



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, OakDOT

SUBJECT: Contract Authorization for Pedestrian
Right-of-Way Construction Projects

DATE: July 08, 2025

City Administrator Approval


Jestin Johnson (Jun 26, 2025 09:29 PDT)

Date: Jun 26, 2025

RECOMMENDATION

Staff Recommends that The City Council Adopt A Resolution Authorizing The City Administrator To Award Pedestrian Right-Of-Way Construction Contracts To The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications, Each Up To An Individual Contract Award Of Seven Million, Five Hundred Thousand Dollars (\$7,500,000); And For Each Adopting Appropriate California Environmental Quality Act Findings, Without Return To City Council, To Enable Rapid Compliance In The Event The Parties Of Curran Vs. City Of Oakland Reach Settlement.

EXECUTIVE SUMMARY

The proposed resolution would allow the City Administrator to authorize contract awards for pedestrian right-of-way construction projects, up to \$7.5M per contract award. The intent is to streamline the mandated construction of curb ramp improvements and sidewalk repairs.

Oakland's purchasing ordinance and procedure are defined in Oakland Municipal Code (OMC) [Chapter 2.04](#). Contracts in excess of \$250,000.00 require City Council approval as mandated in [OMC 2.04.030](#). The proposed resolution requests that the City Council preauthorizes all pedestrian right-of-way contracts during the term of the Curran vs. City of Oakland consent decree, which is expected to be from July 1, 2025, to June 30, 2050.

BACKGROUND / LEGISLATIVE HISTORY

On May 15, 2023, the City of Oakland was served with a class action lawsuit related to accessibility of the pedestrian right-of-way (i.e., curb ramps and sidewalks). The City has participated in multiple mediation sessions with the Plaintiffs' attorneys from 2023 through 2025 regarding a potential settlement agreement and a long-term consent decree addressing curb ramp installation and remediation of deficient curb ramps, and accessibility of sidewalks. Numerous large cities across the U.S. have entered similar consent decrees, which typically require that certain amounts of curb ramp and sidewalk work be performed each year during the duration of the decree.

In 2023 and 2024, the Council approved resolutions preauthorizing the City Administrator to award two construction contracts above the Purchasing Ordinance limit. The projects were the Courtland Creek Restoration Project (Project 1005340, \$4,300,475, Resolution No. [89675](#) C.M.S.) in 2023 and a citywide curb ramp and sidewalks project (Project 1006308, \$3,310,000, Resolution No. [90155](#) C.M.S.) in 2024.

Additionally, the Council has twice approved resolutions establishing preauthorization for an entire capital construction program encompassing multiple construction contracts. In 2019, the Council adopted a resolution to streamline project delivery towards the 2019 3-Year Paving Plan (3YPP), Resolution No. [87704](#) C.M.S. The resolution authorized the City Administrator to award all construction contracts implementing the 2019 3YP, up to a cumulative \$35M, without return to Council. The resolution stipulated that all construction contract processes would follow fair and competitive bidding procedures established by state and federal law, memoranda of understanding with local unions, the Oakland Purchasing Ordinance, and City contracting programs.

On December 21, 2021, Council approved Resolution No. [88976](#) C.M.S., a continuation of Resolution No. 87704 C.M.S., which provided for a cumulative \$75M in construction contract authority for paving contracts in support of the 2022 5-Year Paving Plan (5YPP).

For each of these contract authorization resolutions, the resolutions required that staff produce informational memoranda compiling bid results for each contract and/or produce annual reports identifying which contracts were awarded under the resolution.

ANALYSIS AND POLICY ALTERNATIVES

The construction of pedestrian right of way projects is an essential city function for meeting the Citywide priority of providing vibrant, sustainable infrastructure. Accessible pedestrian infrastructure promotes healthier communities and connects residents to their communities and essential services. The contract authorization proposed in this resolution will help the City efficiently construct pedestrian infrastructure improvements.

