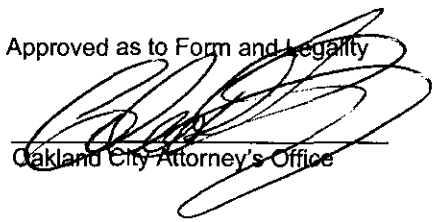


Approved as to Form and Legality



Oakland City Attorney's Office

OFFICE OF THE CITY CLERK

2006 OCT 12 AM 8:56

OAKLAND CITY COUNCIL
RESOLUTION No. 80307 C. M. S.

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE CONSTRUCTION OF SANITARY RELIEF SEWERS ALONG CLAY STREET, 8TH STREET, JEFFERSON STREET, 6TH STREET AND MARTIN LUTHER KING JR. WAY (PROJECT NO. C79310) FOR THE AMOUNT OF ONE MILLION NINE HUNDRED EIGHTY-ONE THOUSAND THREE HUNDRED THIRTY-SEVEN DOLLARS (\$1,981,337.00)

WHEREAS, on May 1, 2006, two bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Sanitary Relief Sewers along Clay Street, 8th Street, Jefferson Street, 6th Street, and Martin Luther King Jr. Way (Project No. C79310); and

WHEREAS, Andes Construction, Inc., a certified SLBE bidding as a prime, is the lowest responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the Sewer Service Fund (3100); Capital Projects-Sanitary Sewer Design Organization (92244); Sewers Account (57417); The Construction of Sanitary Relief Sewers along Clay Street, 8th Street, Jefferson Street, 6th Street, and Martin Luther King Jr. Way- (Project No. C79310), and these funds were specifically allocated for this project; 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 economy or better performance; and

WHEREAS, Andes Construction, Inc. complies with all LBE/SLBE requirements; 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 the Construction of Sanitary Relief Sewers along Clay Street, 8th Street, Jefferson Street, 6th Street, and Martin Luther King Jr. Way (Project No. C79310) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated May 1, 2006, for the amount of One Million Nine Hundred Eighty-One Thousand Three Hundred Thirty-Seven Dollars (\$1,981,337.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$1,981,337.00, 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, \$1,981,337.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Andes Construction, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to 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 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; and be it

FURTHER RESOLVED: That the approval of this resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 5 2006, 2006

PASSED BY THE FOLLOWING VOTE:

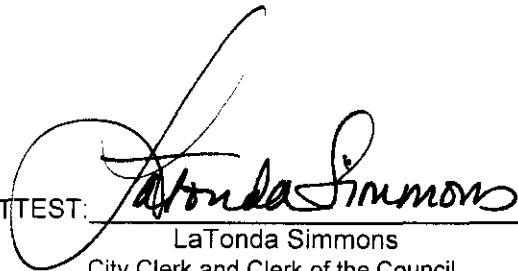
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LaTonda Simmons

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