



DATE: June 21, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Awarding a Contract to GSW Construction, Inc., for the Trash Capture Device Installation on Cotter Way Project No. 07675 in the Amount of \$188,600, Approving \$18,900 Construction Contingency Budget, and Appropriating an Additional \$70,000 to the Project

RECOMMENDATION

That Council adopts a (Attachment II) approving Addendum No. 1 to the specifications, which included rescheduling the pre-bid meeting for the Cotter Way Project, Project No. 07675 (Project), and awarding the construction contract to GSW Construction, Inc., (GSW) in the amount of \$188,600, approving a construction contingency budget of \$18,900, and approving an additional appropriation of \$70,000 to the Project.

SUMMARY

The proposed Project would install a continuous deflective separator (CDS) unit in the existing storm drain under Cotter Way for trash capture from the stormwater system as part of the City's trash reduction mandate from the San Francisco Regional Water Quality Control Board (Water Board). The CDS unit creates a continuous swirl of stormwater to concentrate and separate trash and debris. This project would be funded by the US Environmental Protection Agency (EPA) Water Quality Improvement Fund grant awarded to the City in January 2015.

In May 2022, the City released a call for bids and received two competitive bids. Staff recommends awarding the contract to GSW Construction, Inc., in the amount of \$188,600 and a contingency budget of \$18,900 for a total amount not-to-exceed \$207,500.

This project is categorically exempt from environmental review under Section 15301(c) of the California Environmental Quality Act (CEQA) Guidelines for the operation, repair, maintenance, or minor alteration of existing facilities.

BACKGROUND

The Water Board adopted the current Municipal Regional Stormwater Permit (MRP 2.0) in December 2015. The MRP 2.0 covers storm water discharges from municipalities and local agencies (also called permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun, and Vallejo. Under the MRP 2.0, permittees are required to reduce trash from entering the waters of the state by 100% by 2022 from each jurisdiction's Municipal Separate Storm Sewer Systems (MS4s).

In January 2015, Region 9 of the EPA awarded the City \$800,000 to fund the Hayward Youth-Based Trash Capture, Reduction and Watershed Education Project. The four-year project includes a school curriculum for first through twelfth grade students for watershed and trash pollution awareness education, as well as engineered trash reduction facilities with the installation of large trash capture devices as a demonstration of the City's commitment to trash reduction and compliance with the Water Board mandate. Work funded by the grant is largely complete. The proposed project on Cotter Way would spend the remainder of the grant funds and close out the Hayward Youth-Based Trash Capture, Reduction and Watershed Education Project.

For further background regarding the EPA grant project and the City's trash reduction mandate please refer to the Council Sustainability Committee reports entitled:

- USEPA Region IX Trash Reduction Grant (March 23, 2015)¹
- Update on EPA Trash Reduction Grant (December 10, 2015)²
- Municipal Regional Permit 2.0 (March 14, 2016)³
- Municipal Regional (Stormwater) Permit-MRP 3.0 (March 14, 2022)⁴

DISCUSSION

This Project would install one large trash capture device on Cotter Way in an existing storm drain box to treat storm water to partially meet the Water Board's requirements. The installation of the CDS trash capture unit is part of the Hayward Youth-Based Trash Capture, Reduction and Watershed Education Project. In 2021, staff evaluated various locations and selected the Cotter Way location. The location on Cotter Way is near the Alameda County's flood control channel, a strategic location to install a trash capture device since it encompasses a large drainage for trash reduction and can be installed within the project budget. As a result, a large trash capture device at this location can capture trash from approximately 138 acres of storm water runoff area.

The City currently has a large CDS unit manufactured by Contech Stormwater Solutions (Contech) at the intersection of Tyrrell Avenue and West Tennyson Road, which was installed