Overall, the effect of preauthorization was to streamline the award phase of the construction process. For the paving program alone, staff estimate that the 2019 3YPP and 2025 5YPP contract authorization resolutions have saved 624 staff hours that would have been spent preparing and reviewing approximately 12 agenda reports and attending the requisite City Council and Committee meetings. This time savings has sped up the cumulative time between bid and construction by 31 total months for the 3YPP and 5YPP efforts due to the reduced number of Council/Committee meetings and associated agenda reports.

On average, the current bid-award process for non-preauthorized contracts necessitates an additional 1.5 months for Council Award of Contracts. Such delays present a significant impediment to the roll-out of a sidewalk and curb ramp repair program, which will require an estimated 10 contracts each year.

In annual reports and informational memos, staff have documented a range of challenges impacting project delivery for Oakland's capital improvement programs in the past 5 years.

These challenges have included staffing vacancies and equipment problems ([FY23 Paving Plan Annual Report](#)), contract processing ([FY24 Paving Plan Annual Report](#), [FY24 Curb Ramp Annual Report](#), [FY24 Annual Sidewalks Program Update](#)), and capital fund availability ([FY25 Paving Plan Progress Report](#)). With the imposition of a consent decree mandating required levels of construction every year for the next 25 years, staff strongly recommend that the Council enable available project delivery streamlining to ensure compliance with the consent decree.

Construction of curb ramps and sidewalk repairs has fluctuated significantly in recent years, as shown in Figures 1 and 2. Without a streamlined path to execute contracts, it is unlikely OakDOT will be able to achieve the consistent construction needed to meet anticipated annual increased production.

Figure 1: Sidewalk Construction by Capital Improvement Program (Square Feet)

