

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2021 JAN 22 PM 2:11

Approved as to Form and Legality

  
Celso Ortiz (Dec 21, 2020 15:38 PST)  
City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88487 C.M.S.

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RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR SANITARY SEWER REHABILITATION SUB-BASIN 81-201 (PROJECT NO. 1003201) AND WITH CONTRACTOR'S BID FOR AN AMOUNT NOT TO EXCEED THREE MILLION ONE HUNDRED FIFTY THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$3,150,730.00).

**WHEREAS**, on November 5, 2020, three bids were received by the office of City Clerk of the City of Oakland for the Sanitary Sewer Rehabilitation Sub-basin 81-201 (Project no. 1003201); and

**WHEREAS**, Andes Construction, Inc., is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there is sufficient funding for this contract available in the Sewer Service Fund (3100), Sanitary Sewer Design Organization (92244), Sanitary Sewer Rehabilitation Sub-Basin 81-201 Project (1003201) and Sanitary Sewer Rehabilitation Sub-Basin 81-201 Project (1005412); and

**WHEREAS**, this project will help reduce the amount of sanitary sewer maintenance and wet weather peak flows; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

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

**WHEREAS**, Andes Construction, Inc. complies with all LBE/SLBE and trucking requirements; now, therefore, be it

**WHEREAS**, the City Administrator has determined that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the Sanitary Sewer Rehabilitation Sub-Basin 81-201 (Project No. 1003201) to Andes Construction, Inc., the lowest responsive and responsible bidder, for an amount not to exceed three million one hundred fifty thousand seven hundred thirty dollars (\$3,150,730.00) in accord with plans and specifications for the project and with contractor's bid dated November 5, 2020; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$3,150,730.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$3,150,730.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, 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 of the contract within the limitations of the project specifications; and be it

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

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JAN 19 2021**

PASSED BY THE FOLLOWING VOTE:

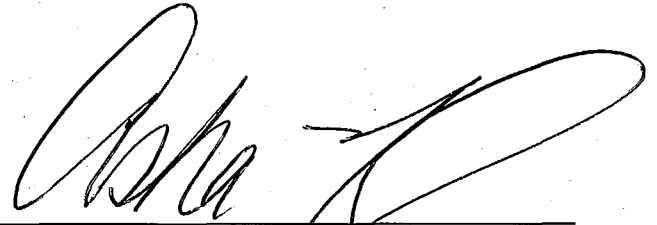
AYES - ~~11/11/11~~ GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS - 7

NOES - 1 Fitz

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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