



**DATE:** June 4, 2024

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to (1) Amend the Professional Services Agreement with Mark Thomas & Company for Extended Construction Support Services by \$154,000 for a Not to-Exceed Amount of \$1,780,180 and (2) Amend the Contract with Bellecci & Associates, Inc., by \$72,500 for a Not-to Exceed Amount of \$147,433 for the Mission Boulevard Corridor Improvements Phase 3 Project, Project No. 05287

## **RECOMMENDATION**

That Council adopts the attached resolutions (Attachments II, III) authorizing the City Manager to:

1. Amend the Professional Services Agreement (PSA) with Mark Thomas & Company (Mark Thomas) for extended construction support services for the Mission Boulevard Corridor Improvements Phase 3 project by \$154,000 for a not-to-exceed (NTE) amount of \$1,780,180;
2. Amend the Contract with Bellecci & Associates, Inc., (Bellecci) for extended construction staking services for the Mission Boulevard Corridor Improvements Phase 3 project by \$72,500 for a NTE amount of \$147,433.

## **SUMMARY**

Construction of the Mission Boulevard Corridor Improvements Phase 3 project from A Street to Rose Street started on July 10, 2023. After the start of construction, a number of issues were encountered that now extends the estimated construction completion date to Summer of 2025.

Mark Thomas was contracted to provide final design for the project as well as construction support during construction. Mark Thomas provided construction support services when construction started and their remaining fees are nearly exhausted. Staff negotiated a fee of \$154,000 with Mark Thomas & Company for additional construction support services. Construction also requires construction staking. A request for proposal for construction staking was issued and a contract was established with Bellecci. The

remaining amount will also soon be exhausted.

Staff recommends that Council authorizes the City Manager to amend the PSA for construction support with Mark Thomas to increase the contract amount to \$154,000, with a total NTE amount of \$1,780,180 and amend the contract with Bellecci to increase the contract amount to \$72,500, with a total NTE amount of \$147,433.

## **BACKGROUND**

Construction of Phase 1 of the Mission Boulevard Corridor Improvement Project from A Street to Industrial Parkway and Foothill Boulevard from Mission Boulevard to Apple Avenue was completed in January 2014. Construction of Phase 2 of the project from Industrial Parkway to the south City limit at Blanche Street was completed in March 2021. The final phase of the Mission Boulevard Corridor Improvement Phase 3 project is from A Street to the north City limit at Rose Street.

On February 07, 2023, Council adopted a resolution approving the plans and specifications for the construction of the Mission Boulevard Corridor Improvement Phase 3 project and call for bids. On April 25, 2023, Council adopted a resolution awarding the construction contract to DeSilva Gates Construction for the construction of this project.

## **DISCUSSION**

Construction started on July 10, 2023. After the start of construction, a number of issues were encountered. One of the first items of work was to underground the overhead electric utilities. Part of this work included trenching to install the conduits and installing boxes and vaults for PG&E, Comcast and AT&T. The undergrounding of the overhead electric utilities also entails that the individual businesses and residential properties' electrical service need to be converted from overhead to underground. This project also included installation of new storm drain pipes, inlets and bioretention areas to better facilitate drainage and treatment of stormwater. At many locations, the contractor encountered existing underground utilities that conflicted with the installation of these pipes and appurtenances per plan. To resolve these conflicts, City and Mark Thomas staff worked to resolve these issues that included revision of the plans.

The design of this project included the addition of bike facilities. Due to the narrow right-of-way, a cycle track was included during design and incorporated in the contract documents. The cycle track is adjacent to the sidewalk and consists of a concrete surface; however, during construction, staff recommended changing the material to asphalt and adding directional paver to delineate the cycle track from the sidewalk. This revision required re-design by Mark Thomas to issue as plan changes to the contractor.

### *Amendment of Mark Thomas & Company's PSA*

On April 11, 2017, Council approved a resolution authorizing the City Manager to enter into a Professional Services Agreement with Mark Thomas for design services and technical support during construction in an amount not-to-exceed \$700,000.

On May 21, 2019, Council approved a resolution adopting an amendment to the PSA with Mark Thomas increasing the contract amount by \$475,000 for right-of-way services with a total not-to-exceed amount of \$1,175,000.

On July 21, 2020, Council approved a resolution adopting an amendment to the PSA with Mark Thomas increasing the contract amount by \$150,000 for additional design work with a total not-to-exceed amount of \$1,325,000.

On January 26, 2021, Council approved a resolution adopting an amendment to the PSA with Mark Thomas, increasing the contract amount by \$194,180 for revisions to the design with a total not-to-exceed amount of \$1,519,180.