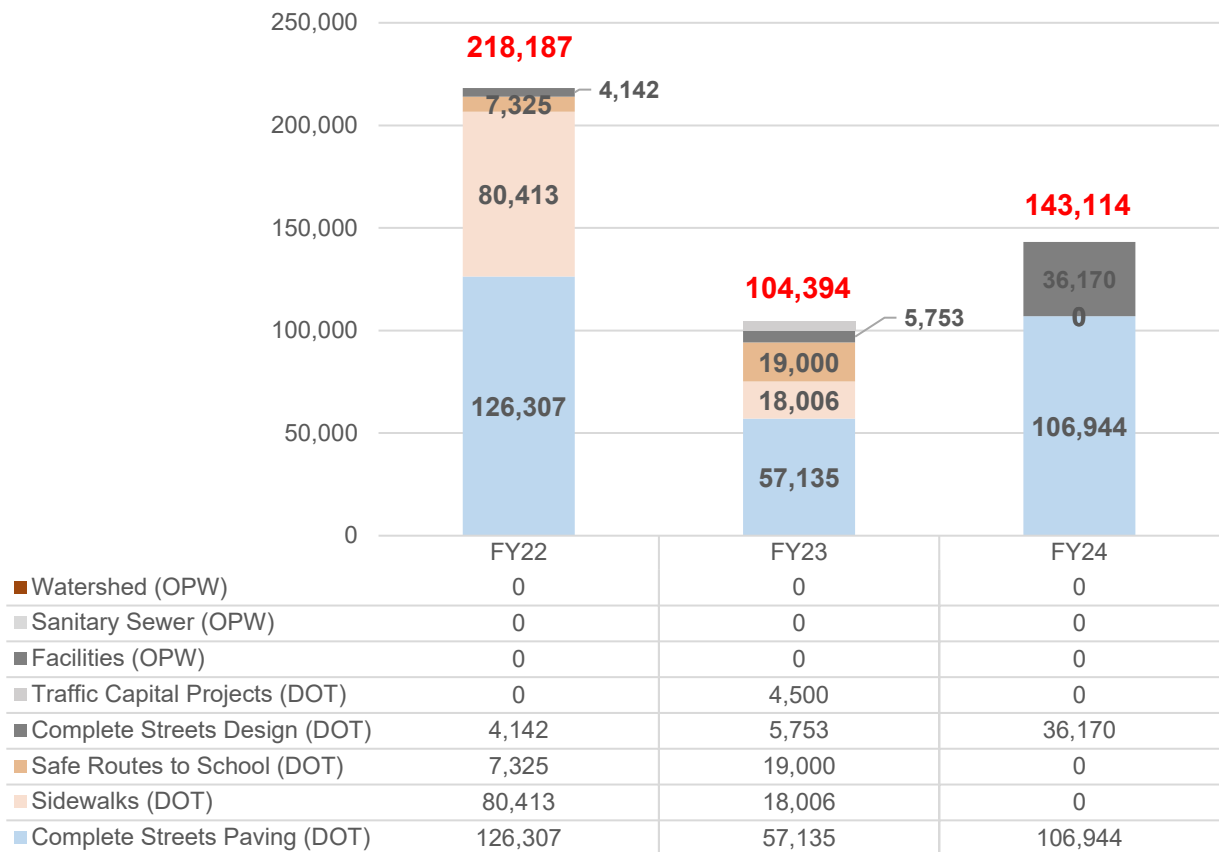
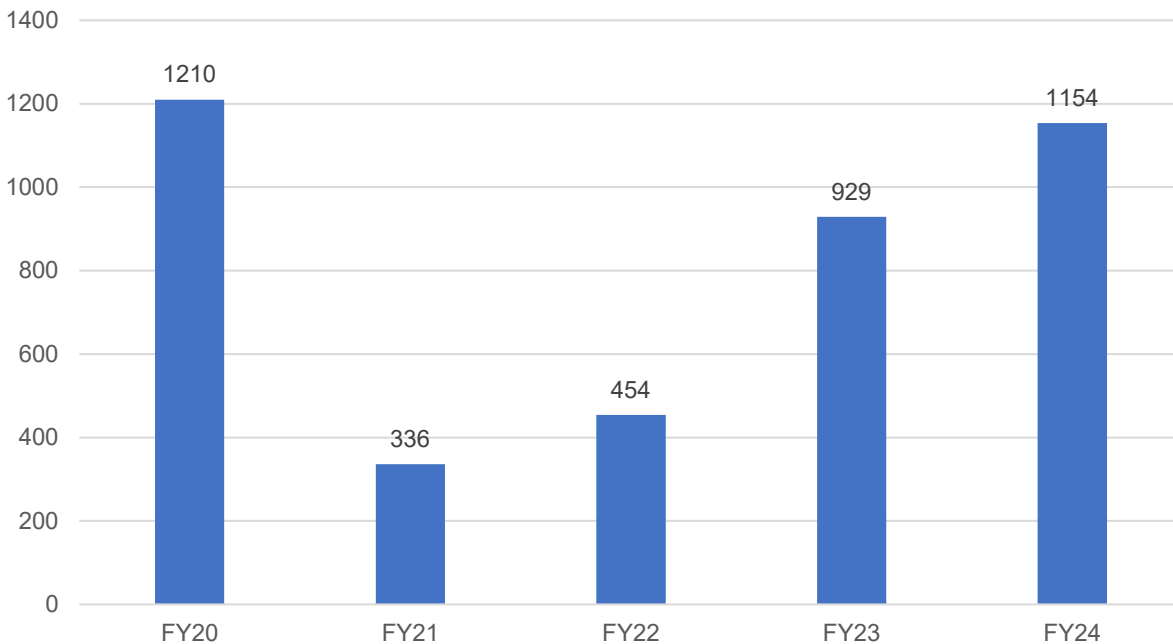


Figure 2: Annual Curb Ramp Construction (FY20-FY24)



The anticipated settlement term is 25 years. During this period, the proposed legislation would authorize the City Administrator to award construction contracts improving the pedestrian right-of-way up to \$7.5M each. The resolution does not waive other Purchasing Ordinance requirements, such as advertising and competitive bidding. The resolution defines “pedestrian right-of-way construction contract” as any construction contract for construction within the public right-of-way in which at least 51% of the total estimated construction cost, (as determined by the engineer’s estimate), is attributable to pedestrian right-of-way improvements including curb ramps, curb and gutter, sidewalks, stairs, paths, and ancillary work required for the construction of upgrades required by the Americans With Disabilities Act (ADA).

