

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 FEB 28 PM 6:06

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Community & Economic Development Agency  
DATE: March 11, 2008

RE: **A Report And Presentation On The Sidewalk Repair Program Which Includes:**

- 1. Findings Of Sidewalk Condition And ADA Survey; And**
- 2. Resolution Adopting A Sidewalk Repair Prioritization Policy For The City Of Oakland's Sidewalk Repair Program; And**
- 3. Resolution Authorizing The City Administrator To Transfer \$300,000.00 Of Available FY 07-08 Sidewalk Repair Funds in Project C269160 To A Project To Be Determined To Enforce The Repair Of Private Sidewalk Damage; And**
- 4. Resolution Authorizing Award Of A Construction Contract To AJW Construction For On-Call Citywide Sidewalk Repair FY 07-08 Contract B - Council Districts 4, 5, 6, And 7 (Project C269160) In The Amount of Eight Hundred Forty-Nine Thousand Nine Hundred Seventy-Five Dollars (\$849,975.00)**

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**SUMMARY**

This report provides a summary of the Citywide Sidewalk Condition and ADA Survey (Sidewalk Survey) Project completed in 2007, and recommends policy changes needed to implement a comprehensive program to improve the condition of Oakland's sidewalks. The recommended changes are based on the findings of the Sidewalk Survey and are intended to reduce the City's liability associated with damaged sidewalks, and to leverage all available resources for improving sidewalk access.

The City of Oakland Sidewalk Survey, one of the first of its kind in the country, involved the complete inventory of over 1,100 sidewalk miles. The endeavor involved the development of a complex Geographic Information System (GIS) database with seven layers of detailed information collection. The field survey required the use of sophisticated mobile GIS devices. Surveyors spent twenty-seven months collecting over one hundred fields of data for each sidewalk segment. The result is a comprehensive inventory of all sidewalk damage and assets in a format that is usable across many disciplines for planning and implementing improvements in the public right-of-way.

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The internal sidewalk survey team includes staff from the Community and Economic Development Agency (CEDA) Engineering Design and Right-of-Way Management Division, City Administrator ADA Programs Division, Department of Information Technology - GIS Unit, City Attorney and Public Works Agency Tree Services. The Sidewalk Survey incorporates best practices in public right-of-way management and lays the foundation for an integrated sidewalk management program, one that focuses on creating safe accessible pedestrian paths of travel throughout the City. All issues that inform sidewalk improvement programs, such as pedestrian access and safety, city vs. private damage, trip and fall liability and ADA compliance can now be considered simultaneously and addressed in a comprehensive sidewalk repair policy.

Staff is requesting the Council consider and adopt the following specific recommendations:

- Adopt a Sidewalk Repair Prioritization Policy that reduces liability and increases accessibility for all pedestrians. The policy would prioritize repair of sidewalk damage based on known cases of liability and on the need to provide accessibility in high use pedestrian corridors, such as public transit routes and commercial areas.
- Create a Revolving Fund to effect repair of sidewalk damage where the responsibility for the repair rests with the private property owner.
- Award a construction contract to AJW Construction for On-Call Citywide Sidewalk Repair in Council Districts 4, 5, 6 and 7 in the amount of \$849,975.00. The on-call contract for the remaining council districts was awarded in December, 2007.

It is recommended that Council adopt the attached resolutions implementing the Sidewalk Repair Prioritization Policy, establishing the revolving fund, and awarding the construction contract.

## **FISCAL IMPACT**

**Adoption of Sidewalk Repair Prioritization Policy:** There is no fiscal impact associated with adoption of the proposed Sidewalk Repair Prioritization Policy. Adoption of the policy could, in the long term, reduce the City's liability associated with trip-and-fall claims from sidewalk damage, as well as reduce the City's exposure to claims associated with accessibility limitations from damaged sidewalks under the Americans with Disabilities Act (ADA).

**Adoption of Revolving Fund for Enforcement of Repair of Private Damage:** Approval of this resolution will authorize CEDA to transfer FY 07-08 appropriation in the amount of \$300,000 from Capital Reserve Fund (5510), Sidewalk Repairs - 5510 Project (C269160) to a project to be determined to establish the revolving fund for enforcement of repairs of private damage, and will authorize the City Administrator to appropriate any funds received from the private citizens, through this program, to pay for sidewalk repairs associated with the program. A similar revolving fund for abatement and repair of sewer laterals yields approximately 75 percent recovery of expenditures each year. The program will only spend up to available revenues within the program.

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**Award of Project C269160 - Contract B:** Approval of this resolution will authorize award of a negotiated construction contract for the amount of \$849,975.00. The project budget has sufficient funds for the work. These funds are available in the Capital Reserves Fund (5510); Sidewalk Repair Program Organization (92452); Street Construction Account (57411); Sidewalk Repairs -5510 Project (C269160) and FY 06-07 Mid-Cycle Allocation of ORA Central City East: Operations Fund (9540), City Council Priority FY 06-07 Project (P293020, \$233,000.00) that will be mirrored into a new project number to be determined. Contract funding was specifically allocated in the following project accounts:

**SUMMARY OF PROJECT FUNDING  
C269160 – CONTRACT B**

<b>Fund</b>	<b>Org</b>	<b>Account</b>	<b>Project</b>	<b>Program</b>	<b>Amount</b>	<b>Percent</b>
5510	92452	57411	C269160	IN04	\$ 616,975.00	72.59%
7780	92452	57411	TBD	IN04	\$ 233,000.00	27.41%
<b>Total:</b>					\$ 849,975.00	100.00%

**BACKGROUND**

The City of Oakland has more than 400,000 citizens residing in 79.8 square miles of land area. There are more than 100,000 individual publicly and privately owned parcels within the city limits. Oakland continues to experience a significant residential growth, with numerous housing developments under construction in many locations throughout Oakland. Oakland residents and visitors regularly utilize over 1,100 miles of sidewalks to access homes, businesses, community centers, parks and transit, among other destinations. The condition of city sidewalks determines the usability and accessibility of this unique inventory.

In 2004, City officials decided that a comprehensive planning/engineering study was needed to quantify the amount of actual sidewalk damage and to substantiate cost-to-repair figures. In addition to the sidewalk damage remediation, there were equally important concerns regarding ADA compliance mandates.

In April 2005, the City Administrator entered into a professional services agreement with Concept Marine Associates, Inc. (now TranSystems Corporation) to provide a citywide sidewalk survey. The survey scope, in short, was to conduct a citywide inventory of sidewalk damage and assets. Data was to be collected and stored in a GIS format compatible with the City's current GIS system.

TranSystems completed the field survey in October 2006, delivered the final GIS database in March 2007 and the final maps and reports in July 2007. The data set includes an inventory of the City's sidewalk network, including sidewalk damage (with over 100,000 digital photos),

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trees and tree wells, parking restrictions, ADA barriers, curb and gutter damage, street and regulatory signs, and bus stops. Over 340,000 locations were cataloged as shown in Table 1. Parcel and land use data (essential facilities, commercial, or residential) is associated with each location.

**Table 1**  
**Feature Count Breakdown**

Feature Class	Locations	Percent of Total
Sidewalk Damage	110,715	32.54%
Trees & Tree Wells	42,661	12.54%
Parking Restrictions	35,174	10.34%
ADA Barriers	53,999	15.87%
Curb & Gutter Damage	50,550	14.86%
Signs & Markings	45,475	13.37%
Bus Stops	1,665	0.49%
<b>Total Count of Collected Features</b>	<b>340,239</b>	<b>100.00%</b>

**Sidewalk Survey Key Findings**

The Sidewalk Survey indicates that the total cost to repair sidewalk, curb and gutter damage is approximately \$87.3 million. The repair cost for private damage is approximately \$60.1 million and \$27.2 million for public damage.

- **Sidewalk Inventory:** The sidewalk inventory covers 1,126 miles of sidewalk, curb and gutter, corresponding to an area of 44.7 million square feet.
- **Damaged Sidewalk:** Approximately 84 percent of the sidewalks are in satisfactory condition and 16 percent are damaged. Of the 16 percent of sidewalk damage, approximately 83 percent is private damage due to old age, sewers or utilities and only 17 percent is tree related. This finding has significant implications in the development of the proposed approach to repairing identified damage because it illustrates the need to work collaboratively with private property owners to address the majority of damage throughout the City.
- **Estimated Sidewalk Repair Cost:** The estimated repair cost of all damaged sidewalks is approximately \$79.9 million. Approximately \$19.8 million of this repair cost is related to tree damage (both official and non-official trees). Since most of street trees are official City trees, this figure is considered public damage. The remaining \$60.1 million is damage that is the responsibility of the private property owner.

- **Estimated Curb and Gutter Repair Cost:** Maintenance and repair of curbs and gutters is the responsibility of the City. The estimated repair cost of all damaged curbs and gutters is approximately \$7.4 million.
- **Tree Inventory:** Tree inventory consists of approximately 42,661 “tree point” locations. This number consists of 38,416 tree locations, and 4,245 empty tree well locations. Information collected includes tree species, size and condition.

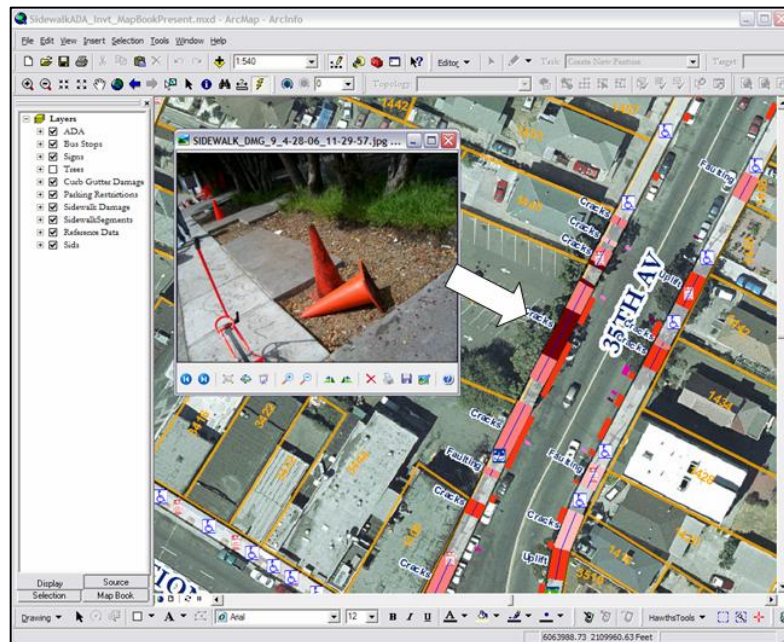
A statistical summary of the Sidewalk Survey key findings is provided as *Attachment A* and graphical summary as *Attachment B*.

### **Sidewalk Survey GIS Deliverables**

- **Geodatabase:** A geospatial database was the primary project deliverable. The geospatial database contains all collected project data. This deliverable represents the culmination of close to two years of work and more than 21,000 hours performed by the TranSystems team. A portion of the collected data was field verified by City personnel to assure the quality of the data.
- **Map Book:** A second deliverable was production of a complete map product that covers the entire City of Oakland using a total of 287 (22” x 34”) map sheets. The City of Oakland Sewer Grid was used as the boundary file. It covers all city neighborhoods, districts, and boundaries. The maps show the orthophoto (aerial photo) overlaid onto the city street centerline file, and parcel data layer.

The geospatial database was used to print color map sheets at 1” = 100’ (22” x 34”). The entire Map Book is also available in PDF format at 1” = 100’ (287 sheets) and a larger scale of 1” = 50’ (1,144 sheets). The 1” = 50’ scale PDF maps are easier to read and are more suitable for detailed review online by staff. Examples of both the 100 scale and 50 scale map sheets are shown in *Appendix C*.

- **Digital Photos:** As part of the data collection, over 100,000 digital photos were taken of each damaged location and linked to the sidewalk GIS database. This will provide a snapshot in time of existing damage that will assist City staff in confirming damage characteristics for repair, and by the City Attorney in addressing claims and litigation. A screen shot illustrating some of the information available in the GIS application is shown in Figure 1.



**Figure 1: Digital Photo Linking to GIS database**

- **Sidewalk Survey Final Report:** TranSystems also prepared a Final Report as a deliverable that summarizes the findings and methodology used to performed the survey which served as source for tables and charts contained in this report. The Sidewalk Survey Final Report will be made available online on the City’s website.

### **Sidewalk Survey New Resources and Capabilities**

The Sidewalk Survey GIS application has numerous multi-departmental benefits and capabilities that include, but are not limited to the following:

- **Prioritization, Planning and Enforcement:** The Sidewalk Survey GIS database now allows Sidewalk Repair Program staff to easily identify and prioritize sidewalk damage locations and will assist in the strategic planning as well as proactive enforcement of the Sidewalk Repair Program. Using the GIS capabilities, staff can view online the type, cause, severity and geographical location of existing sidewalk damage and the corresponding property owner information for enforcement and abatement actions that support a “path of travel” improvement strategy.
- **Liability Reduction:** The Sidewalk Survey GIS database has allowed staff to analyze existing trip and fall claims filed in the past ten years and confirm whether repairs must still be made at these locations. Remaining sites have been prioritized and included in the most recent on-call sidewalk repair contracts. The data will allow staff to be more effective and proactive in identifying sidewalk corridors that pose a high liability to the

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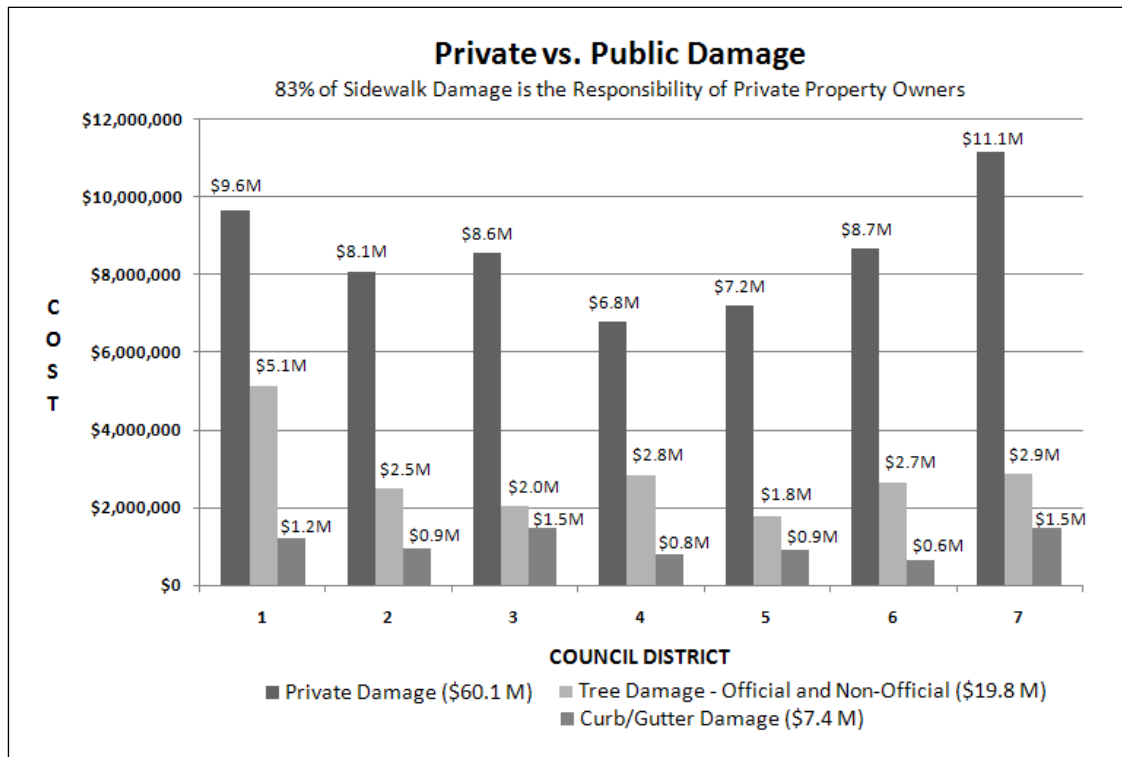
City because of trip and fall hazards and/or ADA non-compliance. City Attorney and ADA Programs staff can view and use the Sidewalk Survey GIS database when investigating trip and fall claims and ADA complaints.

- Urban Forest Management Program:** The inventory of tree and tree wells provided by Sidewalk Survey will be also used by Public Work Agency Tree Services Division to implement an effective and proactive GIS based Urban Forest Management Program.
- Data Collection and Database Maintenance:** Sidewalk inspection and enforcement activities can benefit from the Sidewalk Survey GIS capabilities by automating data collection of actual field condition inspections through the use of mobile hand held devices for easy maintenance and updating of the GIS geodatabase.

