

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BROWN AND CALDWELL, IN AN AMOUNT NOT-TO-EXCEED \$3,849,711 FOR THE PRELIMINARY DESIGN SERVICES FOR THE WATER POLLUTION CONTROL FACILITY (WPCF) IMPROVEMENTS PHASE II PROJECT, 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, in 2009, the City completed the construction of the WPCF Improvement Phase I Project that improved the reliability and efficiency of the WPCF's secondary biological treatment and clarification processes; and

WHEREAS, on February 27, 2018, the City entered into an agreement with Black & Veatch Corporation to perform engineering services for the WPCF Phase II Facilities Plan. The Phase II Facilities Plan serves as a comprehensive planning document for the WPCF infrastructure needs for the next twenty-five years; 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 and required further studies on the impacts of nutrients on the Bay and indicated a load-cap based nitrogen regulatory framework which will be utilized for establishing future nitrogen limits when issuing the 3rd Nutrients Watershed Permit in 2024; and

WHEREAS, the City of Hayward agreed to be an early actor with plans to substantially reduce nutrients in the 2nd Watershed Permit. The benefits of being an early actor include should the Board impose future more stringent load limits, early actors will not be required to make further reductions during the design life of capital improvements; and

WHEREAS, it is anticipated that the Water Board's issuance of the 3rd Nutrients Watershed Permit in 2024 will establish nitrogen load limits. The nitrogen levels in the WPCF's discharge will exceed the anticipated load limit by 2027. The future nitrogen limits necessitate the WPCF to upgrade the existing secondary process to reduce the nitrogen load in the wastewater discharge to the Bay; 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 Phase II Project; and

WHEREAS, in response to the RFP, the City received three (3) proposals and after objectively evaluating proposals, has determined that Brown and Caldwell possess the necessary experience and technical skills to perform the work; and

WHEREAS, the City and Brown and Caldwell have negotiated a not-to-exceed 3,849,711 for preliminary design services for the WPCF Phase II Project; 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, staff will return to City Council for approval to award the remainder of the Professional Engineering Services in a not-to-exceed amount of \$20,887,613 for final design and engineering services including optional service tasks for the WPCF Phase II Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute an agreement with Brown and Caldwell for preliminary design services of the WPCF Phase II Project, Project No. 07760, in an amount not to exceed \$3,849,711, in a form approved by the City Attorney.

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