On April 25, 2023, Council approved a resolution adopting an amendment to the PSA with Mark Thomas, increasing the contract amount by \$107,000 for final right-of-way and construction support services with a total not-to-exceed amount of \$1,626,180.

Due to the above-mentioned unanticipated work by Mark Thomas, their remaining fees are nearly exhausted. Staff negotiated a fee of \$154,000 with Mark Thomas & Company for additional construction support services. Staff recommend execution of an amendment to increase the value of the PSA with Mark Thomas for construction support by \$154,000 for a total not-to-exceed contract amount of \$1,780,180.

#### *Amendment of Bellecci & Associates Inc., Contract*

Construction requires construction survey staking so that the contractor builds the project pursuant to design grades. Typically, construction staking is provided by the staff survey team; however, due to workload and staffing, a request for proposal was issued on April 19, 2023. A contract was awarded to Bellecci in the amount of \$74,933. Bellecci provided construction staking from the start of construction but required making multiple trips due to the number of separate phases that is constructed. Bellecci's contract was to provide each type of staking in one trip. Also, there has been additional staking that is required but not included in Bellecci's contract. Because the added trips and staking services were not anticipated, their remaining fees will soon be exhausted. Staff negotiated a fee of \$72,500 with Bellecci for additional construction staking services. Staff recommend execution of an amendment to increase the value of the contract with Bellecci for construction staking services by \$72,500 for a total not-to-exceed contract amount of \$147,433.

### **ECONOMIC IMPACT**

Since a portion of this project is funded by Measure BB, this project is required to meet Local Business Contracting Equity (LBCE) Program goals. The participation goals are 60% for Local Business Enterprise (LBE) and 20% for Small Local Business Enterprise (SLBE) pursuant to the Alameda CTC Local LBCE Program. DeSilva Gates Construction (DGC) has listed 37% LBE participation and 4% SLBE participation which do not meet the goals; however, DGC has provided documentation of good faith efforts. Staff continues to track

DGC's listed LBE and SLBE participation throughout construction.

In addition to the LBCE goals, the City's Community Workforce Agreement is a requirement of the contract since the engineer's estimate is over \$1,000,000. One of the CWA goals is that Hayward residents and especially Hayward Unified School District Graduates will perform a minimum 30% of the hours worked on a craft by craft basis. Currently, laborers are at 24%, operating engineers are at 1%, teamsters and carpenters are both at 0%. Staff continues to track and remind the contractor of the goal.

Completion of Phase 3 improvements will result in a complete street and positive economic benefits for businesses along the Mission Boulevard Corridor. Additionally, this project will contribute to the economic vitality of the City and County since this project is required to meet the LBCE goals.

### **FISCAL IMPACT**

The estimated project costs for Phase 3 are as follows:

	Estimated Cost
Design	\$1,800,000
Construction	\$15,742,743
Construction Contingency (ACO)	\$1,574,274
Estimated PG&E Contract for Undergrounding	\$1,800,000
Construction Admin, Inspection, Testing	\$2,288,000
<b>Phase 3 Project Total</b>	<b>\$23,205,017</b>

Staff recommends funding the increase costs for the amendment amounts with Mark Thomas and Bellecci through the Mission Boulevard Corridor Improvements Phase 3 project. There is sufficient funding in Construction Admin, Inspection and Testing to cover the costs associated with the amendments with both Mark Thomas and Bellecci

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project:

Project 7c: Complete design of Mission Boulevard Phase 3 and construction

### **SUSTAINABILITY FEATURES**

This project incorporates sustainability features as they relate to water, energy, and the environment. Additionally, improvements such as the cycle track and sidewalk will promote health through physical activity.

## **PUBLIC CONTACT**

Prior to the start of construction, notices were mailed to businesses and residents informing them of the work and start of construction. Businesses and residents are also notified prior to temporary closures at their frontage for demolition of the sidewalk and improvements. The conflicts and changes mentioned in the Discussion section have delayed work at the frontages of businesses where existing sidewalks have been removed. Staff has reached out to the affected businesses providing an update for why construction has paused. Finally, some businesses have mentioned difficulties with parking access for customers, so additional temporary businesses open during construction and arrow signs have been installed.

## **NEXT STEPS**

If Council approves the resolutions for the amendments, staff will route the amendment to the Professional Services Agreement with Mark Thomas and increase the contract amount with Bellecci.

*Prepared by:* Dave Hung, Senior Civil Engineer  
Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Dustin Claussen, Interim City Manager