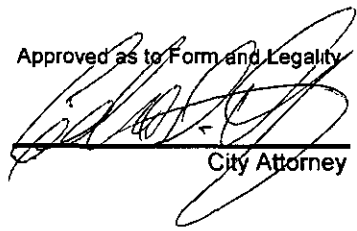


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

2015 JAN 29 PM 1:06

RESOLUTION No. 85405 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE WITH BIDDERS AND EXECUTE A CONSTRUCTION CONTRACT FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY PARK BOULEVARD, HOLLYWOOD AVENUE, SUNNYHILLS ROAD, AND BRIGHTON AVENUE (PROJECT NO. C329143) IN AN AMOUNT UP TO TWO MILLION FIVE HUNDRED SEVENTY-SIX THOUSAND FIFTY-THREE DOLLARS (\$2,576,053.00)

WHEREAS, on November 6, 2014, two bids were received by the Office of the City Clerk of the City of Oakland for the Rehabilitation of Sanitary Sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143); and

WHEREAS, Andes Construction, Inc. a certified SLBE bidding as a prime, is deemed non-responsive to the City's LBE/SLBE trucking requirement because its subcontractor had an expired City of Oakland trucking certification; and

WHEREAS, the trucking required for this project accounts for 0.1% of the project and is considered insignificant to the total project cost. Further, the subcontractor trucking has renewed; and

WHEREAS, Section 2.04.050 I.5 of the Oakland Municipal Code ("O.M.C.") authorizes the City Council to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 upon a finding and determination that in the best interests of the City to reject all bids, waive further advertising and competitive bidding, and authorizing the City Administrator, or Designee, to negotiate with bidders; and

WHEREAS, staff consulted with Contract Compliance and City Attorney; and

WHEREAS, rebidding of the project will incur additional time and cost that will compress the completion time; and

WHEREAS, possibility affect meeting the Sewer Consent Decree deadlines; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329143; \$2,576,053.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

WHEREAS, the City Council finds and determines based on the representations set forth in the project compliance evaluation 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

RESOLVED: That pursuant to O.M.C. Section 2.04.050 I.5 the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 to avoid delays and complete the project in a timely manner as required by the Regional East Bay Sewer Consent Decree of 2014; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate with Andes Construction, Inc. , award and execute a construction contract for the Rehabilitation of Sanitary Sewers in the area bounded by Park Boulevard, Hollywood Avenue, Sunnyhills Road, and Brighton Avenue (Project No. C329143) in an amount up to Two Million Five Hundred Seventy-Six Thousand Fifty-Three (\$2,576,053.00) in accord with plans and specifications for the Project; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,576,053.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,576,053.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized 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 Provision without going back 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 his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That all 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, FEB 17 2015, 20

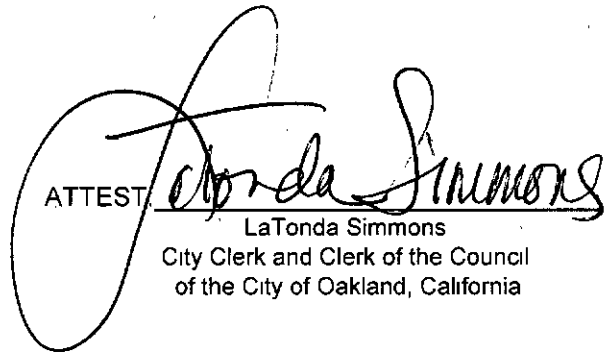
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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