

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING ADDENDUM NOS. 1, 2 AND 3, AWARDING A CONTRACT TO GOLDEN BAY CONSTRUCTION, INC., FOR CONSTRUCTION OF TRACT 8058 ACCESS AND UTILITIES IMPROVEMENTS IN THE GOLDEN OAKS 2 SUBDIVISION PROJECT, PROJECT NO. 08058 IN THE AMOUNT OF \$713,831, AUTHORIZING A CONSTRUCTION CONTINGENCY BUDGET IN THE AMOUNT OF \$89,230, AND AUTHORIZING A BUDGET OF \$30,000 FOR CHARGES RELATED TO EXTENSION OF PG&E FACILITIES TO THE SUBDIVISION

WHEREAS, on October 2, 2014 the Hayward Planning Commission approved the tentative map for Tract 8058, a five-lot subdivision on an approximately 1.15-acre site between Hayward Boulevard and Hillcrest Avenue; and

WHEREAS, in February 2017, as a condition of the approval, Ron Esau, the developer of the subdivision entered into a Subdivision Improvement Agreement with the City of Hayward to construct specified improvements in and about the subdivision within 365 days of the agreement; and

WHEREAS, the subdivision improvements remain incomplete; and

WHEREAS, on January 25, 2022 the City Council adopted Resolution No. 22-028, which authorized the Director of Public Works to complete specified subdivision improvements in Tract 8058 and to obtain a contractor in the open market; and

WHEREAS, the Public Works & Utilities Department solicited bids for completion of the subdivision improvements directly in the open market; and

WHEREAS, the Public Works & Utilities Department issued Addendum Nos. 1, 2 and No. 3 to make minor revisions to the bid plans and specifications; and

WHEREAS, on February 16, 2022 six (6) bids were received ranging from \$592,954 to \$969,975, with Golden Bay Construction, Inc., of Hayward submitting the lowest responsible bid that complies with the specifications; and

WHEREAS, PG&E will impose charges for extension of its facilities to serve the subdivision, which are not part of the construction contract costs and which are normally the responsibility of the subdivider to pay; and

WHEREAS, CEQA review was conducted as part of the original entitlement process for Tract 8058 (Golden Oaks 2) and the project was found to be categorically exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines for infill development; and

WHEREAS, the Public Works & Utilities Department's current General Fund budget will absorb internal staff costs related to bid preparation, construction administration, and construction inspection; and

WHEREAS, the City Attorney Risk Fund will absorb the construction costs in excess of the subdivider's performance security, including construction contingency and PG&E charges related to extension of PG&E facilities to the subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves Addendum Nos. 1, 2 and 3, which are hereby adopted as part of the plans and specifications for the project.

BE IT FURTHER RESOLVED that Golden Bay Construction, Inc., of Hayward, is hereby awarded the contract for construction of Tract 8058 Access and Utilities Improvements in the Golden Oaks 2 subdivision Project, Project No. 08058, in accordance with the plans and specifications adopted therefor and on file in the Public Works & Utilities Department, at and for the price named and stated in the final proposal of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute an agreement with Golden Bay Construction, Inc., on behalf of the City of Hayward, in the amount of \$713,831, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that a construction contingency budget of \$89,230 and a budget of \$30,000 for charges related to extension of PG&E facilities to the subdivision is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward