



DATE: June 28, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt Resolutions Authorizing the City Manager to Execute Amendments to the Professional Services Agreements for Kitchell CEM for Extended Construction Support Services for the Fire Station 6 and Fire Training Center Project by \$400,000 for a Not-to-Exceed Amount of \$2,200,000 and for Extended Inspector of Record Services with ABC Inspections, Inc., by \$115,000 for a Not-to-Exceed Amount of \$865,000

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) with Kitchell CEM (Kitchell) for extended construction support services for the Fire Station 6 (FS6) and Fire Training Center Project (FTC) by \$400,000 for a not-to-exceed amount of \$2,200,000; and a resolution (Attachment III) for extended inspector of record services with ABC Inspections, Inc., (ABC) by \$115,000 for a not-to-exceed amount of \$865,000.

SUMMARY

The FS6 and FTC Project commenced construction on August 17, 2020 and was anticipated to be completed in Fall of 2022. The completion date is now estimated to be January 2023 due to the delay in delivery of the electrical switchgear components resulting from a global materials backlog. Construction requires construction management and special inspection services to ensure that construction complies with project plans, specifications, and codes. Because the switchgear is on the critical path for the construction of the entire project, it triggered the delay of all other components of the project. Extending the completion date until January 2023 requires that the construction management and inspector of record teams be on the site for the unanticipated four-month delay and continue to monitor daily construction activities. Additionally, after the switchgear is installed and the buildings are energized by PG&E, there are remaining construction management and inspector of record services. On January 21, 2020^[1], Council adopted the resolution authorizing the City Manager to execute an amendment to the PSA with Kitchell for construction support services in the amount of \$1,800,000. Also on January 21, 2020, Council adopted the resolution

^[1] <https://hayward.legistar.com/LegislationDetail.aspx?ID=4310191&GUID=989A319B-355D-4AAD-AB7D-BB8094C3ED4D&Options=&Search=>

authorizing the City Manager to execute a PSA with ABC for inspector of record services in the amount of \$750,000. The amounts for both Kitchell and ABC will be exhausted by August 2022. Amendments in the amounts of \$400,000 and \$115,000, respectively, are necessary to complete the project.

BACKGROUND

In 2014, voters in the City approved Measure C which authorized the City to increase the sales tax rate by one-half cent for, among other things, the restoration and maintenance of City services and facilities, including firefighting/emergency medical services. This project includes partnership with the Chabot-Las Positas Community College District (District) in the shared use of the FTC.

Below is a list of major milestones for the FS6 and FTC project:

- June 3, 2014: Voters approved Measure C, which authorized the City to increase the sales tax rate by one-half cent for twenty years to restore and maintain City services and facilities, including firefighting/emergency medical services.
- October 10, 2014: The City's consultant, RossDrulisCusenbery (RDC), completed a facility needs assessment for Fire Stations 1-6 and the FTC, which determined that all facilities needed substantial upgrades.
- May 26, 2015¹: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Stations 1-6 and the FTC Improvement project.
- October 18, 2016²: Staff provided Council with an update on the project.
- October 24, 2017: The District's Board of Trustees passed a motion directing the Chancellor to create a Memorandum of Understanding (MOU) with the City of Hayward.
- October 25, 2017³: Staff provided a project update to the Council Infrastructure Committee.
- June 28, 2018: Staff submitted a request to the Federal Aviation Administration (FAA) for the release of the land at the Hayward Executive Airport on which FS6 and the FTC would be constructed for non-aeronautical purposes.
- July 24, 2018⁴: Council authorized the City Manager to negotiate and execute an MOU with the District to establish the basis for a ground lease and to accept up to \$20 million from the District for the design, construction, and furnishing of the District's Facilities at the FTC.

¹ <https://hayward.legistar.com/MeetingDetail.aspx?ID=454184&GUID=7CD463F3-CFEB-4ADB-B836-FC19D7730F0&Options=info|&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=2860809&GUID=635FEBB7-ACCB-45F8-9DF6-DF54CBC6CD12&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3194489&GUID=5531F83A-213A-4734-9405-ACB043B6A60D&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3582269&GUID=1C949039-8749-4463-B1C2-B2B8CE709EDF&Options=&Search=>

- September 24, 2018: The design team submitted the project plans to the Division of State Architect for their review of District owned buildings.
- October 25, 2018⁵: The Planning Commission adopted the Mitigated Negative Declaration and approved the Site Plan Review.
- March 5, 2019⁶: Council approved the plans for the abatement and deconstruction of the existing FS6 and FTC and call for bids.
- March 6, 2019: Staff provided a design update to the Council Infrastructure Committee.
- September 2019: Completed demolition of the old Fire Station 6 and the Fire Training Center.
- October 1, 2019⁷: Council authorized the City Manager to Negotiate and Execute a Ground Lease and Facilities Use Agreement with the District for the FTC.
- November 19, 2019: Council adopted a resolution approving the plans and specifications for the construction of FS6 and the FTC and calls for bids after approval from FAA and DSA.
- July 7, 2020: Council awarded the construction contract to S. J. Amoroso Construction.
- August 17, 2020: Construction commenced.
- May 25, 2021⁸: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for materials testing and special inspection services with CEL in the amount of \$325,000.
- September 28, 2021⁹: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for construction support services with RDC in the amount of \$830,000.
- January 18, 2022¹⁰: Council adopted a resolution authorizing the City Manager to execute the second amendment to the PSA for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in the amount of \$450,000.
- April 19, 2022: Council adopted a resolution authorizing the City Manager to execute an amendment to the agreement with Mobile Modular (formerly Design Space Modular) for an additional 9-month rental of modular structures for the temporary Fire Station 6 in the amount of \$53,500.

