

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH NEWTON CONSTRUCTION & MANAGEMENT FOR THE CINEMA PLACE PARKING GARAGE PROJECT NO. 07204 IN AN AMOUNT NOT-TO-EXCEED \$160,000 AND AMENDING THE FY 2024 BUDGET RESOLUTION IN ORDER TO APPROPRIATE AND TRANSFER \$160,000 FROM THE GENERAL FUND TO THE FACILITIES CAPITAL IMPROVEMENT PROJECT FUND

WHEREAS, the Facilities Capital Improvement Program is created to fund facility infrastructure projects with a focus on providing safe, clean and green facilities for employees and the public; and

WHEREAS, built in (2007), the Cinema Place Parking Garage needs maintenance and repairs throughout the building; and

WHEREAS, an assessment of the structural condition of the parking garage was completed in September (2022); and

WHEREAS, the finding revealed areas within the Cinema Place parking structure are in need of urgent repairs; and

WHEREAS, Hayward Municipal Code section 2-8.01 requires new construction in excess of \$35,000 that results in adding space or capacity to an existing facility or that results in extending the useful life of an existing facility to be competitively bid, or alternatively for the work to be procured in the open market if the City Council deems it more beneficial or economical to do so; and

WHEREAS, the City proposes to use a contract that was cooperatively purchased by Sourcewell, a Minnesota public agency, formerly known as the National Joint Powers Authority (NJPA); and

WHEREAS, the City of Hayward is a long-time member of the Sourcewell JPA and is authorized by the Joint Exercise of Powers Act (Gov. Code 6500 et seq.) to enter into agreements with other public agencies, including out of the state agencies, to exercise common powers; and

WHEREAS, cooperative purchasing, sometimes referred to as “piggyback purchasing” is a process where the procurement is conducted by, or on behalf of, one or more public procurements units; and

WHEREAS, Sourcewell advertised a statewide competitive solicitation for bids to provide general building and construction services to Sourcewell/NJPA members throughout California, which yielded 32 bids from which Newton Construction & Management was awarded a multi-year contract by Sourcewell; and

WHEREAS, this procurement method complies with the City of Hayward’s purchasing policies as well as the requirements of Municipal Code section 2-8.01 relating to procuring works for new construction in the open market as an alternative to competitive bidding; and

WHEREAS, this project is categorically exempt from environmental review pursuant to section 15301 of the CEQA guidelines relating to minor alterations of existing public structures or facilities; and

WHEREAS, an additional appropriation is the amount of \$160,000 is required to complete the Cinema Place Parking Garage Project No. 07204 in the total amount of \$160,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to Hayward Municipal Code section 2-8.01 it is more economical and beneficial to procure the work for Cinema Place Parking Garage facilities project by using Sourcewell’s cooperatively purchased contract with Newton Construction & Management, rather than advertising for bids.

BE IT FURTHER RESOLVED, by the City Council of the City of Hayward hereby authorizes the City Manager to negotiate and execute an agreement with Newton Construction & Management, in an amount not to exceed \$160,000 for the Cinema Place Parking Garage improvements in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby approves amending the FY 2024 budget resolution to transfer and appropriate \$160,000 from the General Fund to the Facilities Capital Improvement Fund, for a total allocation of \$160,000 for the Cinema Place parking Garage Project No. 07204.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2024

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