

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-___

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO (1) NEGOTIATE, APPROVE AND EXECUTE A COST SHARE AGREEMENT BETWEEN THE CITY OF HAYWARD AND SOLCOM, INC., IN AN AMOUNT NOT-TO-EXCEED \$304,135.10 FOR EMERGENCY REPAIR OF THE SEWER MAIN COLLAPSE AT HESPERIAN BOULEVARD; AND (2) APPROPRIATE \$454,135.10 TO PROJECT NO. 07765, ANNUAL EMERGENCY/SPOT LINE REPAIRS IN SEWER REPLACEMENT FUND

WHEREAS, in early 2024, a fiber-optic conduit for Bandwidth IG—a company specializing in dark fiber infrastructure—was installed near the sewer main using directional boring methods; and

WHEREAS, Solcom Inc., the contractor for the installation, deviated from the approved plans, which specified a minimum 11-foot vertical clearance between the new fiber optic conduit and the existing sewer main. Instead, the conduit was installed approximately 4 feet deeper without obtaining prior approval or informing City staff; and

WHEREAS, in June 2024, a significant sinkhole formed on Hesperian Boulevard, exposing extensive damage to the 36-inch reinforced concrete pipe (RCP) sewer main; and

WHEREAS, to evaluate the potential impact of Solcom, Inc.'s construction activities on the damage to the City's sewer main, City staff conducted a comprehensive analysis to assess contributing factors to the failure.; and

WHEREAS, Investigation could not determine the extent to which directional bore vibrations contributed to the failure but acknowledged their potential impact on the already deteriorated pipe; and

WHEREAS, City staff has negotiated a cost-sharing agreement under which the City will pay Solcom, Inc. \$304,135.10, covering 100% of the costs for emergency sewer repairs performed by GSW Construction, the subcontractor hired by Solcom, Inc., totaling \$227,952.71, as well as \$76,182.39 for the reasonable portion of Solcom's invoices directly related to sanitary sewer repair; and

