

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL TO INCREASE THE CONTRACT AMOUNT BY EIGHT MILLION TWENTY THREE THOUSAND ONE HUNDRED SEVENTEEN DOLLARS (\$8,023,117) TO A NOT-TO-EXCEED AMOUNT OF SIXTEEN MILLION SIX HUNDRED SEVENTY TWO THOUSAND EIGHT HUNDRED TWENTY EIGHT DOLLARS (\$16,672,828) FOR FINAL DESIGN SERVICES FOR THE WATER POLLUTION CONTROL FACILITY (WPCF) FACILITY IMPROVEMENTS PHASE II PROJECT NO. 07760, AND AUTHORIZE USE OF CONTINGENCY FUNDS FOR DESIGN OF THE EXISTING FINAL CLARIFIERS RETROFIT

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, 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 wherein the City of Hayward is listed as an early adopter pledging to reduce nitrogen in its effluent ahead of the Water Board issuing the 3rd Nutrients Watershed Permit in 2024; 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 Improvement - Phase II (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 amount of twenty-four million seven hundred thirty-seven thousand three hundred twenty-four dollars (\$24,737,324); and

WHEREAS, on July 5, 2022, Council authorized preliminary design services for the Phase II project with Brown and Caldwell in a not-to-exceed amount of three million eight hundred forty-nine thousand seven hundred eleven dollars (\$3,849,711) for the WPCF Phase II Project; and

WHEREAS, on December 6, 2022, Council authorized final design of the early bid packages for the Administration and Laboratory Building, and Primary Effluent Equalization Tanks (EQ Tanks) Projects, and Geotechnical Investigation Services in the amount of four million eight hundred thousand dollars (\$4,800,000) increasing the contract authorized limit to \$8,649,711; 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, preliminary design for the Phase II Project will be completed in December 2023 and Brown and Caldwell will be ready to begin final design for the Phase II Project; and

WHEREAS, staff will return to City Council for approval to authorize the remainder of the Professional Engineering Services in a not-to-exceed amount of eight million sixty-four thousand four hundred ninety-seven dollars (\$8,064,497) for bidding services for the WPCF Phase II Project, engineering services engineering services during construction, and as-needed optional service tasks; and

WHEREAS, the existing final clarifiers have experienced structural damage caused by the failure of the perimeter groundwater relief system and are in need of rehabilitation. Authorization of the use of \$706,537 of contingency funds is needed for design of the retrofits necessary to restore the remaining useful life of the structure by at least 50-years.

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, on behalf of the City of Hayward, an amendment to the existing professional services agreement with Brown and Caldwell to increase the contract amount by eight million twenty three thousand one hundred seventeen dollars (\$8,023,117) to a Not-to-Exceed Amount of sixteen million six hundred seventy two thousand eight hundred twenty eight dollars \$16,672,828 for final design services for the Phase II Project and bid period services for the Administration and

Laboratory Building, and EQ Tanks Projects, and authorize use of contingency funds for design of the existing final clarifiers retrofit in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2023

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