During the settlement period, any construction award that requires a Council action, such as to waive advertising and bidding and negotiate directly with a bidder, would not be authorized under this resolution and would require a Council action. Additionally, if the lowest bid for a particular project exceeds the cap established in the resolution, award of the project would require Council action. As with prior resolutions preauthorizing construction contracts, the resolution also requires staff to produce annual reports, which will compile an estimated 10 bid results per year for contracts awarded under this resolution. The reports will include the contracts awarded by the contractor and the value of the contract.

FISCAL IMPACT

Approval of this resolution would result in estimated cost savings from the reduction of approximately 520 staff hours annually that would be spent preparing and reviewing agenda reports and attending Council and Committee meetings. Reduced delays from report writing are

also expected to prevent construction cost escalation that often occurs during long individual award processes. In addition, pre-approval allows flexibility in contract size and scope by allowing the Complete Streets Infrastructure Division to tailor smaller projects to respond to project needs rather than grouping large amounts of project scope to justify the staff time necessary to prepare full agenda reports and Council packages. More streamlined scopes of work could potentially expand the pool of available contractors to include smaller local firms that cannot bid on very large contracts. Expansion of the available pool of contractors could result in more competitive bid pricing.

Approval of this resolution would not result in the appropriation of funds. Construction contracts authorized under this resolution are anticipated to be budgeted within the Curb Ramps and Sidewalks capital improvement programs. In the past, these programs have been funded by a mix of local sales tax (Measure B, Measure BB), state gas tax, and infrastructure bond funding. It is also anticipated that future sidewalk replacement contracts facilitating private sidewalk replacements may be authorized under this resolution and would be funded by a new revolving fund for private sidewalk replacements.

PUBLIC OUTREACH / INTEREST

The subject matter of this report was presented to the Mayor's Commission on Persons with Disabilities and the Bicyclist and Pedestrian Advisory Commission.

COORDINATION

The Office of the City Attorney and Budget Bureau were consulted in the preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: All construction contracts require the payment of prevailing wage rates, which offer a livable wage for workers and contribute to an improved quality of life. Improved pedestrian right-of-way conditions encourage more activity, increased community cohesion, increased neighborhood security, and improved public transit access, all of which contribute to higher property values and increased foot traffic for local businesses. Sidewalks and curb ramps in good condition may indirectly improve the business climate.

Environmental: Clear, accessible paths of travel contribute to walkable neighborhoods, reducing environmental impacts associated with transportation.

Social Equity: Creating clear, accessible paths of travel is a key component of the City's ADA Transition Plan. Sidewalk repairs could also help reduce trip and fall incidents, which generally impact older Oaklanders and visitors.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)


The California Environmental Quality Act (CEQA) and the CEQA Guidelines exempt specific types of projects from environmental review. The following CEQA exemption applies to this project: CEQA Guidelines Section 15301 (c) (Existing Facilities, Highways and Streets).

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that The City Council Adopt A Resolution Authorizing The City Administrator To Award Pedestrian Right-Of-Way Construction Contracts To The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans And Specifications, Each Up To An Individual Contract Award Of Seven Million, Five Hundred Thousand Dollars (\$7,500,000); And For Each Adopting Appropriate California Environmental Quality Act Findings, Without Return To City Council, To Enable Rapid Compliance In The Event The Parties Of Curran Vs. City Of Oakland Reach Settlement.

For questions regarding this report, please contact Sarah Fine, Acting Complete Streets Infrastructure Division Manager, at (510) 238-6241.

Respectfully submitted,


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