**KEY ISSUES AND IMPACTS**

**Sidewalk Damage and Repair Costs**

The estimated cost to repair sidewalk damage caused by trees (official and non-official) is \$19.8 million and the cost to repair damaged curbs and gutters is \$7.4 million. The City is responsible for repair of damage caused by official city trees and repair of damaged curbs and gutters. Sidewalk damage other than from trees (i.e. old age, sewer, or utility) is \$60.1 million. These figures are in 2007 dollars. A breakdown of private vs. public repair costs by council district is shown in Figure 2.



**Figure 2**

Damage caused by old age, private sewer laterals and utility failures is considered private damage and the responsibility of property owners or utility company. Currently there is no funding allocated for enforcement of private, sewer or utility damage. As mentioned previously, this information is significant in that it highlights the need to collaborate with private property owners in the repair of sidewalk damage on a citywide basis.

### **Trip and Fall Historical Costs**

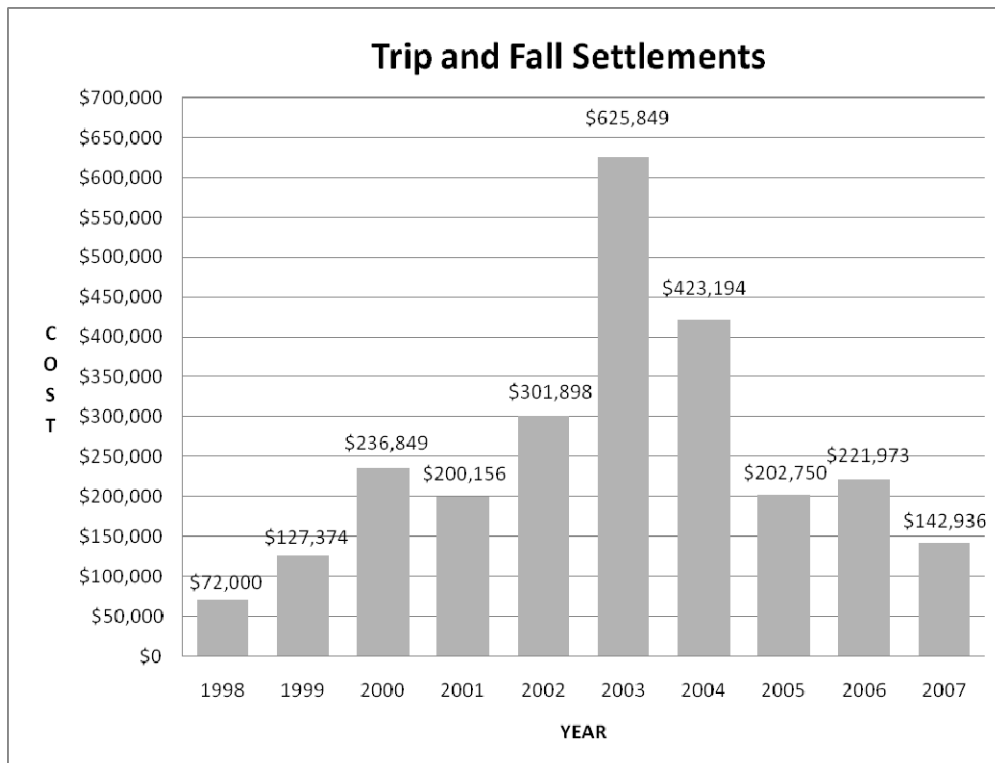
Over the last 10 years (1998 to 2007), approximately \$2.5 million has been paid by the City in trip and fall claims and litigation, as shown in Table 2 and Figure 3. The proposed Sidewalk Repair Prioritization Policy recommends that trip and fall claims be the number one priority to reduce liability in high foot traffic “corridors”.

*Please note: In 2003, two claims accounted for 59.5 percent or \$372,614 of the trip and fall settlements paid that year.*

**Table 2**  
**Summary of Trip and Fall Settlement**  
**1998 – 2007**

<b>Year</b>	<b>Total Settlements</b>	<b>Total Amount Paid</b>
1998	3	\$72,000
1999	19	\$127,374
2000	30	\$236,849
2001	14	\$200,156
2002	23	\$301,898
2003	23	\$625,849
2004	31	\$423,194
2005	20	\$202,750
2006	13	\$221,973
2007	9	\$142,936
	<b>Total:</b>	<b>\$2,554,979</b>





**Figure 3**

### **ADA Mandates (Barden Decision)**

The U.S. Department of Justice (DOJ) ADA Title II regulations stipulate that, if structural changes to facilities are required to achieve program accessibility, public entities shall develop a transition plan setting forth the steps necessary to complete such changes. If a public entity has responsibility or authority over streets, roads, or walkways, its ADA transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs.

The transition plan requirement now extends to sidewalk barrier removal, pursuant to *Barden v. Sacramento* (2004). The *Barden* case set a nationwide precedent requiring cities and other public entities to make all public sidewalk systems accessible. As a result of the court's ruling in this case, public entities must address barriers such as missing or unsafe curb cuts throughout the public sidewalk system, as well as barriers that block access along the length of the sidewalks.

This represents an important and new consideration in selecting sidewalk repair locations in that locations must be selected in a manner that supports the ultimate development of accessible paths of travel for persons with disabilities.

**Award of On-Call Sidewalk Repair FY 07-08 Project C269160 - Contract B  
Council District 4, 5, 6, and 7**

On September 24, 2007, the City Clerk received one bid for this project. The Engineers Estimate for the work is \$844,800.00. AJW Construction submitted the only bid. Because the sole bid of \$1,074,800.00 exceeded the Engineer's Estimate by \$230,000.00 or 27 percent, staff recommended that the City Council reject all bids. On December 18, 2007 the City Council approved Resolution No. 80980 C.M.S., authorizing the City Administrator to reject all bids and negotiate a construction contract with AJW Construction for a not-to-exceed amount of \$850,000.00.

On January 10, 2008 the City negotiated a construction contract with AJW Construction in the amount of \$849,975.00 that meets the City's Local Business Enterprise (LBE) / Small Local Business Enterprise (SLBE) requirements. The Engineer's Estimate for the negotiated contract is \$811,450.00. *Attachment E* shows the project negotiated bid schedule.

AJW Construction's LBE/SLBE participation is \$849,975.00 (100%) and local trucking participation is \$12,000.00 (100%). The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in *Attachment F*.

Construction is scheduled to begin in May 2008 and should be completed in January 2009. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time of 180 working days is exceeded. *Attachment G* shows the project schedule.

In general, the proposed work for this construction contract consists of repairing official tree-related damaged sidewalk locations and will enhance pedestrian access and pedestrian safety. Repair locations were selected based on the following criteria: trip and fall claims made through the City Attorney's office, proximity to essential facilities (i.e. hospitals, adult residential care centers, senior centers, child care centers, recreation centers, schools, libraries, etc.), high pedestrian traffic "corridors" (i.e. business districts), and severity of damage.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** Adoption of the Sidewalk Prioritization Policy could, in the long term, reduce the City's liability associated with trip-and-fall claims from sidewalk damage, as well as reduce the City's exposure to claims associated with accessibility limitations from damaged sidewalks under the ADA.

Repaired sidewalks enhance the appearance of commercial and residential corridors and are commonly associated with higher property values.

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All public works contracts require the payment of prevailing wages. Prevailing wages offer a livable wage rate for workers and contribute to an increased quality of life. Project funds should turn over within the community and help to stimulate the City's economic base. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. In addition, sidewalks in good condition enhance the vitality of a community.

**Environmental:** The contractor will recycle removed concrete and asphalt to the extent possible. Removed trees and spurned tree roots will be taken to a green waste-recycling center.

**Social Equity:** Targeted improvements to the City's sidewalk network will promote equal access for all pedestrians and encourage use of public transit, especially by frail seniors and people with disabilities.

Sidewalk repairs locations for Project C269160 - Contract B have been selected in Council Districts 4, 5, 6, and 7. Repair locations for Council Districts 1, 2, 3 are included as part of other construction contracts previously awarded on December 18, 2007 as Project C269130 (Resolution No. 81018 C.M.S) and Project C269160 - Contract A (Resolution No. 81019 C.M.S.).

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Sidewalk repair and installation of curb ramps improves pedestrian access for frail seniors and people with disabilities. Further, sidewalk repair and curb ramp activities are required by state and federal disability laws and regulations. The Sidewalk Repair Program mitigates ADA barriers within pedestrian routes and thereby supports Oakland's ongoing effort to achieve broad ADA compliance.

## **RECOMMENDATIONS AND RATIONALE**

This report recommends the following next steps for the Sidewalk Repair Program, which are based on current industry best practices for sidewalk improvement and ADA compliance planning:

### **1. Adopt Sidewalk Repair Prioritization Policy**

In order to mitigate major liability resulting from trip and fall claims and to fulfill ADA compliance mandates, it is recommended that the City transition the Sidewalk Repair Program from a traditional "complaint-based" program to a "path of travel" based one. The new Sidewalk Repair Prioritization Policy will take a comprehensive approach to improving the City's pedestrian routes, addressing city tree, private and utility damage

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and removing other ADA barriers and creating accessible paths of travel for all pedestrians.

Selection and prioritization of sidewalk repair locations will be based on the following criteria:

- Trip and fall claims made through the City's Attorney's office,
- Proximity to essential facilities (i.e. hospitals, adult residential care centers, senior centers, child care centers, recreation centers, schools, libraries, etc.),
- High pedestrian traffic "corridors" (i.e. public transit routes, business districts, cafes, hotels, arenas, sports complexes, local, state, federal governmental buildings, etc.), and
- Severity and type of damage

Selection of repair locations will target and emphasize strategic planning of multiple block segments or entire "corridors" to optimize use of available funding in mitigating trip and fall hazards and ADA non-compliance. This approach not only addresses the locations that pose the highest risk but will also allow for a phased and coordinated issuance of Notice to Repair (NTR) orders for private, utility, sewer related damage in the same "corridor". This will give property owners the opportunity to make arrangements if they choose to with City contractors to perform repairs concurrently. Once this policy is adopted, staff will return to Council with a detailed proposal with specific corridors for implementation.

## **2. Establish a Revolving Fund for Enforcement of Private Damage**

Currently the Sidewalk Repair Program is using 100 percent of CIP funding to repair official city tree related sidewalk damage. The sidewalk survey found that approximately 84 percent of the sidewalks are in satisfactory condition and 16 percent are damaged. Of the 16 percent of sidewalk damage, approximately 77 percent is private damage due to old age, 17 percent is tree related, 5 percent is utility related, and less than 1 percent is private sewer related.

In accordance with the Oakland Municipal Code, Chapter 12.04 Sidewalk, Driveway and Curb Construction and Maintenance, the City may enforce a Notice to Repair (NTR) by repairing the damaged sidewalk. However, presently there is no dedicated funding for enforcement of NTR's. Currently, the Sidewalk Repair Program is using 100 percent of CIP funding to repair the official city tree related sidewalk damage. A revolving fund is needed for the Sidewalk Repair Program to enforce the repair of the estimated \$60.1 million of private, utility, and sewer related damage. It is recommended that \$300,000.00 of available FY 07-08 Capital Reserve Funds (5510) in Project C269160 be used as source for a revolving fund to enforce the repair of private damage, currently estimated at

\$60.1 million. The estimated cost of public damage (tree related and curb and gutter damage) is \$27.2 million.

In the event a property owner fails to respond to a Notice to Repair (NTR), the City may then enforce the NTR by issuing a Preliminary Notice of Lien and using these dedicated funds to schedule the repair of private damage by contract. Once the repair is completed, a lien will be placed against the property and an invoice will be mailed to the property owner for actual repair costs and administrative fees. As invoices are paid, monies will be re-deposited into the revolving fund for continuing enforcement of NTR's.

Adoption of the proposed Sidewalk Repair Prioritization Policy will ensure consistent and proactive enforcement throughout the City.

### **3. Adopt a Sidewalk ADA Transition Plan**

Pursuant to *Barden v. Sacramento*, the ADA transition plan requirement now extends to sidewalk barrier removal. Accordingly, ADA Programs and Engineering Design and Right-Of-Way staff are drafting a Sidewalk ADA Transition Plan for City Council consideration that catalogs, prioritizes, and documents improvements necessary to ensure equal access for pedestrians with disabilities. The primary goal of the Sidewalk ADA Transition Plan is to identify strategies to mitigate ADA barriers in the public right-of-way and thereby support Oakland's ongoing effort to achieve broad ADA compliance.

The Sidewalk Condition and ADA Survey inventoried ADA barriers including sidewalk damage, tree-related barriers (low wells, hanging limbs), obstructions, excessive travel direction and cross slopes, and sudden drop-offs. A land use was attributed to each survey segment (city block): 1. Essential Facility Area (public buildings such as hospitals, fire stations, and police stations); 2. Commercial Area; or 3. Residential Area. This Geographic Information System (GIS)-based inventory provides a detailed picture of non-compliance and allows for targeted use of funds earmarked for the creation of accessible pedestrian corridors or "paths of travel".

The draft Sidewalk ADA Transition Plan will include recommendations such as establishing an On-Call Sidewalk Repair Program for Persons with Disabilities, adopting a phased strategy to mitigate access barriers within the City's pedestrian routes, and taking action steps to build institutional capacity for implementation of the plan. Further, the transition plan will recommend that the City reduce the identified ADA barriers by prioritizing mitigation strategies according to the condition severity and survey-identified land use category.

The Sidewalk Repair Program has already begun to implement this methodology, moving from complaint-based selection of repair locations to selection of trip and fall claims made through the City Attorney's office, proximity to essential facilities (i.e. hospitals, adult residential care centers, senior centers, child care centers, recreation centers,

schools, libraries, etc.), high pedestrian traffic areas (i.e. business districts), and severity of damage.

#### **4. Award of On-Call Sidewalk Repair FY 07-08 Project C269160 - Contract B**

It is recommended that the negotiated sidewalk repair contract be awarded to AJW Construction, the sole responsible bidder in the amount of \$849,975.00 for On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6 and 7 (Project No. C269160).

AJW Construction has met the LBE/SLBE and local trucking requirements for Project C269160 - Contract B. Project accounts have sufficient funds.

#### **5. Consider Adopting Sidewalk Liability Ordinance**

Staff proposes returning to City Council with a full report on the benefits of adopting a sidewalk liability ordinance, especially in light of the Sidewalk Survey findings that indicate that 83 percent of the sidewalk damage is private owner responsibility. A sidewalk liability ordinance would extend to abutting property owners a duty of care to third parties injured as a result of poorly maintained sidewalks. This would enhance the proposed coordinated efforts to reduce trip and fall liability and increase sidewalk access discussed in this report.

Under the California Streets and Highways Code, Section 5610 et seq, the owner of property abutting a sidewalk has a duty to maintain and repair the sidewalk. Because property owners have a duty to maintain sidewalks, the City may require the property owner to make necessary repairs, or may make the repairs and pass the repairs costs on to the property owner.

While abutting property owners have a duty to maintain the sidewalks, this does not create a duty of care to a third party who is injured as a result of a sidewalk defect. Cities are typically solely liable for injuries arising from an owner's failure to meet their sidewalk maintenance obligations.

A private property owner may still be liable to a third party if the property owner has exerted some sort of control over the sidewalk, and the defect that causes the injury was a result of the property owner's own negligence in exerting that control, or where his or her own negligence causes the defect.

Charter cities such as the City of Oakland may enact ordinances that put property owners on notice that they have a duty of care to third parties so that the abutting property owners may also be liable for injuries arising from the owner's failure to meet their sidewalk maintenance obligations. Cities that have done so include: San Jose, San Francisco, Larkspur, Albany, Orinda and a number of other cities throughout the state.

Common elements found in an ordinance that transfers liability to an abutting property owner for third party injuries state as follows:

- a. The owner of the property fronting any portion of a sidewalk, curb, bulkhead, retaining wall, or driveway between said property and the street line, is responsible for the repair, maintenance, cost and expense of the sidewalk.
- b. The owner of said property is under a duty to keep the above portion of sidewalk in a safe condition. Any alterations must be made in a safe condition.
- c. Failure of the owner to fulfill the above duties is negligence and the owner is liable to members of the public injured as a result of said negligence.
- d. If the owner is not in possession of the property, then the person in possession is liable to the injured public, as well as the owner.
- e. A general definition of "sidewalk": a park, a parking strip, curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip pursuant to Streets and Highways Code Section 5600, et seq.

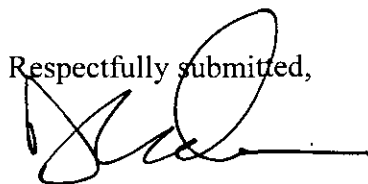
The City could potentially save a significant amount in damages awards, settlement awards, attorney costs, fees, and time spent on such matters, and could better provide for the safety of its citizens, if a Sidewalk Liability Ordinance were enacted by the City Council.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council accept this report, provide direction to staff whether to schedule for Council consideration a sidewalk liability ordinance, and approve the following three resolutions:

1. Resolution adopting a Sidewalk Repair Prioritization Policy; and
2. Resolution authorizing the City Administrator to appropriate \$300,000.00 of available FY 07-08 Capital Reserves Funds (5510) from Sidewalk Repairs - 5510 Project (C269160) and new funds into a dedicated project account for the enforcement and repair of private sidewalk damage; and
3. Resolution authorizing the City Administrator to award a construction contract to AJW Construction for Project C269160 - Contract B in the amount of 849,975.00.

