

OFFICE OF THE CITY CLERK

Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**

2005 SEP 29 PM 2: 25  
RESOLUTION NO.

C. M. S.

**79526**

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO ANDES CONSTRUCTION, INC. FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MACARTHUR BLVD., 73<sup>RD</sup> AVE., SUNKIST AVE. AND 75<sup>TH</sup> AVE. – SUB-BASIN 84-105 (PROJECT NO. C158010) FOR THE AMOUNT OF ONE MILLION FOUR HUNDRED SEVEN THOUSAND TWO HUNDRED EIGHT DOLLARS (\$1,407,208.00)

**WHEREAS**, on May 16, 2005, one bid was received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the Area Bounded by MacArthur Blvd., 73<sup>rd</sup> Ave., Sunkist Ave. and 75<sup>th</sup> Ave., – Subbasin 84-105 (Project No. C158010); and

**WHEREAS**, Andes Construction, Inc. a certified SLBE bidding as a prime with 5% bid discount, is the only responsive and 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 Project-Sanitary Sewer Design Organization (92244); Sewers Account (57417); Rehabilitation of Sanitary Sewers in the Area Bounded by MacArthur Blvd., 73<sup>rd</sup> Ave., Sunkist Ave., and 75<sup>th</sup> Ave. – Subbasin 84-105 (Project No. C158010) 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 Rehabilitation of Sanitary Sewers in the Area Bounded by MacArthur Blvd., 73<sup>rd</sup> Ave., Sunkist Ave. and 75<sup>th</sup> Ave. – Subbasin 84-105 (Project No. C158010) is hereby awarded to Andes Construction, Inc. in accordance with the terms of its bid therefore, dated May 16, 2005, for the amount of One Million Four Hundred Seven Thousand Two Hundred Eight Dollars (\$1,407,208.00); 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, \$1,407,208.00, 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, \$1,407,208.00, 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.

**OCT 18 2005**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, BRUNNER, ~~CHANG~~, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE **-7**

NOES-

ABSENT-

ABSTENTION-

**Excused - Chang - 1**

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California