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OAKLAND

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APPROVED AS TO FORM AND LEGALITY


Celso Ortiz (Jun 13, 2022 17:20 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89332 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ANDES CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE SANITARY SEWER SUB-BASIN 83-001 REHABILITATION (PROJECT NO. 1004806) AND WITH THE CONTRACTOR'S BID FOR AN AMOUNT NOT TO EXCEED SIX MILLION, EIGHT HUNDRED FIFTY-TWO THOUSAND, AND ONE HUNDRED EIGHTY-FIVE DOLLARS (\$6,852,185.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, on February 17, 2022, two bids were received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Sub-Basin 83-001 Rehabilitation (Project No. 1004806); and

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

WHEREAS, Andes Construction, Inc. bid amount is six million, eight hundred fifty-two thousand, and one hundred eighty-five dollars (\$6,852,185.00); and

WHEREAS, there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects - Sanitary Sewer Design Organization (92244); Sanitary Sewer Sub-Basin 83-001 Rehabilitation Project (1004806); and

WHEREAS, this project will help reduce the amount of sanitary sewer maintenance and the frequency of sanitary sewer overflows; and

WHEREAS, the City Council finds and determines based on the representations set forth in the agenda 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; and

WHEREAS, Andes Construction, Inc. complies with all Local and Small Local Business Enterprise and trucking requirements; and

WHEREAS, This project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract for the Sanitary Sewer Sub-Basin 83-001 Rehabilitation Project (project No. 1004806) to Andes Construction, Inc., the lowest responsive and responsible bidder, for an amount not to exceed six million, eight hundred fifty-two thousand, and one hundred eighty-five dollars (\$6,852,185.00) in accordance with project plans and specifications and with contractor's bid dated February 17, 2022; and be it

FURTHER RESOLVED: That the Council hereby finds that this project and action is exempt from CEQA pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the project that is named in this resolution; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$6,852,185.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$6,852,185.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects - Sanitary Sewer Design Organization (92244); Sanitary Sewer Sub-Basin 83-001 Rehabilitation Project (1004806); 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 of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all bids and to negotiate with the next bidder to comply with the City's Local Business Enterprise/Small Local Business Enterprise (L/SLBE) requirements for an awarded amount not to exceed six million, eight hundred fifty-two thousand, and one hundred eighty-five dollars (\$6,852,185.00) 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 contractor will be required to be in compliance with City's programs such as local and small local enterprise requirements; and be it

FURTHER RESOLVED: That the City Administrator 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 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, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~WILLIAMS~~ GALLO, KALB, ~~WILLIAMS~~ REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - *6*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

2 Excused - Fife & Kaplan

ATTEST:



ASHA REED

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