Respectfully submitted,



Dan Lindheim  
Director  
Community and Economic Development  
Agency

Reviewed by:  
Michael Neary, P.E.  
Deputy Director  
Community and Economic Development Agency  
Design & Construction Services Department

Prepared by:  
Jaime Heredia, P.E.,  
Supervising Civil Engineer  
Engineering Design and Right-of-Way Management

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
Office of the City Administrator

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*Attachment A*

**Citywide Sidewalk Condition and ADA Survey**

**Statistical Summary**

## Sidewalk Condition and ADA Survey Summary of Findings

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Contractor: TranSystems, LLC  
Contract Total: \$1.2 million  
Notice to Proceed: 04/01/2005  
Data Collection Period: 11/01/05 – 11/10/06

### Key Deliverables / Date:

Quality Assurance: December 2006  
7 Layer GIS Database: March 2007  
1:100 Color Maps - 22" x 34" (287): June 2007  
1:100 & 1:50 PDF Maps (1,144): June 2007  
Final Report: July 2007

Total Number of Locations Inventoried: 340,239  
Total Sidewalk Inventoried: 1,126 miles

### Location Count Breakdown Citywide:

1. Sidewalk Damage:	110,715	33% of Total
2. ADA Barriers:	53,999	16% of Total
3. Curb / Gutter Damage:	50,550	15% of Total
4. Trees and Tree Wells:	42,661	13% of Total
5. Signs and Markings:	45,475	13% of Total
6. Parking Restrictions:	35,174	10% of Total
7. Bus Stops:	1,665	1 % of Total

### Sidewalk Damage Breakdown:

Total Number of Damage Photos: 100,000  
Total Square Feet of Surface Surveyed: 44.7 million  
Total Square Feet of Damage: 7.2 million (16%)

### Breakdown of Sidewalks Damaged:

Damage Caused by Trees:	17%	1.2 million sq. ft.
Damage Caused by Old Age:	77%	5.6 million sq. ft.
Damage Caused by Utility:	5%	0.4 million sq. ft.
Damage Caused by Sewer:	1%	31,269 sq. ft.

Sidewalk Repair Estimate: \$79.9 million  
Sidewalk Damage, Caused by Tree: \$19.8 million  
Sidewalk Damage, Other Causes: \$60.1 million

ADA Barrier Breakdown

(Other than SW Damage or Tree Barriers):

Cross Slope Barriers:	48,786	87%
Obstructions:	4,122	7%
Travel Direction Slope Barriers	2,929	5%
Vertical Hazards	85	

Curb / Gutter Repair Breakdown:

Total Curb Damage:	329,567 linear feet
Total Gutter Damage:	236,187 square feet
Curb / Gutter Repair Estimate:	\$7.4 million

Tree Count Breakdown:

Trees:	38,416
Vacant Tree Wells:	4,245

Sign Count Breakdown:

Total Number:	55,535
Regulatory Signs:	40,429 73%

Parking Restrictions Breakdown:

Total Painted Curb Locations:	35,174	669,730 linear feet
Red Curb Locations:	591,611	88% of Total

Bus Stop Count Breakdown:

Total Number:	1,665
Number with Benches	498
Number with Shelters	126

*Attachment B*

**Citywide Sidewalk Condition and ADA Survey**

**Graphical Summary**

Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008

## **Sidewalk Condition and ADA Survey Graphical Summary**

### **Introduction:**

The graphical summary contains a selection of tables and charts from the Citywide Sidewalk Condition and ADA Survey Final Report (July 2007) by TranSystems.

The full TranSystems Sidewalk Condition and ADA Survey Final Report in Adobe Acrobat PDF format can be accessed online at the City's Community and Economic Development Agency's (CEDA) web site at the following link under the Sidewalk Repair Program:

**[http://www.oaklandnet.com/cedahome\\_com/SiteData/cedahome/InetPub/wwwroot/main/dcsd\\_engineeringdesign\\_sidewalkrepair.asp](http://www.oaklandnet.com/cedahome_com/SiteData/cedahome/InetPub/wwwroot/main/dcsd_engineeringdesign_sidewalkrepair.asp)**

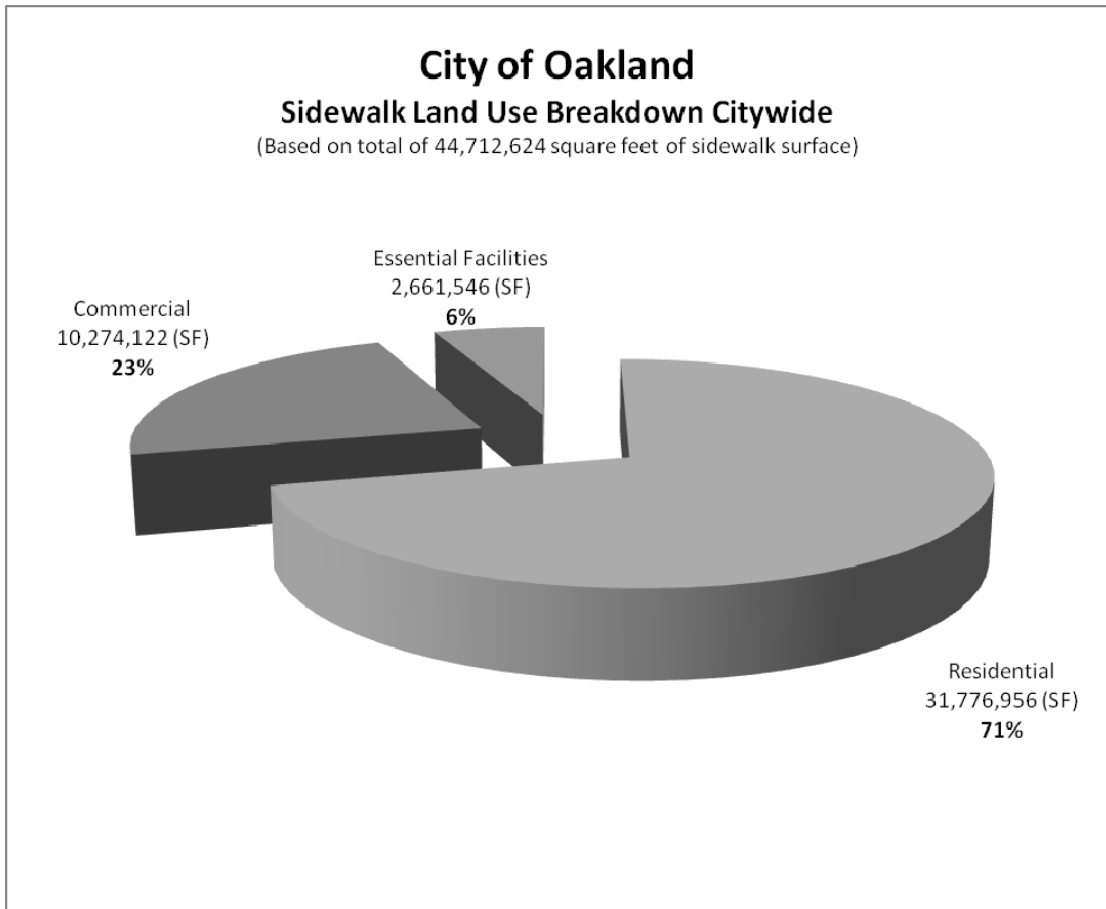
<b><u>Section</u></b>	<b><u>Page</u></b>
Overview.....	2
Sidewalk Damage .....	4
Sidewalk Damage Repair Cost Estimate .....	6
Curb and Gutter Damage .....	7
Curb and Gutter Repair Cost Estimate.....	7
ADA Inventory .....	9
Tree Inventory.....	11
Signs and Markings.....	13
Parking Restrictions .....	14
Bus Stops .....	15

**Overview**

- Survey Inventory Area and Land Use:** Total survey inventory area corresponds to **44.7 million square feet** of sidewalk and **7.7 million square feet** of curb and gutter as shown in Table 1. Sidewalk land use breaks down to **71 percent Residential**, **23 percent Commercial**, and **6 percent Essential Facilities** as shown in Table 1 and Figure 1.

**Table 1  
Survey Inventory Area and Land Use Breakdown**

Sidewalk Segment Variables		Area (Square Feet)	Percent of Total
Total Sidewalk Area		44,712,624	100%
Total Gutter Area		7,746,321	100%
Land use	Residential	31,776,956	<b>71%</b>
	Commercial	10,274,122	<b>23%</b>
	Essential Facilities	2,661,546	<b>6%</b>

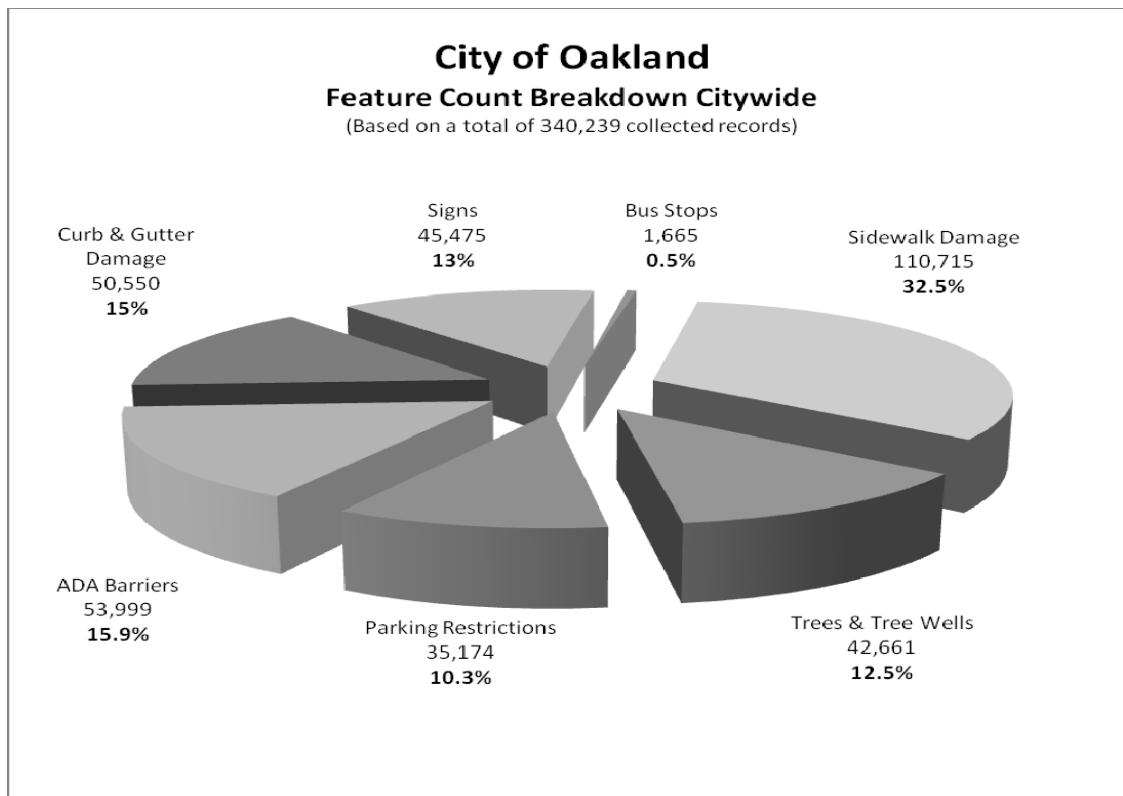


**Figure 1**

- **Survey Feature Count Breakdown:** The number of locations collected for each feature class corresponds to 340,239 total locations, as shown in Table 2 and Figure 2.

**Table 2**  
**Feature Count Breakdown Citywide**

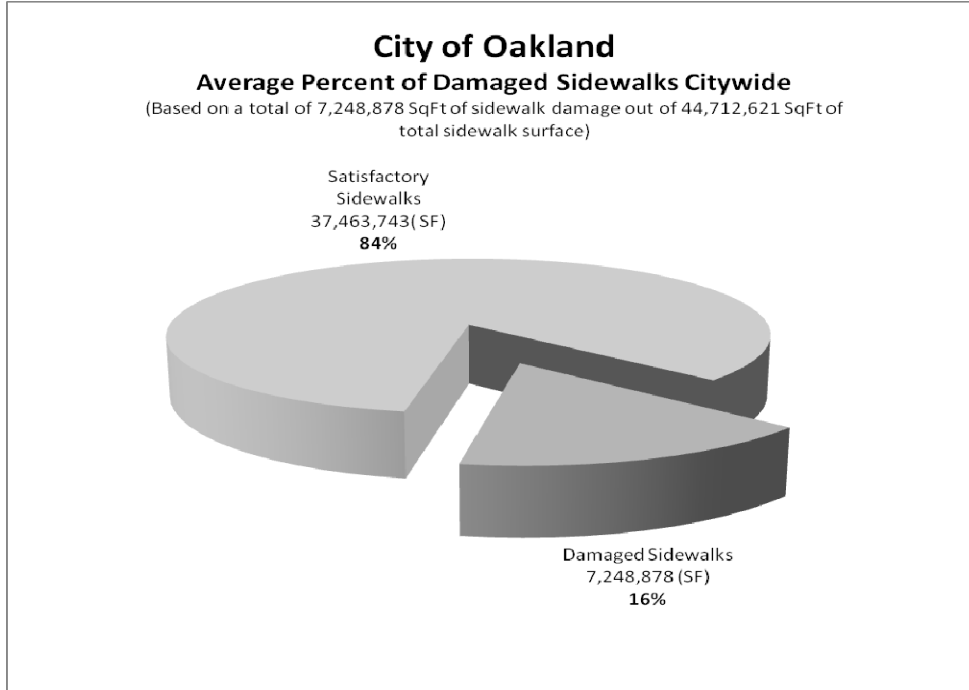
<b>Feature Class</b>	<b>Locations</b>	<b>Percent of Total</b>
Sidewalk Damage	110,715	32.5%
Trees & Tree Wells	42,661	12.5%
Parking Restrictions	35,174	10.3%
ADA Barriers	53,999	15.9%
Curb & Gutter Damage	50,550	14.9%
Signs & Markings	45,475	13.4%
Bus Stops	1,665	0.5%
<b>Total Count of Collected Features</b>	<b>340,239</b>	<b>100%</b>



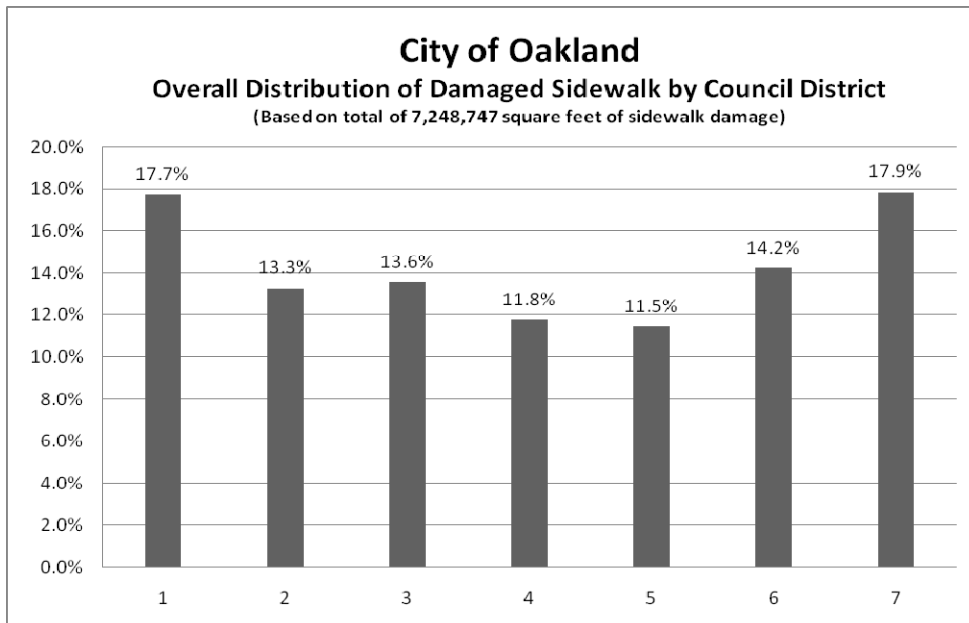
**Figure 2**

## Sidewalk Damage

- **Sidewalk Damage Breakdown.** Total area of damaged sidewalk citywide is approximately **7.25** million square feet or **16 percent** of total surveyed area as shown in Figure 3. The percent of sidewalk damaged in each Council District is shown in Figure 4. Breakdown of citywide sidewalk damage by type, severity, and cause is shown in Figure 5, 6 & 7.

