

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-\_\_\_\_\_

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

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 42 WITH S.J. AMOROSO FOR THE GLOBAL SETTLEMENT IN AN AMOUNT NOT-TO-EXCEED \$2,425,000 TO ADDRESS CONTRACTOR'S AND ITS SUBCONTRACTORS' ANY AND ALL OUTSTANDING CHANGE ORDERS AND ANY AND ALL OUTSTANDING AND FUTURE CLAIMS AND TO TRANSFER AND APPROPRIATE ADDITIONAL FUNDS, IN AN AMOUNT OF \$3,231,824 FOR THE FIRE STATION 6 AND FIRE TRAINING CENTER PROJECT, PROJECT NOS. 07481 AND 07482

WHEREAS, by Resolution RES 20-119, City Council awarded the contract for the construction of Fire Station 6 and Fire Training Center (FS6/FTC) to S.J. Amoroso; and

WHEREAS, by Resolution RES 20-119 on July 7, 2020, the City Council approved awarding the construction contract to S. J. Amoroso in the amount of \$52,397,000 and authorizing the City Manager to spend up to \$70,901,700 of Measure C funding to construct the Fire Station 6 and Fire Training Center (Project); and

WHEREAS, construction began on August 17, 2020, and would be substantially completed by August 9, 2022; and

WHEREAS, construction time was extended due unforeseen issues; and

WHEREAS, Chabot College faculty and students started classes in August 9, 2023 when the main building received beneficial occupancy and in October 2023, fire station personnel occupied the FS6; and

WHEREAS, while the buildings were occupied, there remained outstanding construction items that needed to be completed; and

WHEREAS, S.J. Amoroso requested compensation for extended general conditions not caused by the contractor which staff negotiated for a global settlement that included conditions one of which included resolving all issues with all subcontractors; and

WHEREAS, by Resolution RES 23-016 on January 17, 2023, the City Council approved authorizing the transfer of funds and appropriation of funds in the amount of \$5,596,800 from Measure C Operating Fund (Fund 101) to Measure C Fund (Fund 405) to the Fire Station 6 and Fire Training Center (Project); and

WHEREAS, by Resolution RES 23-256 on November 14, 2023, the City Council approved authorizing the transfer of funds and appropriation of funds in the amount of \$2,030,000 from Measure C Operating Fund (Fund 101) to Measure C Fund (Fund 405) to the Fire Station 6 and Fire Training Center (Project); and

WHEREAS, additional funding of \$793,360 for construction contingency in approved change orders, inspector of record service & special testing, temporary housing, permit & utility fees, FF&E and staff construction administration and additional funding of \$2,425,000 for the global settlement to address contractor's and its subcontractors' any and all outstanding change orders and any and all outstanding and future claims are required to support the construction of the Project; and

WHEREAS, there is sufficient fund balance in Fund 101 (Measure C Operating) to support the allocation of an additional \$3,231,824 toward the Project; and

WHEREAS, a transfer from Fund 101 (Measure C Operating Fund) to Fund 406 (Measure C Fund) is required to allocate the said funds to the Project.

NOW BE IT RESOLVED that the City Council authorizes the City Manager to execute change order no. 42 with S.J. Amoroso for the global settlement in an amount not-to-exceed \$2,425,000 to address contractor's and its subcontractors' any and all outstanding change orders and any and all outstanding and future claims for the FS6/FTC project and transfer of funds and appropriation of funds, in the amount of \$3,231,824, from Measure C Operating Fund (Fund 101) to Measure C Fund (Fund 406) to be allocated to the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482.

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