



DATE: May 25, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$325,000 for a Total Not-to-Exceed Amount of \$675,000

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in an amount not-to-exceed \$325,000, thereby increasing the total contract amount not-to-exceed \$675,000 for the Fire Station 6 (FS6) and Fire Training Center Project (FTC).

SUMMARY

The FS6 and FTC Project commenced construction on August 17, 2020 and is anticipated to be completed in Fall of 2022. Construction requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the Chabot-Las Positas Community College District (District) require Division of the State Architect (DSA) testing and inspections. The scope of work has increased with CEL, and therefore the PSA requires an amendment.

BACKGROUND

In 2014, the voters of the City of Hayward approved Measure C, which authorized the City to increase the sales tax rate by one-half cent for, among other things, the restoration and maintenance of City services and facilities, including firefighting/emergency medical services. Staff and the design team have been working on completion of the design and various approvals of this project for several years. This project includes partnership with the District in the shared use of the FTC.

Below is a list of major milestones for the FS6 and FTC project:

- June 3, 2014: Voters approved Measure C, which authorized the City to increase the sales tax rate by one-half cent for twenty years to restore and maintain City services and facilities, including firefighting/emergency medical services.
- October 10, 2014: The City's consultant, RossDrulisCusenbery (RDC), completed a facility needs assessment for Fire Stations 1-6 and the FTC, which determined that all facilities needed substantial upgrades.
- May 26, 2015: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Stations 1-6 and the Fire Training Center Improvement project.
- October 18, 2016: Staff provided Council with an update on the project.
- October 24, 2017: The District's Board of Trustees passed a motion directing the Chancellor to create a Memorandum of Understanding (MOU) with the City of Hayward.
- October 25, 2017: Staff provided a project update to the Council Infrastructure Committee.
- June 28, 2018: Staff submitted a request to the Federal Aviation Administration (FAA) for the release of the land at the Hayward Executive Airport on which FS6 and the FTC would be constructed for non-aeronautical purposes.
- July 24, 2018: Council authorized the City Manager to negotiate and execute an MOU with the District to establish the basis for a ground lease and to accept up to \$20 million from the District for the design, construction, and furnishing of the District's Facilities at the FTC.
- September 24, 2018: The design team submitted the project plans to DSA for their review of District owned buildings.
- October 25, 2018: The Planning Commission adopted the Mitigated Negative Declaration and approved the Site Plan Review.
- March 5, 2019: Council approved the plans for the abatement and deconstruction of the existing FS6 and FTC and call for bids.
- March 6, 2019: Staff provided a design update to the Council Infrastructure Committee.
- September 2019: Completed demolition of the old Fire Station 6 and the Fire Training Center.
- October 1, 2019: Council authorized the City Manager to Negotiate and Execute a

Ground Lease and Facilities Use Agreement with the District for the FTC.

- November 19, 2019: Council adopted a resolution approving the plans and specifications for the construction of FS6 and the FTC and calls for bids after approval from FAA and DSA.
- July 7, 2020: Council awarded the construction contract to S. J. Amoroso Construction.
- August 17, 2020: Construction started.

DISCUSSION

The construction of FS6 and the FTC requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the District have required DSA testing and inspections. On January 21, 2020¹, Council authorized the City Manager to negotiate and execute a professional services agreement with CEL in an amount not-to-exceed \$350,000. CEL's services began at the start of construction and will continue throughout the duration of construction. Currently, approximately 35% of the construction duration has transpired and approximately 75% of the \$350,000 has been expended. An amendment to the PSA is needed due to the following:

- 1) CEL's original scope work did not include CEL to be the Geotechnical Engineer of Record (GEOR) as this required service was to be provided by Rockridge Geotechnical, Inc., the geotechnical engineer firm responsible for the design. Since CEL was already providing testing/inspection service on-site and has the in-house capability to perform GEOR services, it was more efficient for CEL to perform this service. The cost of this added scope is \$114,000. The GEOR cost for services by Rockridge Geotechnical, Inc., was included in the overall cost in Construction Management Administration and will offset some of CEL's cost.
- 2) The request for proposal for materials testing and special inspection services was before construction and did not provide CEL the benefit of the construction schedule and actual quantities of material, resulting in additional site visits for testing and inspection. Additionally, to avoid delays to the contractor, CEL has been and will provide overtime work on-site and including Saturdays at the steel fabrication factory for testing and inspection of structural and reinforcing steel. The cost related to this is \$121,000.
- 3) The original scope from CEL has been revised. Once final permitting has been completed by DSA, CEL will be required to provide testing and inspection for the construction of the photovoltaic system. The storefront and window wall construction on one of the buildings will also require testing services. The cost of this added scope is \$60,000.

The total original agreement cost was \$295,000 plus \$30,000 for contingencies. An additional \$325,000 is needed for these services for the completion of materials testing and

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4310191&GUID=989A319B-355D-4AAD-AB7D-BB8094C3ED4D&Options=&Search=>

special inspection services.

ECONOMIC IMPACT

Completion of this project will add classrooms and spaces for training and use by others, which may result in positive economic benefits for businesses around the area. Additionally, the local economy and local workforce will be positively impacted during construction of the facilities.

FISCAL IMPACT

The estimated project cost are as follows:

Construction Contract	\$52,397,000
Construction Contingency (ACO)	\$5,239,700
Consultant Design	\$5,000,000
Construction Management Administration	\$4,000,000
Inspector of Record Service & Special Testing	\$1,500,000
Demolition of old Fire Station and FTC	\$425,000
Temporary Housing	\$500,000
Permit & Utility Fees	\$940,000
Fixture, Furniture & Equipment	\$600,000
<u>Staff Construction Administration</u>	<u>\$300,000</u>
Total	\$70,901,700

The above item, Inspector of Record Service & Special Testing, included contracts with ABC Inspections, Inc. who provides the inspector of record services and CEL who provides the special testing. CEL's original contract amount of \$350,000 and the amended amount of \$325,000 are within the estimated \$1,500,000 as it included contingencies.

Construction management administration, temporary housing, permit & utilities, fixture, furniture & equipment are estimated and may increase, at which time staff will seek approval from Council for additional funding.

There are multiple funding sources for this project. The City's district sales tax, known as Measure C sales tax, will provide the majority of the funding. The total current budget is \$60.4 million, which includes \$28.7 million outlined in the FY19 adopted Capital Improvement Program in Measure C, Fund 406, and \$26 million for FY20. Prior year project appropriations total \$5.7 million.

Included in the budgeted amounts and through a partnership with the District is a \$20 million contribution towards the cost of the project to offset the total current budget.

This leaves an approximately \$10.5 million difference between what has been previously budgeted and the estimated cost (including construction contingency). Staff believes that because of the length of the project and reduced expenditures in future years related to

completing or completed projects, future revenues in the Measure C fund will be sufficient to meet the additional previously unappropriated amount.

STRATEGIC INITIATIVES

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project:

Project 12: Construct the Fire Station and FTC

SUSTAINABILITY FEATURES

This project incorporates sustainability features as they relate to water, energy, and the environment. Additionally, the proposed buildings will be designed to meet Leadership in Energy and Environmental Design (LEED) Silver, or better.

PUBLIC CONTACT

There is no public contact needed for this item.

SCHEDULE

Currently, construction is anticipated to be completed in the Fall of 2022.

NEXT STEPS

If Council approves the resolution to amend the contract with CEL, staff will route the amendment to be executed by the City Manager, allowing the firm to continue to provide materials testing and special inspection services until the completion of construction.

Prepared by: Dave Hung, Senior Civil Engineer
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Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager