

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-\_\_\_\_\_

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

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) LOAN FOR THE WATER POLLUTION CONTROL FACILITY (WPCF) IMPROVEMENTS – PHASE II PROJECT NO. 07760

WHEREAS, the City of Hayward (City) owns and operates the Water Pollution Control Facility (WPCF), which treats an average flow of approximately eleven million gallons per day; and

WHEREAS, increasing nutrient loadings in the Bay is a growing concern for the Bay Area water quality community. The Water Board issued the first Nutrients Watershed Permit, adopted in 2014, that required Dischargers to evaluate the Bay’s response to current and future nutrient loads and to evaluate opportunities to remove nitrogen through treatment plant improvements or optimization; and

WHEREAS, on May 8, 2019, the Water Board adopted the 2nd Nutrients Watershed Permit for managing nutrient discharges to the Bay wherein the City of Hayward is listed as an early adopter pledging to reduce nitrogen in its effluent ahead of the Water Board issuing the 3rd Nutrients Watershed Permit in 2024; and

WHEREAS, the main goal of the Phase II Project is to construct improvements necessary for nutrient removal in compliance with the Water Board’s 2nd Nutrient Watershed Permit early actor provisions; and

WHEREAS, on March 15, 2022, staff issued a request for proposals (RFP) to award a contract for design and engineering services during construction for the WPCF Improvement - Phase II (Phase II) Project; and

WHEREAS, the City and Brown and Caldwell have negotiated a not-to-exceed amount of twenty-four million seven hundred thirty-seven thousand three hundred twenty-four dollars (\$24,737,324); and

WHEREAS, on July 5, 2022, Council authorized preliminary design services for the Phase II project with Brown and Caldwell in a not-to-exceed amount of three million eight hundred forty-nine thousand seven hundred eleven dollars (\$3,849,711) for the WPCF Phase II Project, and

WHEREAS, on December 6, 2022, Council authorized final design of the early bid packages for the Administration and Laboratory Building, and Primary Effluent Equalization Tanks (EQ Tanks) Projects, and Geotechnical Investigation Services in the amount of four million eight hundred thousand dollars (\$4,800,000) increasing the contract authorized limit to \$8,649,711; and

WHEREAS, on December 5, 2023, Council authorized amending the professional services agreement with Brown and Caldwell to increase the contract amount by \$8,023,117 to a not-to-exceed amount of \$16,672,827 for final design services and authorized use of contingency funds for design of the existing final clarifiers retrofit; and

WHEREAS, the City and Brown and Caldwell will pursue financing under the California Clean Water State Revolving Fund (CWSRF) loan program and the U.S. Environmental Protection Agency (USEPA) Water Infrastructure Finance and Innovation Act (WIFIA) program; and

WHEREAS, as required by the Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) loan application, the Authorized Representative, or designee, must sign and file, for an on behalf of the City of Hayward, a Financial Assistance Application, for a financing agreement from the EPA for the planning, design, and construction of the WPCF Phase 2 Improvements Project; and

WHEREAS, the Authorized Representative, or designee, is designated to provide assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the Environmental Protection Agency and any amendments or changes thereto; and

WHEREAS, the Authorized Representative, or designee, is designated to represent the City in carrying out the City's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to apply for the United State Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) Loan, in the amount of \$200 million, for the WPCF Improvements – Phase II Project.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2023

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