Transit) for cost-sharing of repairs to damaged fiber optic cables designed and constructed along the Bus Rapid Transit (BRT) corridor to serve the needs of the Parties, Caltrans, and Metropolitan Transportation Commission (MTC); and

**WHEREAS**, this Agreement constitutes the terms and conditions under which the damaged fiber optic cables and conduits will be temporarily repaired in order to restore operational services; and

**WHEREAS**, pursuant to Oakland City Charter section 504 (l), the City Administrator is

authorized to negotiate inter-agency agreements for joint governmental action, subject to the Council's approval; and

**RESOLVED:** That the City Administrator is authorized to enter into an agreement with AC Transit for the cost sharing for the one-time fiber optics repairs in an amount not to exceed \$97,265; and be it

**FURTHER RESOLVED:** That the said agreement will be executed in the timeline set forth in the agreement; and be it

**FURTHER RESOLVED:** That the City Administrator, is hereby authorized to conduct all negotiations and approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amount authorized under this Resolution; and be it

**FURTHER RESOLVED:** That the agreement and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 6 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, ~~JENKINS~~, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID,  
AND PRESIDENT FORTUNATO BAS 6

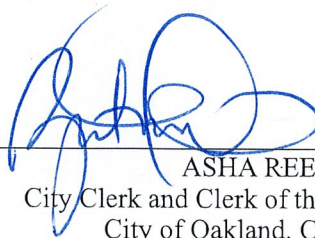
NOES - ~~0~~

ABSENT - ~~0~~

ABSTENTION - ~~0~~

2 Excused - Jenkins &  
Ramachandran

ATTEST: \_\_\_\_\_

  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California