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APPROVED AS TO FORM AND LEGALITY

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 909824 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURKE, INC. FOR THE LAKESIDE DRIVE/LAKE MERRITT BOULEVARD COMPLETE STREETS PROJECT, PROJECT NO. 1005314, THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF EIGHT MILLION, EIGHT HUNDRED TEN THOUSAND, SEVEN HUNDRED FIFTEEN DOLLARS (\$8,810,715.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City of Oakland applied for and was awarded an Affordable Housing and Sustainable Communities Program (AHSC) grant in the amount of \$1,000,000 for the construction of the Lakeside Drive/Lake Merritt Boulevard Complete Streets Project (the Project); and

WHEREAS, the City of Oakland applied for and received Bay Area Rapid Transit District (BART) Safe Routes to BART (SR2B) Cycle 3 grant funds in the amount of \$3,000,000 for the construction of the Project; and

WHEREAS, the improvements for the Project include buffered bicycle lanes, protected bicycle lanes, protected two-way bikeway, protected intersections, road diet, ADA compliant curb ramps, pedestrian crossing improvements, transit-only lanes, pedestrian lighting, traffic signal, and landscaping improvements on Lakeside Drive between 13th Street and 19th Street, Lake Merritt Boulevard/1st Avenue between Lakeside Drive and International Boulevard, and 17th Street between Madison Street and Lakeside Drive; and

WHEREAS, the improvement for the Project also includes pedestrian lighting on East 12th Street between 1st Avenue and 11th Avenue and on International Boulevard between 9th Avenue and 11th Avenue; and

WHEREAS, the Project was advertised on June 27, 2025, and three bids were received by the Office of the City Clerk on August 14, 2025; and

WHEREAS, Gallagher & Burke, Inc. is deemed the lowest, responsible, and responsive bidder for the Project, and that the bid is compliant with City's Local/Small Business Enterprise (L/SLBE) program requirements; and

WHEREAS, funding for the contract was included in the Fiscal Year 2025-27 Biennial Budget as well as funded through state grants and is available in the following project accounts:

- AHSC Program, Lakeside Drive/Lake Merritt Boulevard Complete Streets Project (No. 1005314), Construction Organization (92270), State of California (2159)
- BART SR2B Grant, Lakeside Drive/Lake Merritt Boulevard Complete Streets Project (No. 1005314), Construction Organization (92270), Measure RR fund (2999)
- Local funding, Complete Streets Capital Program (No. 1003348), Construction Organization (92270), Various funds (5342, 2218, 2230, 2232, 2420); and

WHEREAS, the City Council finds and determines that the solicitation for construction of the Lakeside Drive/Lake Merritt Boulevard Complete Streets Project was conducted in accordance with the formal bid procedures set forth in Oakland Municipal Code § 2.04.050 and other applicable City procurement rules and that Council approval of this contract is required pursuant to Oakland Municipal Code § 2.04.030; and

WHEREAS, the City Council finds and determines that the work called for by the Project is public works construction of the type typically procured under competitive bidding procedures, and that the City does not currently possess the personnel, equipment, or organization necessary to perform these construction services with its own forces in a cost-effective and timely manner; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City Council finds that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080.25(b)(1) (statutory exemption for pedestrian and bicycle facilities that improve safety, access, or mobility within the public right-of-way), and further finds that the Project is categorically exempt pursuant to CEQA Guidelines §§ 15301(c), 15302 and 15304(h). The Council further finds that none of the exceptions to categorical exemptions set forth in CEQA Guidelines § 15300.2 applies to the Project (including the “unusual circumstances” exception), and that there is no substantial evidence the Project will have a significant effect on the environment. The Director of Transportation and/or the City Administrator is directed and authorized to prepare and file any required Notice of Exemption or Notice of Determination; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to Gallagher & Burke, Inc., the lowest, responsible, and responsive bidder in accordance with project plans, specifications, state requirements, and contractor’s bid dated August 14, 2025, for the Lakeside Drive/Lake Merritt Boulevard Complete Streets Project, Project No. 1005314, in the amount of eight million, eight hundred ten thousand, seven hundred fifteen dollars (\$8,810,715.00); and be it

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and of the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve and execute any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of the Project without return to the City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

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

FURTHER RESOLVED: That the City Council finds that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080.25(b)(1) (statutory exemption for pedestrian and bicycle facilities that improve safety, access, or mobility within the public right-of-way), and further finds that the Project is categorically exempt pursuant to CEQA Guidelines §§ 15301(c), 15302 and 15304(h). The Council further finds that none of the exceptions to categorical exemptions set forth in CEQA Guidelines § 15300.2 applies to the Project (including the “unusual circumstances” exception), and that there is no substantial evidence the Project will have a significant effect on the environment; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the Project that is named in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 02 2025

PASSED BY THE FOLLOWING VOTE:

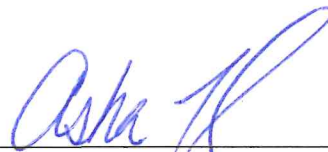
AYES - BROWN, FIFE, HOUSTON, GALLO, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____



ASHA REED

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