  
Celso Ortiz (Oct 27, 2020 16:40 PDT)

City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. 88399 C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT SPECIFICATIONS FOR THE ON-CALL SANITARY SEWERS EMERGENCY PROJECTS FY 2021-24 (PROJECT NO. 1000720) AND WITH CONTRACTOR'S BID FOR AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED TWO THOUSAND TWO HUNDRED TWENTY DOLLARS (\$1,702,220.00)**

**WHEREAS**, on September 10, 2020 three bids were received by the office of City Clerk of the City of Oakland (City) for the On-Call Sanitary Sewers Emergency Projects FY 2021-24 (Project no. 1000720) and;

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

**WHEREAS**, funding was specifically allocated for this project and there is sufficient funding for this contract in the Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Emergency Misc. Sewers Capital Project (1000720) and Emergency Misc. Sewers Operating Project (1005411); 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

**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; and

**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 On-Call Sanitary Sewers Emergency Projects FY 2021-24 (Project No. 1000720) to Andes Construction, Inc., the lowest responsive and responsible bidder, for the amount not to exceed one million seven hundred and two thousand two hundred and twenty two dollars (\$1,702,220.00) in accord with specifications for the project and with contractor's bid dated September 10, 2020 contingent upon the availability of funding; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$1,702,220.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$1,702,220.00, 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,

DEC 01 2020

PASSED BY THE FOLLOWING VOTE:

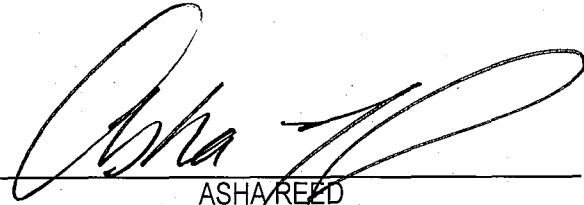
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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