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RESOLUTION No. \_\_\_\_\_ C.M.S.

**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 2019-21 (PROJECT NO. 1000720-2.0) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED SEVENTEEN THOUSAND SEVEN HUNDRED FOURTEEN DOLLARS (\$1,817,714.00)**

**WHEREAS**, on October 3, 2019, three bids were received by the Office of the City Clerk of the City of Oakland for The On-Call Sanitary Sewers Emergency Projects FY 2019-21 (Project No. 1000720-2.0); 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 as part of FY 2019-20 CIP budget: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (54614); Project No. 1000720-2.0; \$1,817,714.00; and these funds were specifically allocated for this project; 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

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the On-Call Sanitary Sewers Emergency Projects FY 2019-21 (Project No. 1000720-2.0) to Andes Construction, Inc., the lowest responsive and responsible bidder, in the amount of \$1,817,714.00 in accord with specifications for the project and with contractor's bid dated October 3, 2019 contingent upon the availability of funding; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance bond, \$1,817,714.00, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$1,817,714.00, 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,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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