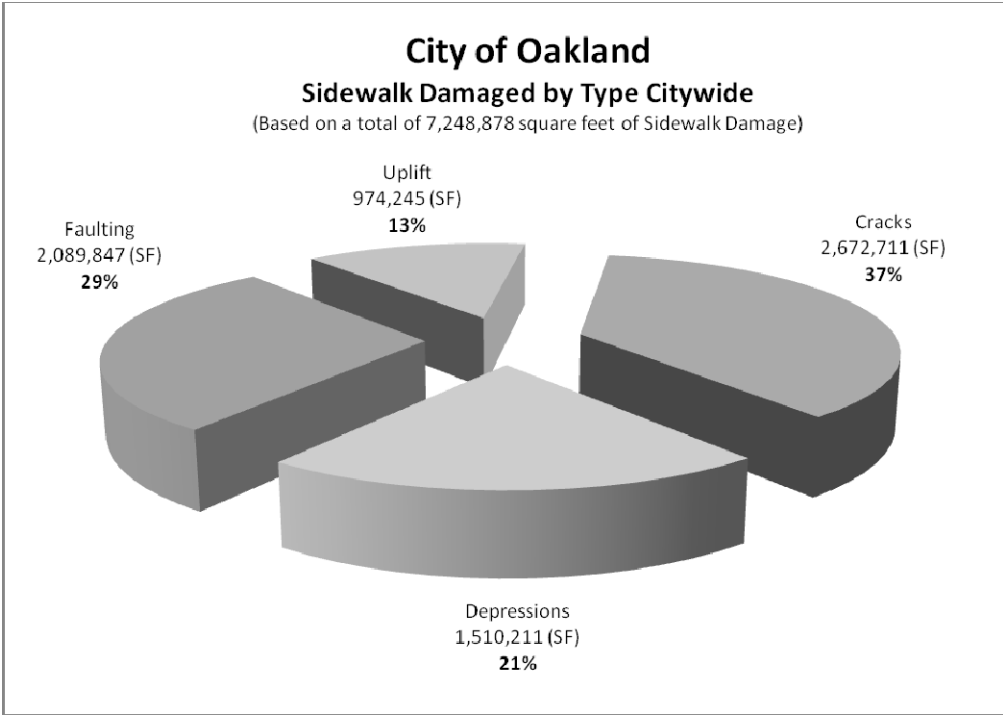


**Figure 3**

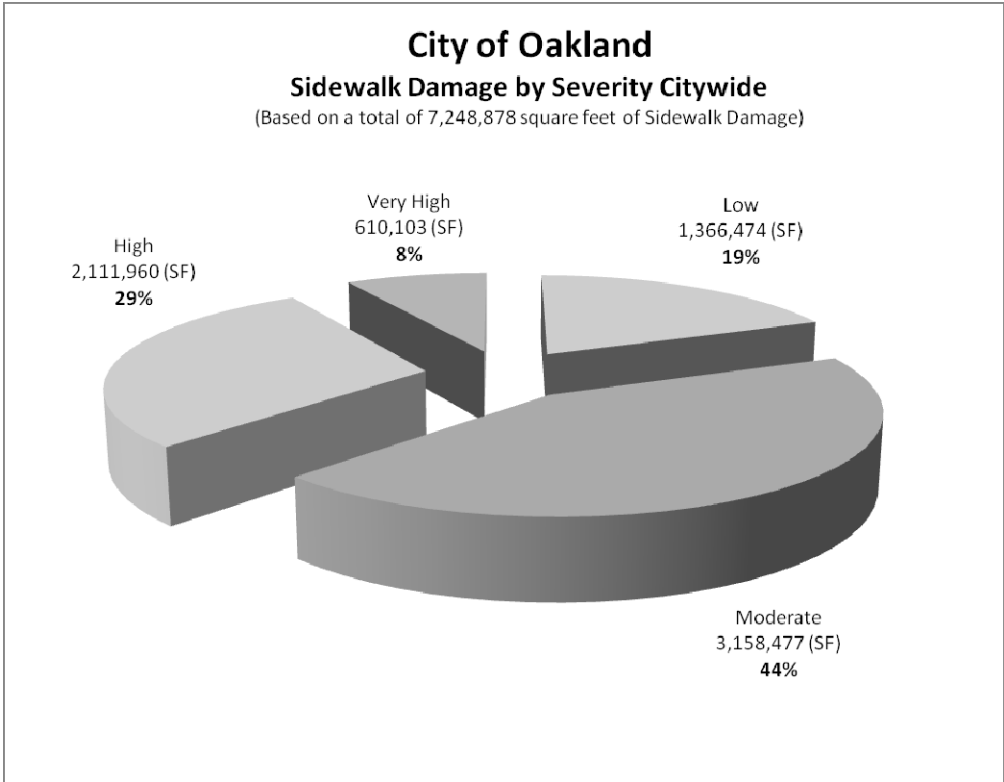


**Figure 4**

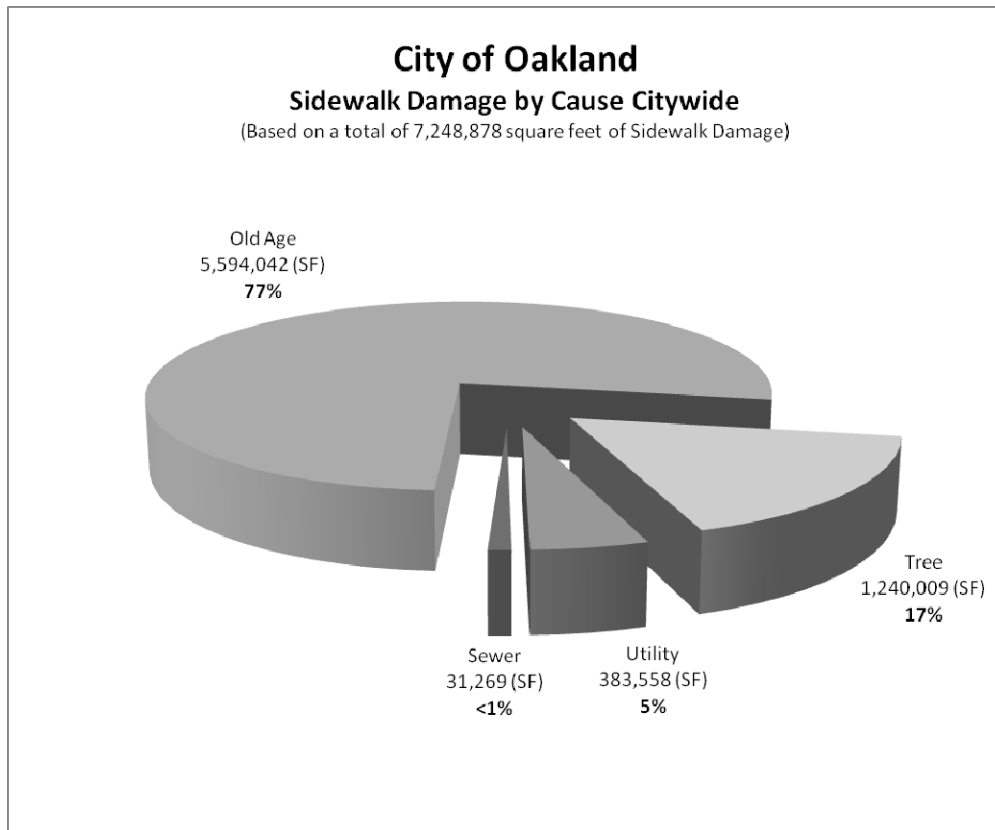




**Figure 5**



**Figure 6**



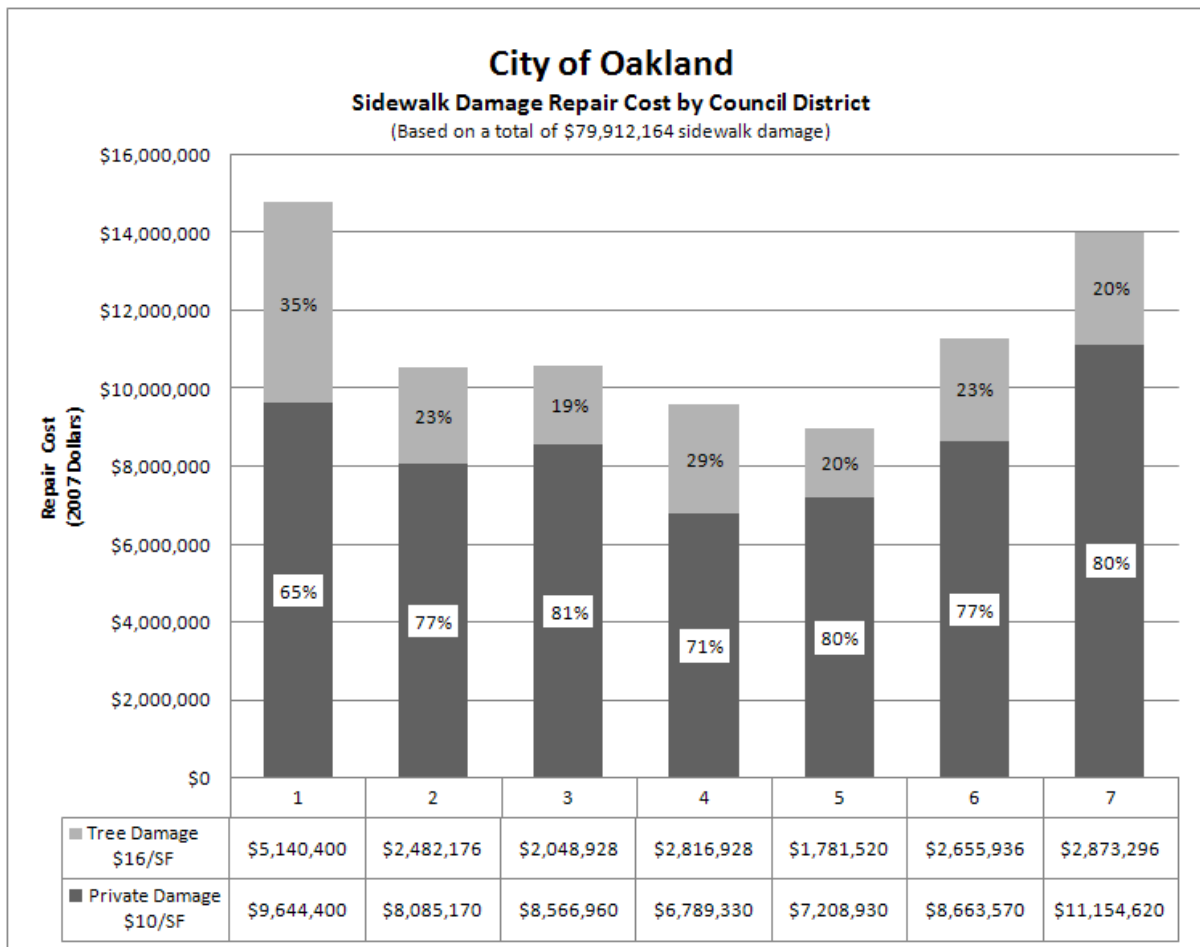
**Figure 7**

**Sidewalk Damage Repair Cost Estimate**

- Sidewalk Repair Cost:** The estimated repair cost of all damaged sidewalks is approximately **\$79.9 million** and **\$19.8 million** of this repair cost is related to **tree damage (official and non-official)**. Sidewalk damage other than from trees (i.e. old age, sewer, or utility) is \$60.1 million. Table 2 show these repair figures in 2007 dollars. A breakdown of private vs. tree related (official and non-Official) repair costs by district is shown in Figure 8.

**Table 2**  
**Sidewalk Damage Repair Cost by District**

District	Private Damage Old Age, Sewer or Utility (SF)	Private Damage \$10/SF	Tree Damage (SF)	Tree Damage \$16/SF	Total Estimated Cost \$
1	964,440	\$9,644,400	321,275	\$5,140,400	\$14,784,800
2	808,517	\$8,085,170	155,136	\$2,482,176	\$10,567,346
3	856,696	\$8,566,960	128,058	\$2,048,928	\$10,615,888
4	678,933	\$6,789,330	176,058	\$2,816,928	\$9,606,258
5	720,893	\$7,208,930	111,345	\$1,781,520	\$8,990,450
6	866,357	\$8,663,570	165,996	\$2,655,936	\$11,319,506
7	1,115,462	\$11,154,620	179,581	\$2,873,296	\$14,027,916
<b>Totals</b>	<b>6,011,298</b>	<b>\$60,112,980</b>	<b>1,237,449</b>	<b>\$19,799,184</b>	<b>\$79,912,164</b>
<b>Cost Totals</b>	<b>\$60,112,980</b>		<b>\$19,799,184</b>		<b>\$79,912,164</b>



**Figure 8**

**Curb and Gutter Damage**

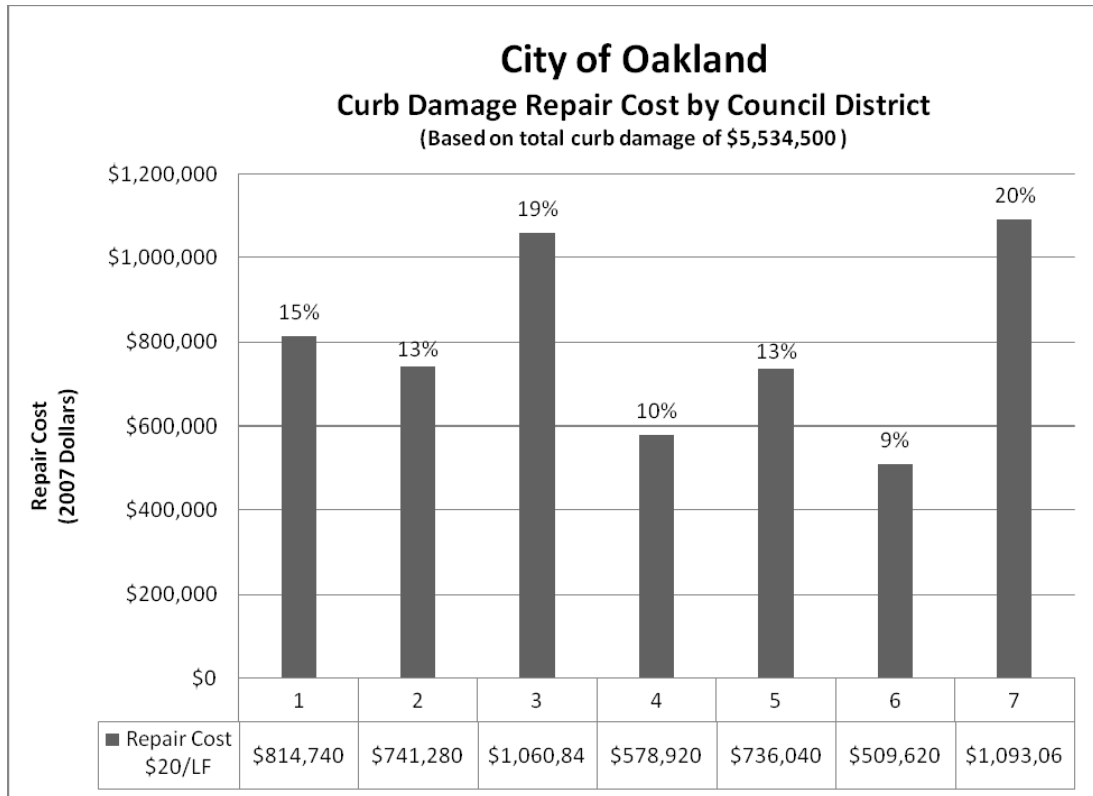
- **Curb Damage Breakdown:** The citywide inventory for curb damage found that there are **50,550** damage records. These records account for **329,567** linear feet of curb damage. “High” and “Very High” damage represents **44 percent** of this total.
- **Gutter Damage Breakdown:** The citywide inventory for Gutter Damage found that there are **9,036** damage records. These records account for **236,187** square feet of damage. “High” and “Very High” damage represents **29 percent** of this total.

