HAYWARD CITY COUNCIL

RESOLUTION NO. 25-___

Introduced by	Council	Member	
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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

WHEREAS, additional appropriation of \$454,135.10 is needed to pay the share cost with Solcom of \$304,135.10, and to replenish a budget of \$150,000 to the Annual Emergency/Spot Line Repairs Project No. 07765, in case of other emergency repairs for the remainder of FY25.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to negotiate, approve and execute an agreement between the City of Hayward and Solcom, Inc. for Sewer Main Collapse at Hesperian Boulevard Emergency Repair and cost sharing in an amount not-to-exceed \$304,135.10.

BE IT FURTHER RESOLVED that the City Council authorizes the appropriation of \$454,135.10 to Project No. 07765, Annual Emergency/Spot Line Repairs from the Sewer Replacement Fund (Fund 611).

IN COUNCIL, HAYWARD, CALIFORNIA			<u>, 2025</u>		
ADOPTED BY	THE FOLLOWING VO	TE:			
AYES:	COUNCIL MEMBERS MAYOR				
NOES:	COUNCIL MEMBERS	:			
ABSTAIN:	COUNCIL MEMBERS	:			
ABSENT:	COUNCIL MEMBERS	:			
		ATTEST:	City Clerk of the	City of Hayward	
APPROVED A	AS TO FORM:				
City Attorney of the City of Hayward					