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3708173&GUID=5D5FBBF9-7F11-4A8D-86B1-BFFC24E4EF48&Options=&Search=>

⁶ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3874592&GUID=ADD09360-6319-4C1F-9C84-FF60B8CE554D&Options=&Search=>

⁷ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4148714&GUID=329BEA63-4E98-41D4-861F-5D39454D5C54&Options=&Search=>

⁸ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

⁹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149122&GUID=0B64C69C-054A-4C54-A58D-656A73A01820&Options=&Search=>

¹⁰ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5382577&GUID=A35183AB-DAFF-402B-9377-1A30697790C7&Options=&Search=>

- April 19, 2022: Council adopted a resolution authorizing the City Manager to execute an agreement with Day Wireless Systems for Conversion of Station Alerting System for all Fire Stations, to Make All Systems Compatible with the One at the New Fire Station 6/Fire Training Center, in an amount of \$300,000.

DISCUSSION

The construction of FS6 and the FTC requires construction management and inspection of record services to ensure that construction complies with project plans, specifications, and codes. On January 21, 2020, Council adopted the resolution authorizing the City Manager to execute an amendment to the PSA with Kitchell for construction support services in the amount of \$1,800,000. Also on January 21, 2020, Council adopted the resolution authorizing the City Manager to execute a PSA with ABC for inspector of record services in the amount of \$750,000. Both of their services began when construction started in August 2020. Based on the contractor's original baseline schedule, the project was scheduled to be completed in August 2022. Due to the current global material delays with the electrical switchgear component, the completion of the project is now delayed to January 2023. This completion date includes 49 adverse weather working days remaining and if not used, the completion would be November 2022.

After the switchgear is installed and when PG&E energizes the buildings, there are items such as start-up, testing, commissioning, inspections, final punchlist, and acceptance that require construction management and inspector of record services.

In projecting the remaining months to project completion of January 2023, with some slow-down in the end months, the estimated increase in cost for Kitchell's services until the remainder of the project is \$342,064 plus \$57,936 for contingencies, for a total amendment amount of \$400,000 and a not-to-exceed total agreement amount of \$2,200,000. The estimated cost for ABC Inspections is \$95,460 plus \$19,540 for contingencies for a total amendment amount of \$115,000 and a not-to-exceed total agreement amount of \$865,000.

ECONOMIC IMPACT

Completion of this project will add classrooms and spaces for training and use by others which may result in positive economic benefits for businesses around the area. Additionally, the local economy and local workforce will be positively impacted during construction of the facilities.

FISCAL IMPACT

There is sufficient funding for the amendment amounts for Kitchell and ABC within the FS6/FTC project construction contingency budget. Staff recommends funding the amendment amounts with Kitchell and ABC through the FS6/FTC project. The total estimated project cost is \$70.9 million. As of FY 2022, Council has authorized the appropriation of \$66.7 million. The Adopted FY 2023 CIP budget appropriated the remaining project budget in the amount of \$4.2 million, which will be available on July 1, 2022.

The estimated project cost are as follows:

Construction Contract	\$52,397,000
Construction Contingency (ACO)	\$5,239,700
Consultant Design	\$5,000,000
Construction Management Administration	\$4,000,000
Inspector of Record Service & Special Testing	\$1,500,000
Demolition of old Fire Station and FTC	\$425,000
Temporary Housing	\$500,000
Permit & Utility Fees	\$940,000
Fixture, Furniture & Equipment	\$600,000
<u>Staff Construction Administration</u>	<u>\$300,000</u>
Total	\$70,901,700

Staff recommends funding the amendment amounts through the use of Construction Contingency funds because both amendment amounts exceed the Construction Management Administration and Inspector of Record Service & Special Testing; see below for further breakdown of these cost:

Construction Management Administration	
RossDrulisCusenbery	\$2,132,000
<u>Kitchell CEM</u>	<u>\$1,800,000</u>
Original contract total	\$3,932,000
RossDrulisCusenbery Amendment	\$830,000
<u>Kitchell CEM Amendment (for approval)</u>	<u>\$400,000</u>
Amendments total	\$1,230,000
Total	\$5,162,000
Inspector of Record Service & Special Testing	
ABC Inspections, Inc.	\$750,000
<u>Consolidated Engineering Laboratories (CEL)</u>	<u>\$350,000</u>
Original contract total	\$1,100,000
ABC Inspections, Inc., Amendment (for approval)	\$115,000
<u>CEL Amendments</u>	<u>\$775,000</u>
Amendments total	\$890,000
Total	\$1,990,000

Currently, \$2,312,472 of the \$5,239,700 construction contingency has been expended. Current projections indicate that the entire construction contingency amount of \$5,239,700 will be needed. Temporary housing, permit & utilities fees, fixture, furniture & equipment are estimated and may change. If additional funding will be needed, staff will seek Council

approval.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the project to Invest in City Facilities & Property:

N10: Construct the Fire Station and Fire Training Center

SUSTAINABILITY FEATURES

This project incorporates sustainability features as they relate to water, energy, and the environment. Additionally, the proposed buildings will be designed to meet Leadership in Energy and Environmental Design (LEED) Silver, or better.

PUBLIC CONTACT

There is no public contact needed for this item.

NEXT STEPS

If Council approves the resolution to amend the agreements with Kitchell and ABC, staff will route the amendments to be executed by the City Manager, allowing the firms to continue to provide construction support and inspector of record services until the completion of construction.

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

Recommended by: Alex Ameri, Director of Public Works
Garrett Contreras, Fire Chief

Approved by:



Kelly McAdoo, City Manager