**Curb and Gutter Repair Cost Estimate**

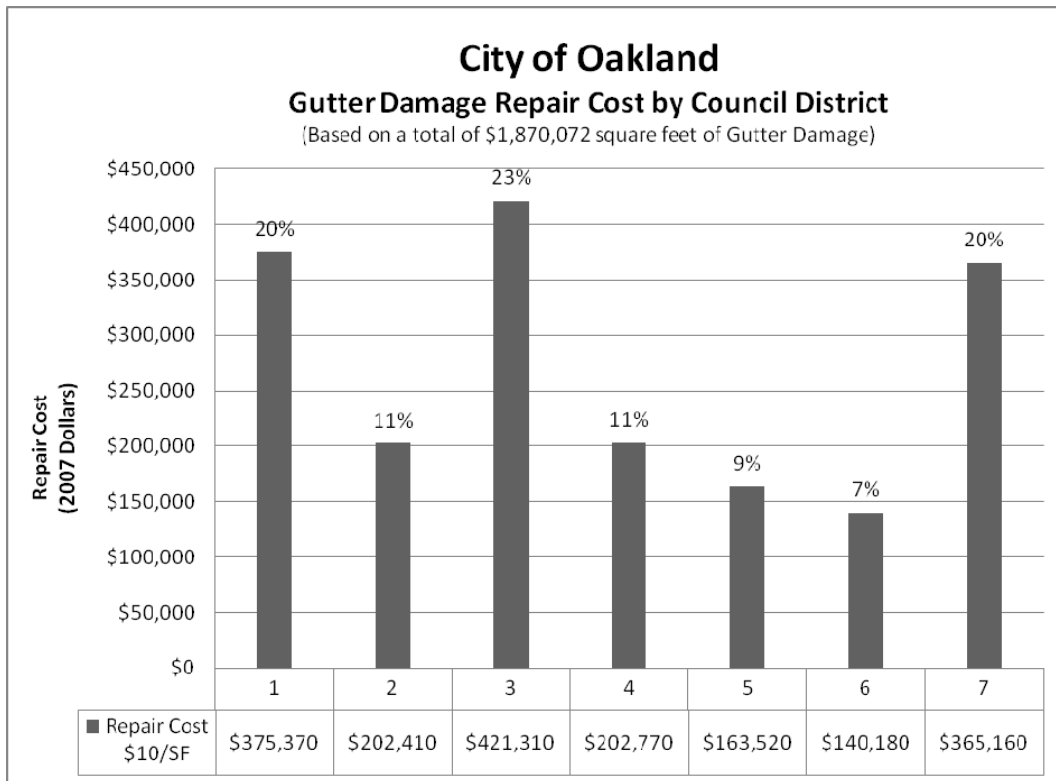
Maintenance and repair of curbs and gutters is the responsibility of the City. Estimated total repair cost of damaged curbs and gutters is approximately **\$7.4 million**. A breakdown of repair costs by district for damaged curbs and gutter is shown in Table 3 and Figures 9 and 10.

**Table 3  
Curb and Gutter Cost Estimate by District**

District	Curb Damage Linear Feet	Est Cost \$20/LF	Gutter Damage Square Feet	Est Cost \$10/SF	Total Estimated Cost \$
1	40,737	\$814,740	37,537	\$375,370	\$1,190,110
2	37,064	\$741,280	20,241	\$202,410	\$943,690
3	53,042	\$1,060,840	42,131	\$421,310	\$1,482,150
4	28,946	\$578,920	20,227	\$202,270	\$781,190
5	36,802	\$736,040	16,352	\$163,520	\$899,560
6	25,481	\$509,620	14,018	\$140,180	\$649,800
7	54,653	\$1,093,060	36,516	\$365,160	\$1,458,220
<b>Totals</b>	<b>276,725</b>	<b>\$5,534,500</b>	<b>187,022</b>	<b>\$1,870,220</b>	<b>\$7,404,720</b>
<b>Cost Totals</b>	<b>\$5,534,500.00</b>		<b>\$1,870,220.00</b>		<b>\$7,404,720</b>



**Figure 9**



**Figure 10**

### ADA Inventory

For the purpose of the survey, a 36-inch wide continuous path of travel was the standard area for collecting ADA barriers in each sidewalk segment. An ADA barrier was cataloged only if it was located within the ADA Path of Travel. Subcategories for ADA barriers span across three of seven survey database map layers (ADA, Sidewalk Damage and Tree) and include sidewalk damage, tree and tree well barriers, excessive slope (travel direction or cross slope), obstructions, and sudden drop off.

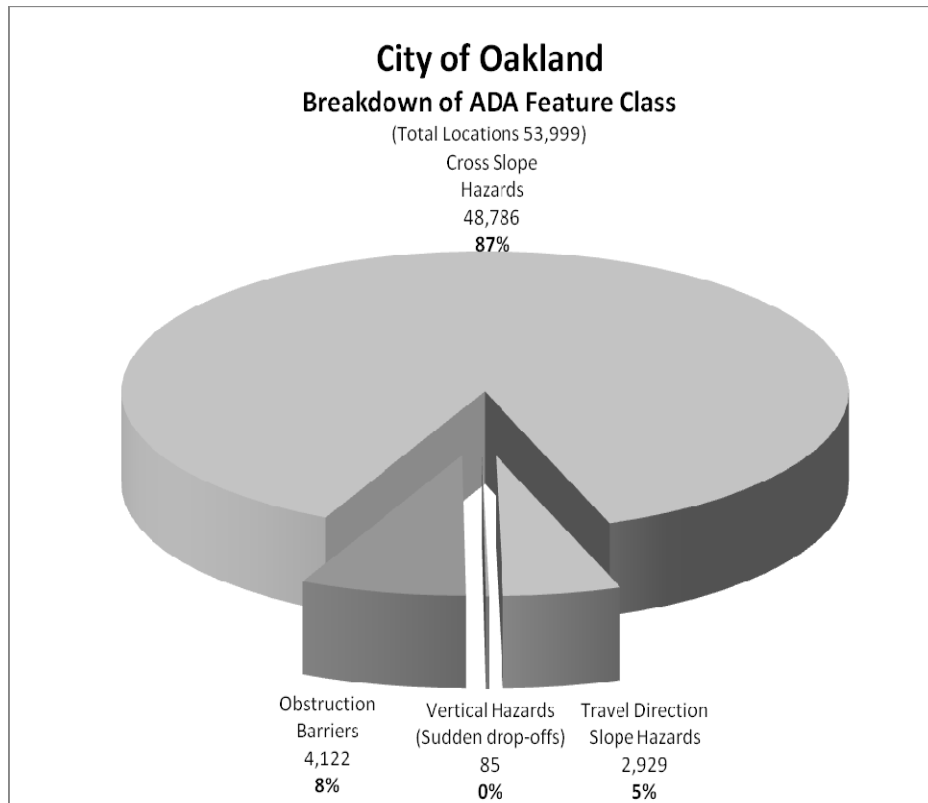
For the ADA map layer, or feature class, attribution was collected for the following four categories: Cross Slope, Travel Direction Slope, Obstructions and Vertical Hazard (sudden drop-off). The citywide inventory for ADA feature class found that there are **48,786** Cross Slope Hazard locations making up **88 percent** of all ADA locations. The remainder consists of **4,122** Obstruction locations making up **7 percent** of the total, **2,929** Travel Direction Slope hazards making up **5 percent** of all locations and **85** Vertical Hazard (sudden drop-off) locations.

Data collected citywide for the ADA feature class is shown in Table 4 and Figure 11. The combined ADA inventory, across all survey layers, is shown in Figure 12.

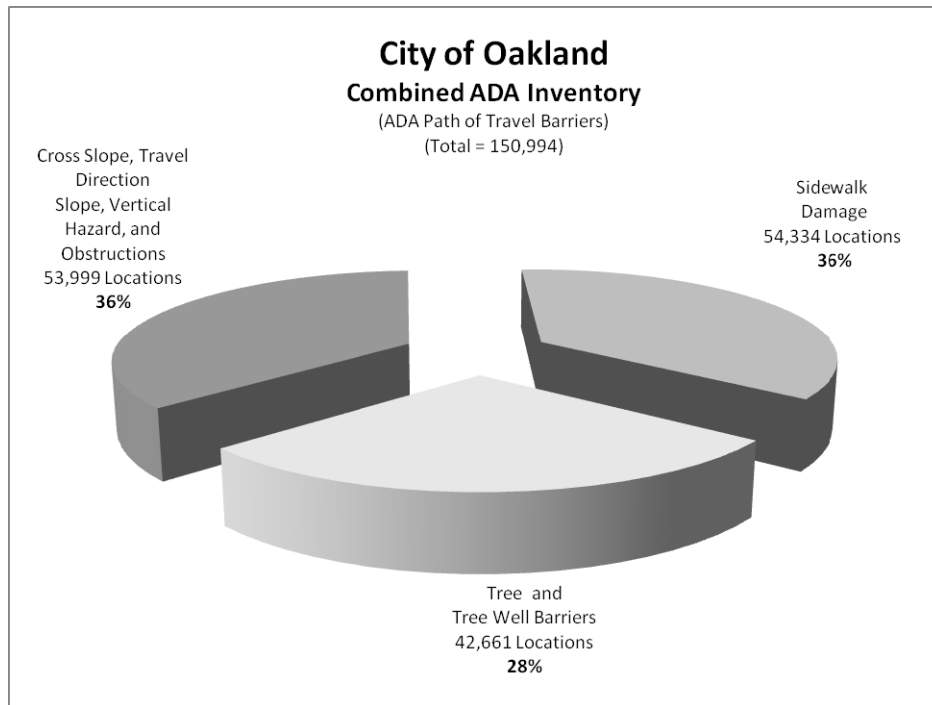
**Table 4  
ADA Feature Class**

ADA Location Variables		Feature Count	Percent of Total
Cross Slope Hazards	2-5%	18,918	34%
	>5%	3,140	6%
	Driveway	26,728	48%
	<b>Totals</b>	<b>48,786</b>	<b>88%</b>
Travel Direction Slope Hazards	5-8%	793	1%
	>8.33%	727	1%
	Driveway	1,409	3%
	<b>Totals</b>	<b>2,929</b>	<b>5%</b>
Obstructions	Transportation	183	0%
	Commercial	11	0%
	Other	3,928	7%
	<b>Totals</b>	<b>4,122</b>	<b>7%</b>
<b>Trip Fall Hazards</b>		85	0%
<b>Total Point Features Collected</b>		<b>53,999</b>	

\* Approximately 1% of the total point features contain more than one of the above variables. (Example: one point may contain values for both cross slope and obstruction) Due to this, feature count values will not add up to 53,999.



**Figure 11**



**Figure 12**

**Table 5**  
**Tree Inventory and**  
**Breakdown of 10 Most Prevalent Species**

**Tree Inventory**

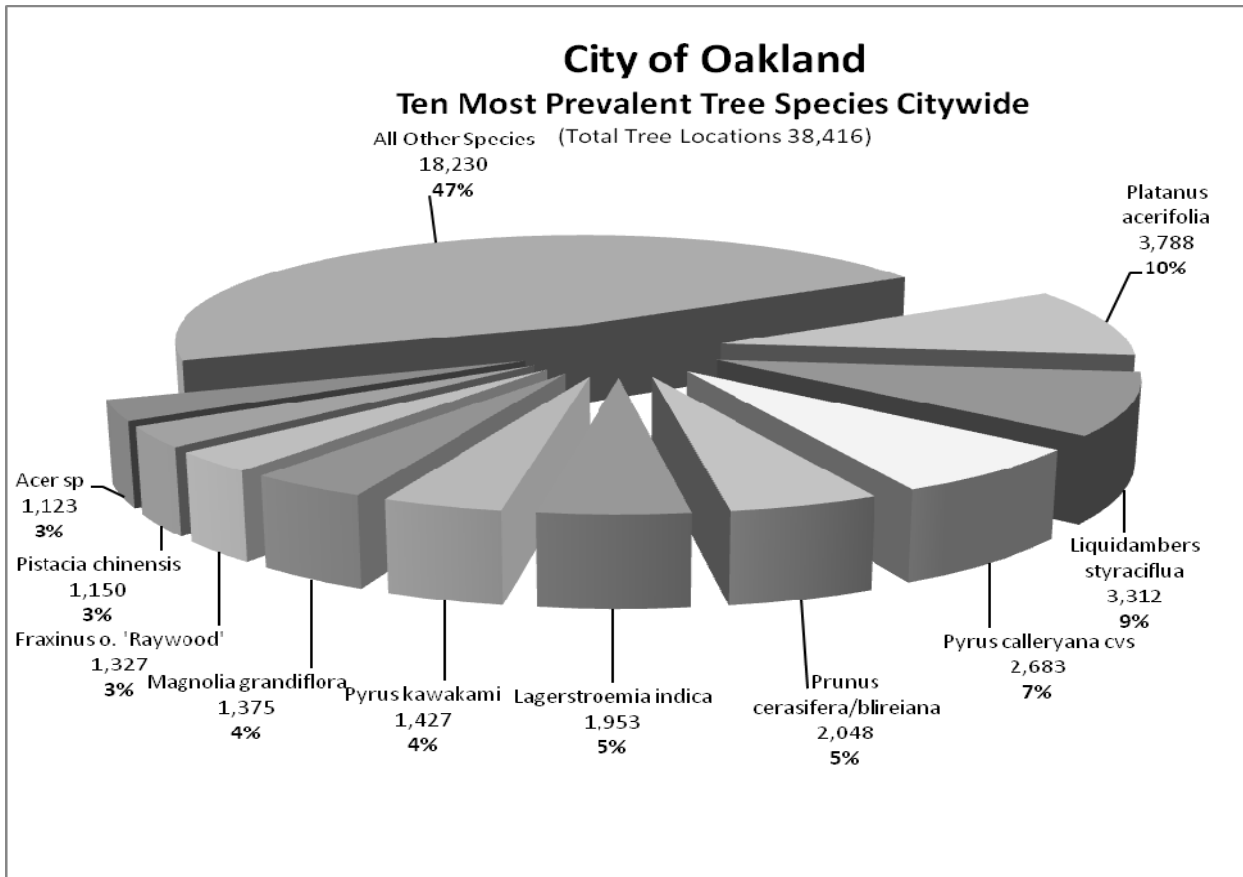
The citywide inventory for Tree survey found that are approximately **42,661** “tree point” locations, as shown in Table 5.

Of these records, a tree is present at **38,416** of the locations. The remaining **4,245** point locations represent “tree well only” locations.

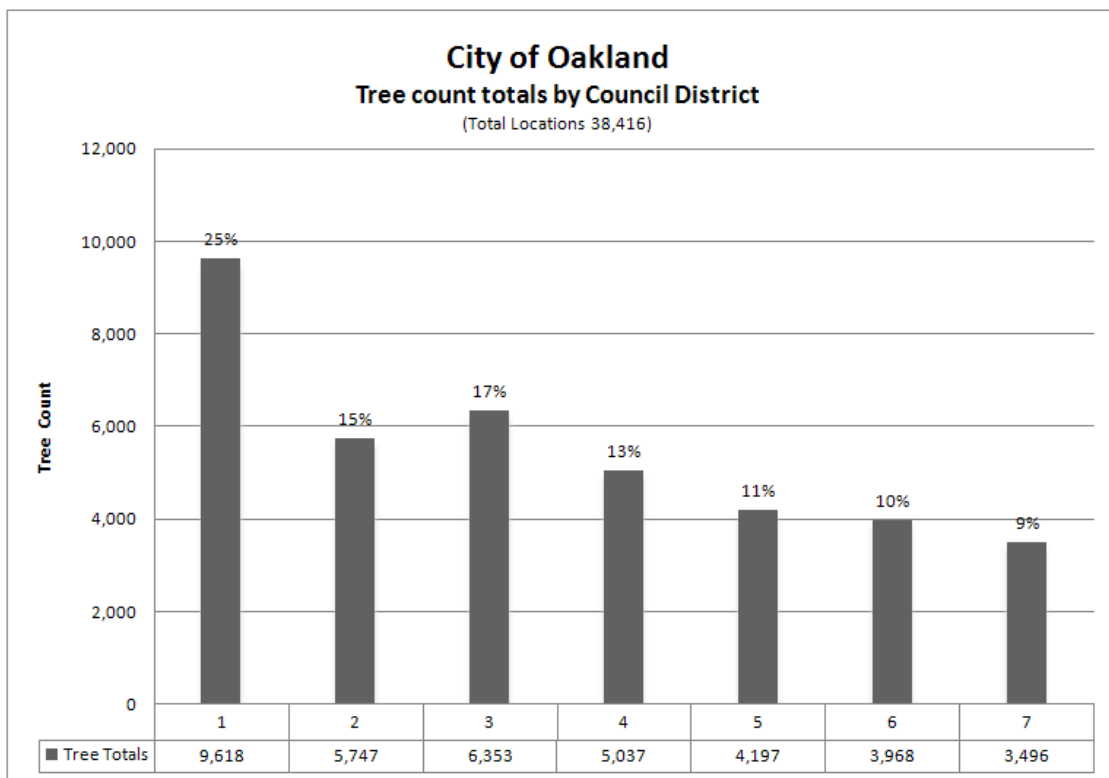
The ten most prevalent species make up **20,186** locations or **53 percent** of all tree locations as Shown in Figure 13. All other species make up **18,230** locations or **47 percent** of all tree locations.

A breakdown of tree counts and tree density (trees per mile) by council districts is shown in Figures 14 and 15.