¹ <https://hayward.legistar.com/MeetingDetail.aspx?ID=530699&GUID=176DAFD5-E4D9-4DB7-ACCE-3FD49ED3900B&Options=info&Search=&Refresh=1>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=2530035&GUID=202918BE-E3DF-4B27-B9B8-80A8438039D5&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=2602635&GUID=EF759AB7-14B2-4440-9EFC-D53DE6583D0F&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5523059&GUID=7112B7B8-AC21-4EC5-9289-D35DC0FCDE01&Options=&Search=>

in 2012, and one installed on Patrick Avenue, which was installed in 2017. Contech is the only company that manufactures this type of device using the CDS technology. Staff's experience with the above projects has been successful both for trash capture and for maintenance ease. Staff believes that the Contech CDS unit is the most appropriate device to capture the trash from storm water runoff at Cotter Way. If approved, staff will purchase the Contech CDS unit directly from Contech. The installation of the CDS unit requires hiring a contractor to complete. A competitive bid was released on May 2, 2022 after Council approved the release of bids on April 19, 2022. Two bids were received for the Project. The lower bid was received from GSW. Installation at the Cotter Way location will entail excavation in the street, installing the diversion box and CDS unit in-line with the storm drain and backfilling the area, and repairing the street to pre-construction conditions. Prior to backfilling and street repair, the CDS unit will be leak-tested to assure water tightness at all the joints.

Long-term maintenance of the Cotter Way CDS unit will include annual cleaning to remove the trash using the City's Streets and Maintenance crew and equipment. The Cotter Way CDS unit cleaning will be scheduled typically in the spring or summer months prior to the rainy season as with the Patrick and Tyrrell CDS units.

On November 15, 2016, Council adopted a resolution authorizing a Community Workforce Agreement (CWA) with the Alameda County Building Trades Council (BTC), which applies to City projects with construction costs of \$1,000,000 or more. The agreement requires contractors to use local union hiring halls, encourages contractors to employ Hayward residents or Hayward Unified School District graduates, and requires hired workers to pay union dues and other benefit trust fund contributions, etc. Because the construction cost estimate for this Project is less than \$1,000,000, the CWA agreement does not apply to this project.

ECONOMIC AND FISCAL IMPACT

The estimated project costs are as follows:

Design and Construction Administration - City Staff	\$15,000
Construction Inspection (Estimated)	\$15,000
Construction Contract	\$188,600
Administrative Change Order (Estimated)	\$18,900
Trash Capture Devices (Contech)	<u>\$150,000</u>
Total:	\$387,500

In the recently adopted FY 2023 Capital Improvement Program, Trash Capture Device and Litter Reduction Education Project, Project No. 07675, has an adopted budget of \$925,000 in Sewer Replacement Fund 611. The project is funded by an EPA Region 9 grant of \$800,000 and a transfer of \$125,000 from Stormwater Operating Fund (Fund 615) programmed in FY 2023. As of June 2022, approximately \$608,000 was expended and a remaining balance of \$317,000 available in FY 2023. Due to the rising cost of construction labor and materials, Staff is requesting an additional appropriation of \$70,000 in the Stormwater Fund 615 to be transferred and appropriated in the Sewer Replacement Fund 611 to support the project.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to Invest in Infrastructure. Specifically, this item relates to:

- N22 Meet regulatory requirements for zero trash in stormwater by installing trash capture devices
- N22a Install trash capture devices

SUSTAINABILITY FEATURES

The CDS unit, along with the existing trash capture devices in the City's storm drain system will help to limit the pollutants that enter local creeks and the San Francisco Bay.

PUBLIC CONTACT

Prior to and during construction, notices will be provided to affected residents, property, and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule and City contact for additional information. In addition, staff will work closely with residents on Cotter Way, to minimize potential impacts.

NEXT STEPS

If Council approves the award of contract, staff will prepare the construction contract and issue a notice to proceed. The following schedule has been developed for this project:

Award Construction Contract	June 21, 2022
Notice to Proceed	July 2022
Construction Completion	August 2022

Additional trash capture devices will be needed to achieve a 100% reduction in trash entering the waters of the state by 100% by 2022. Staff is investigating the feasibility of installing a CDS unit on Arf Avenue and Tennyson Road; however, this project would be more complicated as it will be on facilities owned by the Alameda County Flood Control District. The Arf Avenue and Tennyson Road CDS units will be larger than the unit on Cotter Way. The added complexity of this project and the larger size will make the installation at Arf Avenue and Tennyson Road more expensive. A cooperative agreement has been executed between the City and the California Department of Transportation (Caltrans), who will fund both the Arf and Tennyson CDS installation projects.

Prepared by: Elisa Wilfong, Water Pollution Control Administrator
Saeed Saebi, Associate Civil Engineer
Erik Pearson, Environmental Services Manager
Kathy Garcia, Deputy Public Works Director

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', with a long horizontal stroke extending to the right.

Kelly McAdoo, City Manager