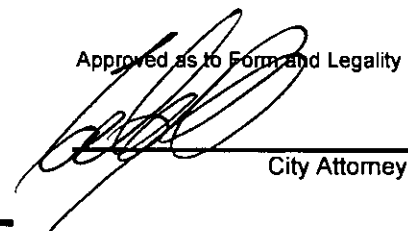


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality



City Attorney

2012 SEP 13 PM 3:12 **OAKLAND CITY COUNCIL**

**RESOLUTION No. 84049 C.M.S.**

**RESOLUTION:**

**AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIBLE, RESPONSIVE BIDDER, FOR THE REHABILITATION OF SANITARY SEWERS IN THE AREA BOUNDED BY MACARTHUR BOULEVARD, COOLIDGE AVENUE, COOLIDGE TERRACE AND LAGUNA AVENUE (SUB-BASIN 80-113 - PROJECT NO. C312410) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$2,975,000.00)**

**WHEREAS**, on June 21, 2012, four 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 MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410); 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**, 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. C312410; \$2,975,000.00; 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 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**, Andes Construction, Inc. complies with all LBE/SLBE and trucking 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 service; now, therefore, be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award a construction contract for the **Rehabilitation of Sanitary Sewers in the Area Bounded By MacArthur Boulevard, Coolidge Avenue, Coolidge Terrace and Laguna Avenue (Sub-Basin 80-113 - Project No. C312410)** to Andes Construction, Inc., the lowest responsive and responsible bidder, in an amount not-to-exceed **Two Million Nine Hundred Seventy-five Thousand dollars (\$2,975,000.00)** in accord with plans and specifications for the Project and contractor's bid dated June 21, 2012; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications prepared at the direction of the Assistant Director of Public Works for this project, as authorized by City Ordinance no.13039, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the contract with Andes Construction, Inc. within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; 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,                     =                    OCT 02 2012                    

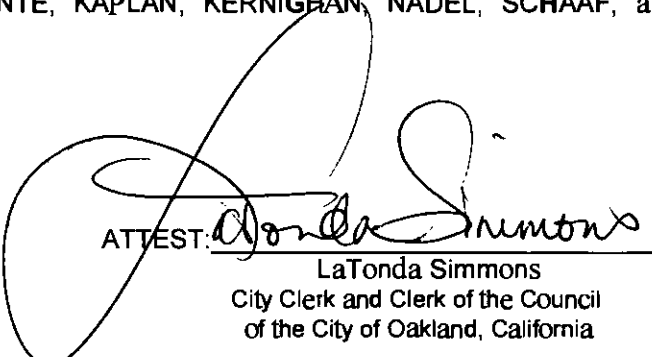
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID       8      

NOES       0      

ABSENT       0      

ABSTENTION       0      

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