Tree Location Variables	Count	Percent of Total
Total "Tree" Locations	42,661	100%
Tree Present	<b>38,416</b>	90%
Well Only	<b>4,245</b>	10%
Breakdown of 10 Most Prevalent Species		
Platanus acerifolia (Ash)	3,788	10%
Liquidamber styraciflua (Sweetgum)	3,312	9%
Pyrus calleryana cvs (Pear)	2,683	7%
Prunus cerasifera/blireiana (Purple Leaf Plum)	2,048	5%
Lagerstroemia indica (Crape Myrtle)	1,953	5%
Pyrus kawakami (Evergreen Pear)	1,427	4%
Magnolia grandiflora (Southern Magnolia)	1,375	4%
Fraxinus o. 'Raywood' (Ash)	1,327	3%
Pistacia chinensis (Chinese pistachio)	1,150	3%
Acer sp (Maple)	1,123	3%
Total of 10 Most Prevalent	<b>20,186</b>	53%
Count of Remaining Species	18,230	47%
<b>Trees Per Mile</b> (based on 1126 linear miles of Sidewalk)	<b>34</b>	

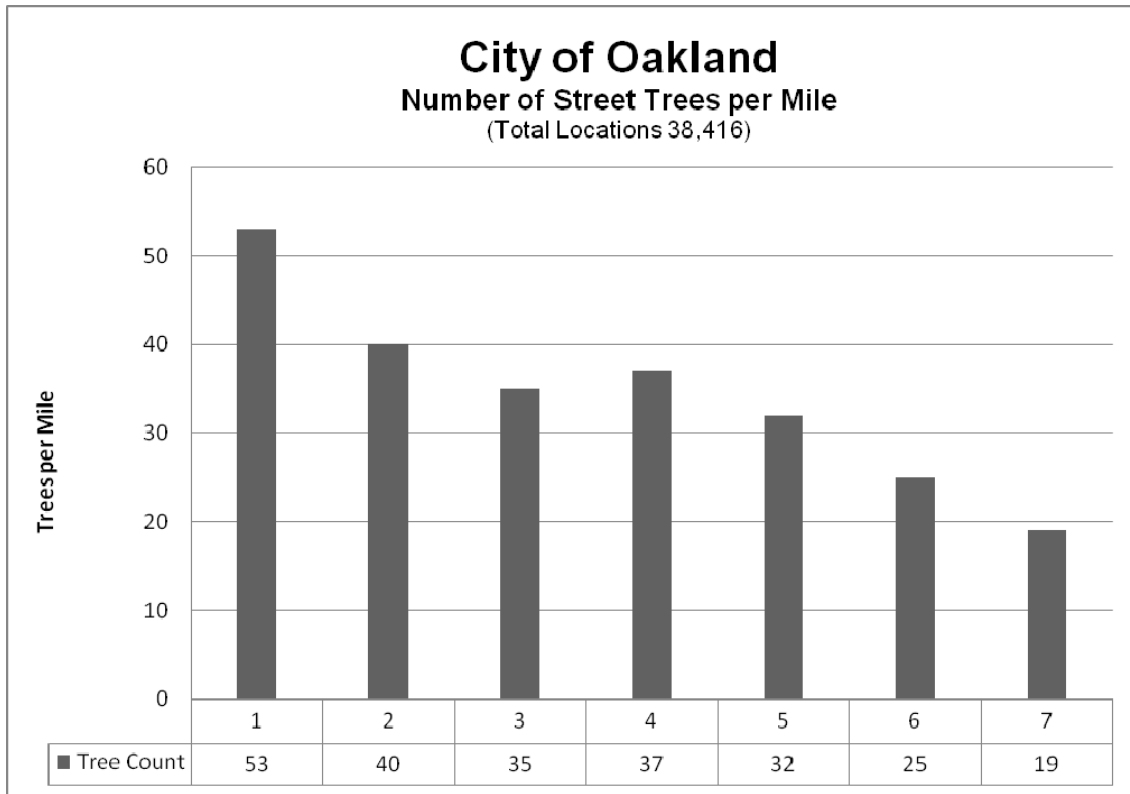


**Figure 13**



**Figure 14**





**Figure 15**

**Table 6  
Sign Collection Inventory**

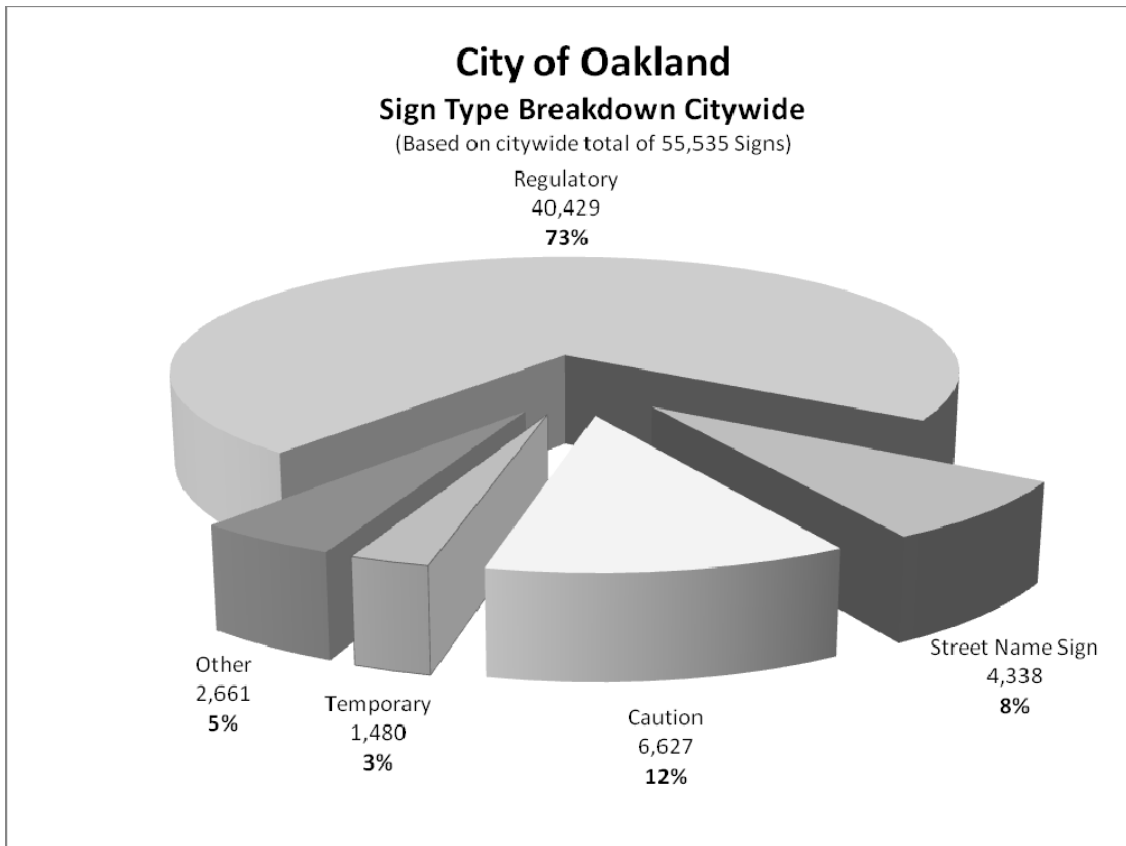
**Signs and Markings**

The citywide inventory for Signs found that there are a total of **45,475** sign pole locations and **55,535** signs. These record counts are not the same due to the fact that more than one sign may reside on one pole location.

Regulatory signs make up the majority of the locations with a total of **40,429** signs (**73%**). Data collected citywide for signs is shown in Table 6 and Figure 16.

Sign Location Variables		Feature Count	Percent of Total
Sign Type	Regulatory	40,429	<b>73%</b>
	Street Sign	4,338	8%
	Caution	6,627	12%
	Temporary	1,480	3%
	Other	2,661	5%
Totals		55,535	100%
Condition	Good	33,421	<b>73%</b>
	Fair	5,372	12%
	Poor	6,682	15%
Totals		45,475	100%
Pole Type	Metal	38,554	<b>85%</b>
	Wood	1,586	3%
	Other	101	0%
	St. Light	4,390	10%
	Traffic Sig.	844	2%
Totals		45,475	100%
Total Number of Sign Locations (Poles)		45,475	
Total Number of Signs		<b>55,535</b>	

\* One sign pole location can have up to three signs attached to it. Therefore, the total number of signs are not equal to the total number of sign pole locations.



**Figure 16**

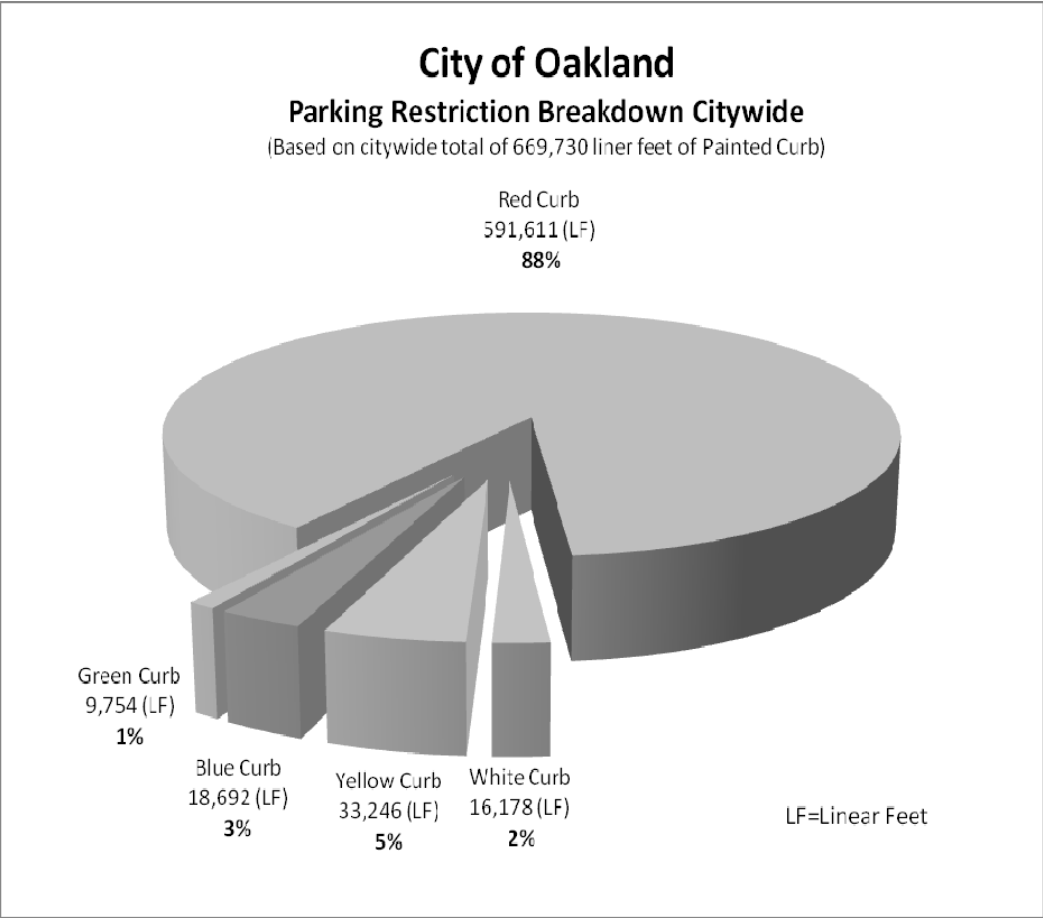
### Parking Restrictions

The Citywide inventory for Parking Restrictions found that there are **35,174** locations of painted curbs. These locations represent a citywide total of **669,730** linear feet of painted curb, as shown in Table 7 and Figure 17. Red curb makes up the majority (88%) with a total of **32,410** locations, running a total of **591,611** linear feet.

**Table 7  
Parking Restriction Inventory**

Curb Color	Feature Count	Length (Ft)	Percent of Total
Blue - Handicap Park	846	18,692	3%
Green - 10 Min. Park	262	9,754	1%
Red - No Parking	32,410	591,611	88%
White - Loading Zone	631	16,178	2%
Yellow - 30 Min. Park	1,017	33,246	5%
Other	8	249	0%
<b>Totals</b>	<b>35,174</b>	<b>669,730</b>	<b>100%</b>

\* Percent of total is calculated using linear feet and not by feature count



**Figure 17**

**Bus Stops**

Data collected citywide for bus stops is shown in Table 8. The citywide inventory for bus stops found that there are a total of **1,665** bus stop locations. Of these locations, **498** have benches and **126** have bus shelters.

**Table 8**  
**Bus Stop Inventory**

Bus Stop Location Variables		Feature Count	Percent of Total
<b>Bus Stop</b>	<b>Total Locations</b>	<b>1,665</b>	100%
	Bench	498	30%
	Shelter	126	8%
<b>Pole Type</b>	Metal	1,649	99%
	Wood	8	0%
	Other	8	0%

*Attachment C*

**Citywide Sidewalk Condition and ADA Survey**

**Sample Maps**

**1:100 and 1:50 Scale Maps**

Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008



# CITY OF OAKLAND

PUBLIC WORKS AGENCY

ENGINEERING DESIGN AND RIGHT OF WAY MANAGEMENT DIVISION

## CITYWIDE SIDEWALK CONDITION/ADA SURVEY

PROJECT NO. C250110

### Legend

#### ADA Occurances

- Cross Slope 2-5%
- Cross Slope >5%
- TD Slope 5-8%
- TD Slope >8.33%
- Com Obstruction
- Other Obstruction
- Trans Obstruction
- Sudden Drop Off

#### Pubic Transit

- Bus Route
- Bus Stops

#### Curb and Gutter Damage Severity

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Very High

#### Parking Restrictions

- Blue Curb
- Green Curb
- Other Color
- Red Curb
- White Curb
- Yellow Curb

#### Sidewalk Damage Severity

- 0 - No Sidewalk Construction
- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Very High

#### Signs (Common)

- Stop Sign
- Yield
- Parking Restriction
- Warning Sign
- Street Name Sign

#### Trees

- Tree
- Tree Well Only

SCALE: 1 IN = 100FT

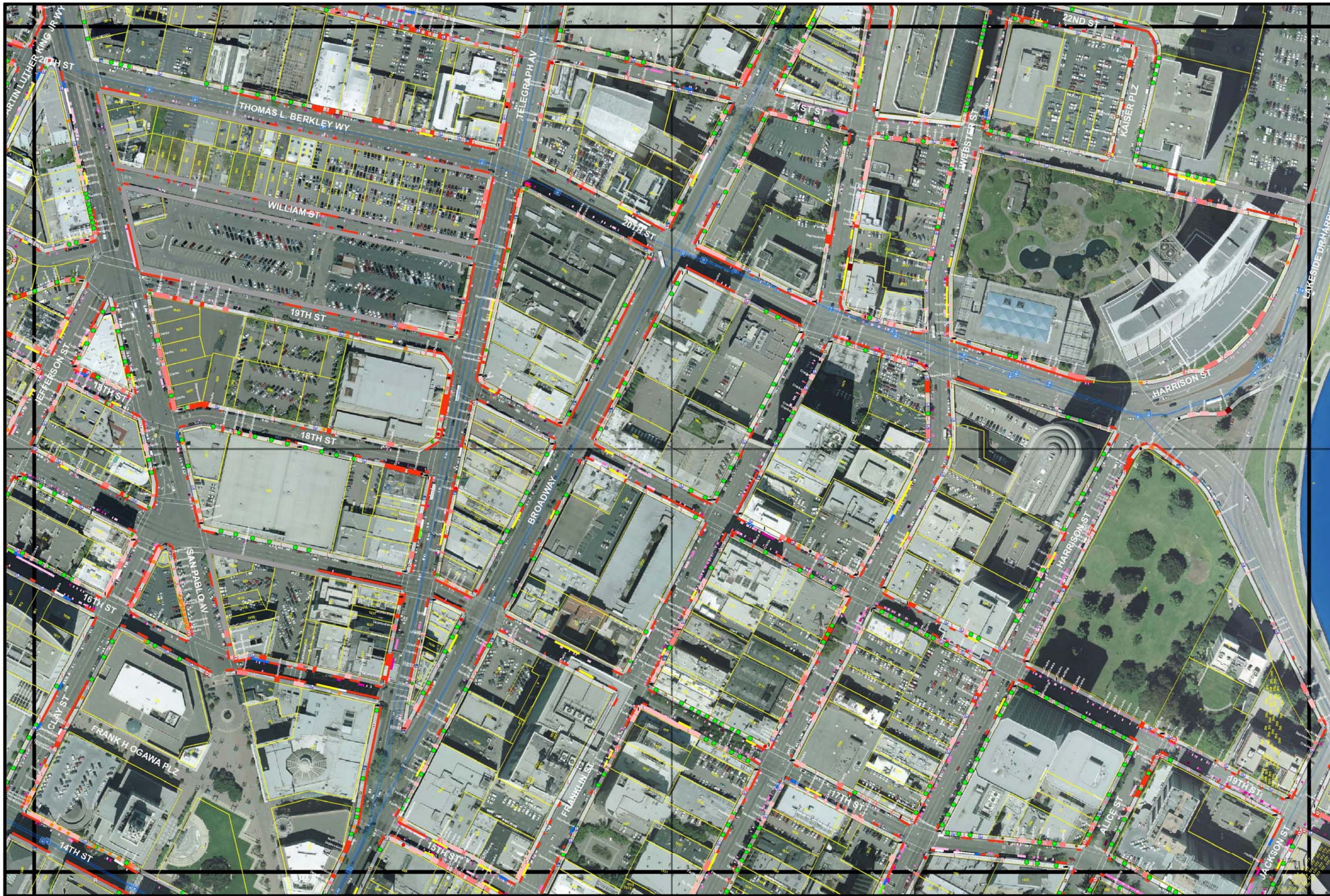
DATE: MAR 5, 2007



A	B
C	D

SHEET NUMBER

# 221





# CITY OF OAKLAND

PUBLIC WORKS AGENCY

ENGINEERING DESIGN AND RIGHT OF WAY MANAGEMENT DIVISION

## CITYWIDE SIDEWALK CONDITION/ADA SURVEY

PROJECT NO. C250110

### Legend

#### ADA Occurances

- Cross Slope 2-5%
- Cross Slope >5%
- TD Slope 5-8%
- TD Slope >8.33%
- Com Obstruction
- Other Obstruction
- Trans Obstruction
- Sudden Drop Off

#### Pubic Transit

- Bus Route
- Bus Stops

#### Curb and Gutter Damage Severity

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Very High

#### Parking Restrictions

- Blue Curb
- Green Curb
- Other Color
- Red Curb
- White Curb
- Yellow Curb

#### Sidewalk Damage Severity

- 0 - No Sidewalk Construction
- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Very High

#### Signs (Common)

- Stop Sign
- Yield
- Parking Restriction
- Warning Sign
- Street Name Sign

#### Trees

- Tree
- Tree Well Only

SCALE: 1 IN = 50 FT

DATE: MAR 5, 2007



A	B
C	D

SHEET NUMBER

# 221D



*Attachment D*

**On-Call Citywide Sidewalk Repair FY 07-08  
Contract B - Council Districts 4, 5, 6, and 7  
(Project C269160)**

**List of Repair Locations**

Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008

Sidewalk Repair Locations  
 On-Call Citywide Sidewalk Repair  
 FY 07-08 Contract B - Council  
 Districts 4,5,6, And 7  
 (Project C269160)

Council District	1	2	3	4	5	6	7	Total
Repair Locations	0	0	0	111	109	117	108	445

District	Address	Street	District	Address	Street
4	2832	BARTLETT ST	4	4011	MACARTHUR BL
4	3045	BARTLETT ST	4	4024	MACARTHUR BL
4	5207	BELVEDERE ST	4	4054	MACARTHUR BL
4	5210	BELVEDERE ST	4	4155	MACARTHUR BL
4	5211	BELVEDERE ST	4	4166	MACARTHUR BL
4	5261	BELVEDERE ST	4	4255	MACARTHUR BL
4	5273	BELVEDERE ST	4	2614	MADLINE ST
4	5277	BELVEDERE ST	4	2961	MADLINE ST
4	5280	BELVEDERE ST	4	2968	MADLINE ST
4	5286	BELVEDERE ST	4	3227	MADLINE ST
4	5291	BELVEDERE ST	4	3282	MADLINE ST
4	5292	BELVEDERE ST	4	3737	MAGEE AV
4	5313	BELVEDERE ST	4	3851	MAGEE AV
4	3107	CARLSEN AV	4	2450	MAXWELL AV
4	3115	CARLSEN AV	4	3521	MAYBELLE AV
4	2478	COLE ST	4	1832	MOUNTAIN BL
4	2601	COLE ST	4	1955	MOUNTAIN BL
4	2646	COLE ST	4	1959	MOUNTAIN BL
4	5216	COLE ST	4	1962	MOUNTAIN BL
4	5255	COLE ST	4	1970	MOUNTAIN BL
4	5273	COLE ST	4	1976	MOUNTAIN BL
4	5305	COLE ST	4	1990	MOUNTAIN BL
4	4125	COOLIDGE AV	4	1991	MOUNTAIN BL
4	2308	DAMUTH ST	4	2000	MOUNTAIN BL
4	3545	FRUITVALE AV	4	2087	MOUNTAIN BL
4	2510	HIGH ST	4	2110	MOUNTAIN BL
4	2400	HUMBOLDT AV	4	2718	PLEASANT ST
4	2700	HUMBOLDT AV	4	2745	PLEASANT ST
4	6110	LA SALLE AV	4	2752	PLEASANT ST
4	3727	LAGUNA AV	4	2475	RAWSON ST
4	3914	LAGUNA AV	4	2512	RAWSON ST
4	3718	LAUREL AV	4	2751	RAWSON ST
4	3809	LAUREL AV	4	2757	RAWSON ST
4	3815	LAUREL AV	4	3903	RHODA AV
4	3818	LAUREL AV	4	4217	SUTTER ST
4	4127	LAUREL AV	4	3006	SYLVAN AV
4	4135	LAUREL AV	4	3012	SYLVAN AV
4	1500	LEIMERT BL	4	3021	SYLVAN AV
4	3644	LOMA VISTA AV	4	3027	SYLVAN AV
4	4037	LOMA VISTA AV	4	3033	SYLVAN AV
4	2020	MACARTHUR BL	4	3058	SYLVAN AV
4	2447	MACARTHUR BL	4	3100	SYLVAN AV
4	2943	MACARTHUR BL	4	3118	SYLVAN AV
4	2974	MACARTHUR BL	4	3127	SYLVAN AV
4	2996	MACARTHUR BL	4	3130	SYLVAN AV
4	3000	MACARTHUR BL	4	3133	SYLVAN AV
4	3055	MACARTHUR BL	4	3136	SYLVAN AV
4	3201	MACARTHUR BL	4	3139	SYLVAN AV
4	3215	MACARTHUR BL	4	3148	SYLVAN AV
4	3624	MACARTHUR BL	4	5174	TRASK ST
4	3840	MACARTHUR BL	4	5174	TRASK ST



District	Address	Street
4	5240	TRASK ST
4	5240	TRASK ST
4	5300	TRASK ST
4	5300	TRASK ST
4	5326	TRASK ST
4	5326	TRASK ST
4	2428	WILBUR ST
4	2507	WILBUR ST
4	2515	WILBUR ST
5	2326	19TH ST
5	2746	22ND AV
5	2918	22ND ST
5	2815	23RD ST
5	2829	23RD ST
5	2841	23RD ST
5	1736	24TH AV
5	1749	24TH AV
5	2124	25TH AV
5	2129	25TH AV
5	2130	25TH AV
5	2610	25TH AV
5	1727	27TH ST
5	1733	27TH ST
5	1741	27TH ST
5	2350	27TH ST
5	447	29TH AV
5	541	29TH AV
5	1429	34TH AV
5	1465	34TH AV
5	1500	34TH AV
5	1530	34TH AV
5	1555	34TH AV
5	1815	34TH AV
5	2139	34TH AV
5	2143	34TH AV
5	2203	34TH AV
5	2208	34TH AV
5	2223	34TH AV
5	1465	38TH ST
5	1500	39TH AV
5	2079	39TH AV
5	2097	39TH AV
5	2187	39TH AV
5	2262	39TH AV
5	2268	39TH AV
5	1644	40TH AV
5	2199	40TH AV
5	2206	40TH AV
5	2212	40TH AV
5	2223	40TH AV
5	2020	41ST AV
5	1010	50TH AV
5	2824	9TH ST
5	2774	BELLAIRE PL
5	4638	BENEVIDES AV
5	4644	BENEVIDES AV
5	4320	BOND ST
5	3117	CHAMPION ST
5	2433	COOLIDGE AV

District	Address	Street
5	3222	DAVIS ST
5	4678	DOLORES AV
5	2764	E 14TH ST
5	3700	ELSTON AV
5	3750	ELSTON AV
5	3763	ELSTON AV
5	3763	ELSTON AV
5	3917	ELSTON AV
5	4021	ELSTON AV
5	4044	ELSTON AV
5	1125	FLEET RD
5	3566	FOOTHILL BL
5	2575	FRUITVALE AV
5	2585	FRUITVALE AV
5	2930	GALINDO ST
5	2944	GALINDO ST
5	1072	GLENDORA AV
5	1106	GLENDORA AV
5	1120	GLENDORA AV
5	2222	HIGH ST
5	1558	HOLMAN RD
5	2750	INTERNATIONAL BL
5	2764	INTERNATIONAL BL
5	3514	INTERNATIONAL BL
5	3850	INTERNATIONAL BL
5	3905	INTERNATIONAL BL
5	3616	KINGSLEY ST
5	4324	LEACH ST
5	3024	LOGAN ST
5	3032	LOGAN ST
5	3036	LOGAN ST
5	3135	LYNDE ST
5	3404	LYNDE ST
5	3107	NICOL AV
5	3130	Nicol Av
5	3151	Nicol AV
5	3161	Nicol Av
5	4101	PARK BL
5	4225	PARK BL
5	3329	SAN LEANDRO BL
5	4401	SAN LEANDRO BL
5	1424	TRESTLE GLEN RD
5	3111	WARD LN
5	1121	WELLINGTON ST
5	1616	WELLINGTON ST
5	3495	WOODRUFF AV
5	3521	WOODRUFF AV
5	3533	WOODRUFF AV
5	3600	WOODRUFF AV
5	3701	WOODRUFF AV
5	3707	WOODRUFF AV
5	3715	WOODRUFF AV
5	3760	WOODRUFF AV
5	3763	WOODRUFF AV
5	3800	WOODRUFF AV
5	3902	WOODRUFF AV
5	3910	WOODRUFF AV
5	3938	WOODRUFF AV
5	3939	WOODRUFF AV

District	Address	Street	District	Address	Street
6	1770	51ST ST	6	5233	HILLEN DR
6	2900	57TH AV	6	8006	HILLSIDE
6	3414	64TH AV	6	8038	HILLSIDE ST
6	2657	67TH AV	6	3100	KINGSLAND AV
6	3507	69TH AV	6	3139	KINGSLAND AV
6	1800	79TH AV	6	6637	LUCILLE AV
6	1672	80TH AV	6	6630	MACARTHUR BL
6	1479	82ND AV	6	2725	MADERA AV
6	1491	82ND AV	6	2800	MADERA AV
6	1600	82ND AV	6	3225	MADERA AV
6	1632	82ND AV	6	3222	MORCOM AV
6	1666	82ND AV	6	3226	MORCOM AV
6	1669	82ND AV	6	3233	MORCOM AV
6	1720	82ND AV	6	3234	MORCOM AV
6	1739	82ND AV	6	3239	MORCOM AV
6	2000	82ND AV	6	3242	MORCOM AV
6	2016	82ND AV	6	7206	ORRAL ST
6	2047	82ND AV	6	5621	PICARDY DR
6	2048	82ND AV	6	7800	PLYMOUTH ST
6	2072	82ND AV	6	7801	PLYMOUTH ST
6	2226	82ND AV	6	7806	PLYMOUTH ST
6	2248	82ND AV	6	7807	PLYMOUTH ST
6	2265	82ND AV	6	7814	PLYMOUTH ST
6	2268	82ND AV	6	7820	PLYMOUTH ST
6	2277	82ND AV	6	7826	PLYMOUTH ST
6	2323	82ND AV	6	7827	PLYMOUTH ST
6	2345	82ND AV	6	7833	PLYMOUTH ST
6	2468	82ND AV	6	7839	PLYMOUTH ST
6	2474	82ND AV	6	7844	PLYMOUTH ST
6	2475	82ND AV	6	7845	PLYMOUTH ST
6	7332	ARTHUR ST	6	7850	PLYMOUTH ST
6	7428	ARTHUR ST	6	7856	PLYMOUTH ST
6	7433	ARTHUR ST	6	7857	PLYMOUTH ST
6	7434	ARTHUR ST	6	7862	PLYMOUTH ST
6	7507	ARTHUR ST	6	7863	PLYMOUTH ST
6	7515	ARTHUR ST	6	7868	PLYMOUTH ST
6	7520	ARTHUR ST	6	7869	PLYMOUTH ST
6	7523	ARTHUR ST	6	7874	PLYMOUTH ST
6	7524	ARTHUR ST	6	7875	PLYMOUTH ST
6	7527	ARTHUR ST	6	7881	PLYMOUTH ST
6	7539	ARTHUR ST	6	8020	PLYMOUTH ST
6	7600	ARTHUR ST	6	8130	PLYMOUTH ST
6	7601	ARTHUR ST	6	8131	PLYMOUTH ST
6	7607	ARTHUR ST	6	8229	PLYMOUTH ST
6	7608	ARTHUR ST	6	4606	REDDING ST
6	7615	ARTHUR ST	6	2400	RITCHIE ST
6	7616	ARTHUR ST	6	2709	RITCHIE ST
6	6409	AVENAL AV	6	2758	RITCHIE ST
6	5300	CAMDEN ST	6	2778	RITCHIE ST
6	5406	E 14TH ST	6	6235	SEMINARY AV
6	5424	E 14TH ST	6	7301	SUNKIST DR
6	6800	E 14TH ST	6	7322	SUNKIST DR
6	8400	E 14TH ST	6	7333	SUNKIST DR
6	5420	EL CAMILLE AV	6	7340	SUNKIST DR
6	5712	FOOTHILL BL	6	7341	SUNKIST DR
6	5915	FOOTHILL BL	6	7400	SUNKIST DR
6	6425	FOOTHILL BL	6	7423	SUNKIST DR
6	7506	GREENLY DR	6	3935	VAN MOURIK AV
6	7515	GREENLY DR	7	1410	100TH AV

District	Address	Street	District	Address	Street
7	1919	100TH AV	7	160	MARLOW DR
7	1927	100TH AV	7	176	MARLOW DR
7	2166	103RD AV	7	180	MARLOW DR
7	1831	104TH AV	7	206	MARLOW DR
7	1846	104TH AV	7	212	MARLOW DR
7	1938	104TH AV	7	219	MARLOW DR
7	2016	104TH AV	7	222	MARLOW DR
7	2351	106TH AV	7	227	MARLOW DR
7	2424	106TH AV	7	240	MARLOW DR
7	2612	106TH AV	7	246	MARLOW DR
7	2244	109TH AV	7	250	MARLOW DR
7	2307	109TH AV	7	256	MARLOW DR
7	2315	109TH AV	7	307	MARLOW DR
7	2327	109TH AV	7	308	MARLOW DR
7	955	75TH AV	7	324	MARLOW DR
7	1119	75TH AV	7	332	MARLOW DR
7	1133	75TH AV	7	335	MARLOW DR
7	1376	81ST AV	7	336	MARLOW DR
7	2424	82ND AV	7	340	MARLOW DR
7	1028	85TH AV	7	347	MARLOW DR
7	1243	85TH AV	7	369	MARLOW DR
7	1259	85TH AV	7	374	MARLOW DR
7	1670	86TH AV	7	375	MARLOW DR
7	1433	87TH AV	7	3021	MIDDLETON ST
7	2456	89TH AV	7	3049	MIDDLETON ST
7	1134	90TH AV	7	9830	OLIVE ST
7	1200	90TH AV	7	8919	PLYMOUTH ST
7	1440	90TH AV	7	9006	PLYMOUTH ST
7	1700	90TH AV	7	9016	PLYMOUTH ST
7	1709	90TH AV	7	9024	PLYMOUTH ST
7	1955	90TH AV	7	9624	PLYMOUTH ST
7	1959	90TH AV	7	9629	PLYMOUTH ST
7	2210	90TH AV	7	9700	PLYMOUTH ST
7	679	98TH AV	7	9725	PLYMOUTH ST
7	700	98TH AV	7	9865	PLYMOUTH ST
7	850	98TH AV	7	9900	PLYMOUTH ST
7	1640	98TH AV	7	10109	PLYMOUTH ST
7	2029	99TH AV	7	10123	PLYMOUTH ST
7	2100	99TH AV	7	10280	PLYMOUTH ST
7	3001	BROOKFIELD AV	7	3001	REVERE AV
7	100	COVINGTON AV	7	3001	ROXBURY AV
7	101	COVINGTON AV	7	3014	ROXBURY AV
7	2533	DURANT AV	7	3020	ROXBURY AV
7	2715	DURANT AV	7	10625	SHELDON ST
7	2725	DURANT AV	7	100	SWAN WY
7	9025	EDES AV	7	10327	VOLTAIRE AV
7	9255	EDES AV	7	10337	VOLTAIRE AV
7	9598	EDES AV	7	10514	VOLTAIRE AV
7	9600	EDES AV			
7	9611	EDES AV			
7	8115	FONTAINE AV			
7	10228	FOOTHILL BL			
7	10311	FOOTHILL BL			
7	10415	FOOTHILL BL			
7	1	HEGENBERGER RD			
7	2	HEGENBERGER RD			
7	112	MARLOW DR			
7	140	MARLOW DR			
7	152	MARLOW DR			

*Attachment E*

**On-Call Citywide Sidewalk Repair FY 07-08  
Contract B - Council Districts 4, 5, 6, and 7  
(Project C269160)**

**Negotiated Bid Schedule**

Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008

**Negotiated Bid**  
Date: 01/10/08

**BID SCHEDULE**  
For

**Negotiated Bid Items:**  
3, 7, 10, and 12

**On-Call Citywide Sidewalk Repair FY 06-07 – Contract B**  
(Project No. C269160)

The estimate of quantities in the following schedule is for the purpose of canvassing and determining bids. Bidders are to state unit prices for the separate items, which prices shall include full compensation, including all applicable taxes, for furnishing all labor, materials, water, tools, and equipment and for doing all the work involved in furnishing and installing the separate items in place as specified herein, to wit:

ITEM NO.	SPEC. SEC. NO.	APPROX QTY.	UNIT OF MEAS	ITEM	UNIT PRICE	TOTAL
1	303-5.9.a	9,100	LF	CONCRETE SAW CUTTING	3.00	\$27,300.00
2	303-5.9.b	170	CY	UNCLASSIFIED EXCAVATION	60.00	\$10,200.00
3	303-5.9.c	50,000	SF	TREE ROOT PRUNING	2.00	\$100,000.00
4	303-5.9.d	140	IN	TREE STUMP REMOVAL	75.00	\$10,500.00
5	303-5.9.e	60	EA	REMOVE HAZARD BY GRINDING	100.00	\$6,000.00
6	303-5.9.f	140	CY	CRUSHED MISCELLANEOUS BASE	60.00	\$8,400.00
7	303-5.9.g	45,500	SF	REMOVE AND REPLACE CONCRETE SIDEWALK	9.25	\$420,875.00
8	303-5.9.h	15	EA	CONCRETE CURB RAMP, ALL TYPES	1,800.00	\$27,000.00
9	303-5.9.i	2,700	LF	REMOVE AND REPLACE CONCRETE CURB	20.00	\$54,000.00
10	303-5.9.j	4,600	SF	REMOVE AND REPLACE CONCRETE GUTTER	12.00	\$55,200.00
11	303-5.9.p	2,000	SF	REMOVE CONCRETE GUTTER	10.00	\$20,000.00
12	303-5.9.k	7,300	SF	REMOVE AND REPLACE CONCRETE DRIVEWAY	10.00	\$73,000.00
13	303-5.9.l	50	EA	REPAIR AND REPLACE WATER SERVICE	150.00	\$7,500.00
14	303-5.9.m	100	LF	REPAIR AND REPLACE UNDERDRAIN	20.00	\$2,000.00
15	303-5.9.n	100	TN	ASPHALT CONCRETE PLUG	175.00	\$17,500.00
16	303-5.9.o	2,000	SF	BITUMINOUS REPAIR	5.00	\$10,000.00
17	7-2.2.1	1	LS	ELECTRONIC PAYROLL SUBMITTAL	500.00	\$500.00

NEGOTIATED BID ACCEPTED BY

TOTAL OF 17 ITEMS \$ 849,975.00

CITY OF OAKLAND:

*Jani Andia*

DATE

BIDDER: *AJW CONST*

DATE

NOTE: The City of Oakland reserves the right to accept or reject any and all bids.

*Attachment F*

**On-Call Citywide Sidewalk Repair FY 07-08  
Contract B - Council Districts 4, 5, 6, and 7  
(Project C269160)**

**Contract Compliance Report**

Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008



# Memo

## Department of Contracting and Purchasing

Division of Social Equity

To: Gwen McCormick - DC&P, Contract Administrator Supervisor  
 From: Vivian Inman, Contract Compliance Officer  
 Through: Deborah Barnes, Director, DC&P *Deborah Barnes*  
 CC: Jaime Heredia, Supervising Civil Engineer  
 Date: February 27, 2008  
 Re: C269160 - On Call Citywide Sidewalk Repair FY 06/07 - Contract B

The Department of Contracting and Purchasing (DCP)--Division of Social Equity, upon receipt of a negotiated bid performed another analysis on the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project

Responsive		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Bidders Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
AJW Construction	\$849,975	100%	0%	100%	100%	100%	\$0	0%	0%	YES

Comments: The first bid received was \$1,074,800 and the L/SLBE participation was 100%. The negotiated bid amount was \$849,975. The L/SLBE participation remained the same since AJW and the trucker both are certified small local businesses. AJW is EBO certified.

Non-Responsive		Proposed Participation							Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited	Adjusted Bid Amount	Bid Discounts		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: This a negotiated bid, and there were no other bidders.

**For Informational Purposes:**

**50% Local Employment Program (LEP)/15% Oakland Apprenticeship Program**

The numbers listed below show total project hours; LEP hiring goal; actual resident employment; actual Oakland apprentice work hours; the 15% Apprenticeship utilization goal; and difference between the 15% Apprenticeship utilization goal and actual hours worked by Oakland apprentices.

Company Name	Total Hours	Resident Hours	LEP Goal Hours	Oakland Apprentice Hours	15% Apprentice Utilization Goal	15% Apprentice Shortfall
AJW Construction	640:10	528:50	320:05	97:50	96:01	0:00
	100.00%	82.58%	50.00%	15.23%	15.00%	0.00%

Comments: AJW Construction met the LEP and 15% Apprenticeship requirement on their last completed project, Project No. C279410.

Should you have any questions you may contact Vivian Inman at (510) 238-6261.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C269160

RE:

On Call Citywide Sidewalk repair FY 06-07 Contract B

CONSULTANT/CONTRACTOR:

AJW Construction

Engineer's Estimate:

\$811,450.00

Contractors' Bid Amount

\$849,975.00

Over/Under Engineer's

Estimate

\$38,525.00

Bid discounted amount:

\$0

Discount/Points:

0%

1. Did the 20% local/small local requirement apply: YES

2. Did the contractor meet the 20% requirement YES

a) % of LBE participation 0.00%

b) % of SLBE participation 100.00%

3. Did the contractor meet the Trucking requirement? Yes

a) Total trucking participation 100.00%

4. Did the contractor receive bid discount points? NO

(If yes, list the points received) 0%

5. Additional Comments.  
This is a negotiated bid.

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

2/27/2008

Date

Reviewing  
Officer:

Kumar Janna

Date: 02/27/08

Approved By

Shelley Darenburg

Date: 02/27/08



## LBE/SLBE Participation Bidder 1

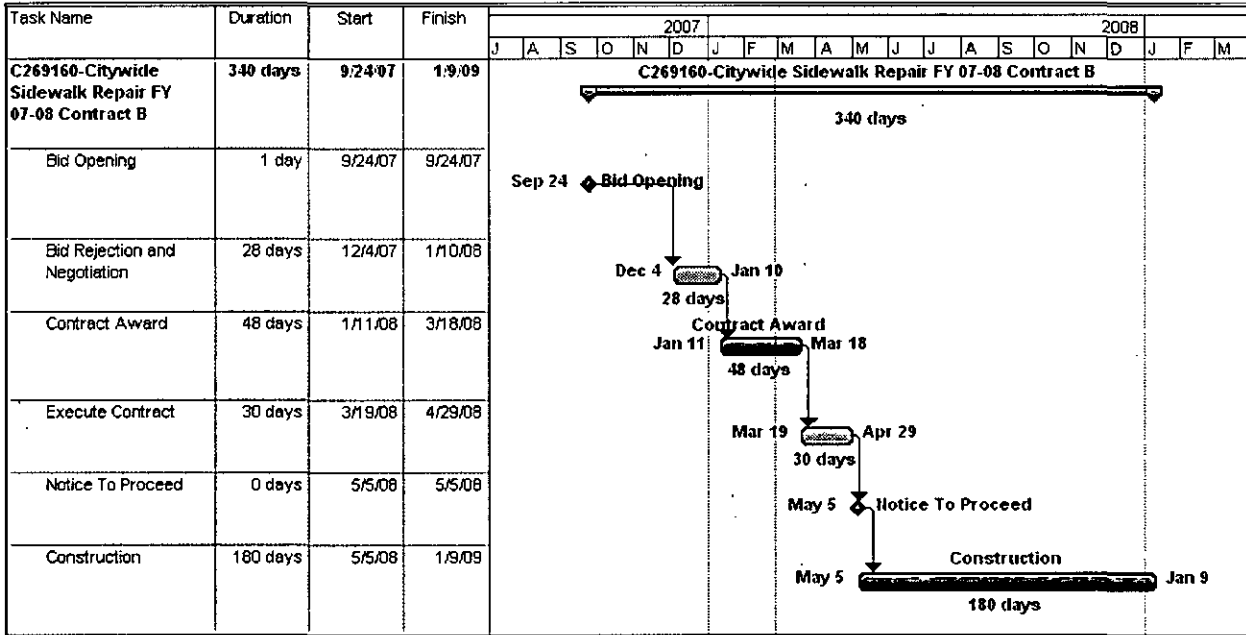
Project Name: On Call Citywide Sidewalk Repair FY 06/07 - Contract B

Project No.: C269160		Engineer's Estimate		811,450.00		Under/Over Engineers Estimate: 38,525.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME Trucking	AJW Construction	Oakland	CB		837,975.00	837,975.00			837,975.00	H	837,975.00	
	Royal Trucking	Oakland	CB		12,000.00	12,000.00	12,000.00	12,000.00	12,000.00	AA	12,000.00	
<b>Project Totals</b>				\$0	\$849,975.00	\$849,975	\$12,000.00	\$12,000.00	\$849,975		\$849,975	\$0.00
				0.00%	100.00%	100.00%	100.00%	100.00%	100.00%		100.00%	
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

*Attachment G*

**On-Call Citywide Sidewalk Repair FY 07-08  
Contract B - Council Districts 4, 5, 6, and 7  
(Project C269160)**

**Project Schedule**



Item: \_\_\_\_\_  
Public Works Committee  
March 11, 2008

2008 FEB 28 PM 6:06

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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## RESOLUTION ADOPTING A SIDEWALK REPAIR PRIORITIZATION POLICY FOR THE CITY OF OAKLAND'S SIDEWALK REPAIR PROGRAM

**WHEREAS**, according to the results of the Sidewalk Condition and ADA Survey (Project C250110) the estimated repair cost of all damaged sidewalks is approximately \$79.9 million. The estimated repair cost of private damage is \$60.1 million, tree related damage is approximately \$19.8 million respectively, and curb and gutter damage is approximately 7.4 million; and

**WHEREAS**, policy changes are needed to implement a comprehensive program to improve the condition of Oakland's sidewalks; and

**WHEREAS**, adoption of a policy that reduces liability and increases accessibility for all citizens; and

**WHEREAS**, adoption of a policy is needed that prioritizes repair of sidewalk damage based on known cases of liability and the need to provide an accessible "path of travel" to persons with disabilities; and

**WHEREAS**, adoption of the policy is needed that in the long term, reduces the City's liability associated with trip-and-fall claims from sidewalk damage, as well as reduces the City's exposure to claims associated with accessibility limitations from damaged sidewalks under the Americans with Disabilities Act (ADA); and

**WHEREAS**, in order to mitigate major liability resulting from trip and fall claims and to fulfill ADA compliance mandates; now, therefore be it

**RESOLVED:** That the City transition the Sidewalk Repair Program from a traditional "complaint-based" program to a "path of travel" based one; and be it

**FURTHER RESOLVED:** That a new Sidewalk Repair Prioritization Policy be adopted that will take a comprehensive approach to improving the City's pedestrian routes, addressing city tree, private and utility damage and removing other ADA barriers and creating accessible paths of travel for all pedestrians; and be it

**FURTHER RESOLVED:** That selection and prioritization of sidewalk repair locations using the new Sidewalk Repair Prioritization Policy will be based on the following criteria:

- Trip and fall claims made through the City's Attorney's office,
- Proximity to essential facilities (i.e. hospitals, adult residential care centers, senior centers, child care centers, recreation centers, schools, libraries, etc.),
- High pedestrian traffic "corridors" (i.e. public transit routes, business districts, cafes, hotels, arenas, sports complexes, local, state, federal governmental buildings, etc.), and
- Severity and type of damage; and be it

**FURTHER RESOLVED:** That selection of repair locations will target and emphasize strategic planning of multiple block segments or entire "corridors" to optimize use of available funding in mitigating trip and fall hazards and ADA non-compliance.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -


ABSENT -

ABSTENTION -

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

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

OAKLAND CITY COUNCIL

2008 FEB 28 PM 6:00  
  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO TRANSFER \$300,000.00 OF AVAILABLE FY 07-08 SIDEWALK REPAIR FUNDS IN PROJECT C269160 TO A PROJECT TO BE DETERMINED TO ENFORCE THE REPAIR OF PRIVATE SIDEWALK DAMAGE**

**WHEREAS**, according to the results of the Sidewalk Condition and ADA Survey (Project C250110) the estimated repair cost of all damaged sidewalks is approximately \$79.9 million. The estimated repair cost of private damage is \$60.1 million, tree related damage is approximately \$19.8 million respectively, and curb and gutter damage is approximately 7.4 million; and

**WHEREAS**, currently the Sidewalk Repair Program is using 100 percent of CIP funding to repair official city tree related sidewalk damage; and

**WHEREAS**, a dedicated project to serve as a revolving funding source is needed for the Sidewalk Repair Program to enforce the repair of the estimated \$60.1 million of private damage; and

**WHEREAS**, there are sufficient Sidewalk Repair Program funds available in FY 07-08 in Sidewalk Repair Program Organization (92452); Street Construction Account (57411); and Sidewalk Repairs - 5510 Project (C269160) to enforce the repair of private sidewalk damage; now, therefore be it

**RESOLVED:** That the City Administrator is hereby authorized to transfer FY 07-08 appropriation in the amount of \$300,000.00 from Capital Reserve Fund (5510), Sidewalk Repairs - 5510 Project (C269160) to a project to be determined to establish the revolving fund for enforcement of repairs of private damage; and be it

**FURTHER RESOLVED:** that the City Administrator is authorized to appropriate any funds received from the private citizens, through this program, to pay for sidewalk repairs associated with the program.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

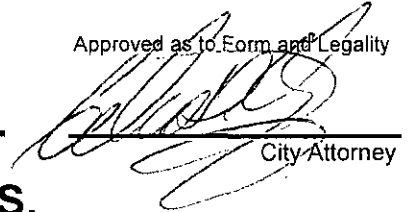
ATTEST: \_\_\_\_\_

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

08 FEB 29 AM 9:00

Approved as to Form and Legality

# OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO AJW CONSTRUCTION FOR ON-CALL CITYWIDE SIDEWALK REPAIR FY 07-08 CONTRACT B – COUNCIL DISTRICTS 4, 5, 6, AND 7 (PROJECT NO. C269160) IN THE AMOUNT OF EIGHT HUNDRED FORTY NINE THOUSAND NINE HUNDRED SEVENTY FIVE DOLLARS (\$849,975.00)**

**WHEREAS**, on September 24, 2007, four bids were received by the Office of the City Clerk of the City of Oakland for On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6, and 7 (Project No. C269160); and

**WHEREAS**, AJW Construction was the only bidder; and

**WHEREAS**, on December 18, 2007, the City Council authorized the City Administrator or her designee to negotiate on behalf of the City of Oakland a contract with AJW Construction for the On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6, and 7 (Project No. C269160) for a Not-To-Exceed amount of \$850,000.00; and

**WHEREAS**, on January 10, 2008, the City of Oakland negotiated a contract with AJW Construction for \$849,975.00; and

**WHEREAS**, AJW Construction is the sole responsible bidder for the project and met the City's LBE/SLBE and local trucking program requirements; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Project funding is available in the Capital Reserves Fund (5510); Sidewalk Repair Program Organization (92452); Street Construction Account (57411); Sidewalk Repairs -5510 Project (C269160) and FY 06-07 Mid-Cycle Allocation of ORA Central City East: Operations Fund (9540), City Council Priority FY 06-07 Project (P293020) that will be mirrored into a new project number to be determined; and

**WHEREAS**, the funding for this project was budgeted for sidewalk repair; and

**WHEREAS**, the Engineer's Estimate for the negotiated contract is \$811,450.00; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of safety and economy; 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 services; now, therefore be it

**RESOLVED:** That the contract for On-Call Citywide Sidewalk Repair FY 07-08, Contract B – Council Districts 4, 5, 6, and 7 (Project No. C269160) is hereby awarded to AJW Construction in accordance with the terms of the contractor’s signed bid therefore, dated January 31, 2008, for the amount of eight hundred forty-nine nine hundred seventy-five dollars (\$849,975.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$849,975.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$849,975.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Development Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with Rosas Brothers Construction on behalf of the City of Oakland and to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; 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 Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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