



**DATE:** January 17, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Awarding a Contract to JMB Construction for the Trash Capture Device Installation on Tennyson Road, Project No. 07746, in an Amount of \$737,888 and a Contingency Budget of \$72,112 for a Total Contract Not-to-Exceed Amount of \$810,000

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) awarding the contract to JMB Construction for the Trash Capture Device Installation on Tennyson Road (Project), Project No. 07746, in the amount of \$ 737,888 and a contingency budget of \$72,112 for a total contract not-to-exceed (NTE) amount of \$810,000.

## **SUMMARY**

The Project will install two Continuous Deflective Separator (CDS) trash capture devices in the existing storm drainpipes in the I-880 Right-of-Way (ROW) near Tennyson Road to capture trash from the storm water system as part of the City's trash reduction mandate from the San Francisco Regional Water Quality Control Board (Water Board). According to a cooperative implementation agreement between the City and Caltrans to install trash capture projects to achieve mutual trash reduction credit, the project will be funded by Caltrans. On October 25 2022, staff released a call for bids and received six (6) responses. Staff is requesting Council's approval to award the construction contract to JMB Construction.

## **BACKGROUND**

The Water Board adopted the current Municipal Regional Stormwater Permit (MRP 3.0) in July 2022. The MRP 3.0 covers storm water discharges from municipalities and local agencies in various Bay Area counties, including Alameda. The permit requires permittees to reduce trash from entering State waters by 100% by 2025 from each jurisdiction's Municipal Separate Storm Water Systems. As of September 2022, the City has achieved 85.8% credit for trash reduction. Likewise, Caltrans also has a mandate to eliminate trash from stormwater from its ROW. Throughout Caltrans ROW there are very few opportunities to install large trash capture devices due to space limitations for installations and direction of stormwater

flows along freeways. Caltrans and several cities have looked into collaborative projects to install trash capture devices downstream of Caltrans ROW within city jurisdictions to capture trash in areas required to be treated for trash.

On April 20, 2021, Council authorized a cooperative implementation agreement whereby Caltrans agreed to fund the installation of two projects within Hayward: one on Arf Avenue and one on Tennyson Road. On October 25, 2022<sup>1</sup>, Council adopted Resolution No. 22-259 approving the plans and specifications and a call for bids for the Project. In November 2022, staff received and evaluated six (6) bids. Staff is requesting Council's approval to award the construction contract to JMB Construction.

## **DISCUSSION**

The Project will install two CDS units on two existing 57" stormwater pipes at the southeast corner of Tennyson Road Overpass and I-880 to treat storm water to meet MRP 3.0 trash reduction requirements and mutually benefit the City and Caltrans. The two units will capture trash from approximately 436 acres of storm water runoff area and provide approximately 5% trash reduction credit to the City. Caltrans is providing funds to complete this project.

Staff received and reviewed six (6) bid proposals. The engineer's estimate was \$964,000. The lowest bidder was JMB Construction with a \$737,888 bid, which is 23% below the engineer's estimate. The second lowest bidder was GSW Construction, Inc., with \$918,000, which is 5% below the engineer's estimate.

On November 15, 2016, Council passed 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.

It should be noted that South Hayward has been historically underserved. In distributing City services and improvements, higher priority should be given to South Hayward. While selecting a project location, Tennyson Road was determined as a favorable location since it is an arterial road that connects the majority of South Hayward residents to Highway 880.

### Environmental Review

The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities) of the CEQA guidelines.

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5894955&GUID=682A5AFC-DBD2-4B40-9660-7F7F61EA5B17&Options=&Search=>

## ECONOMIC IMPACT

This item has no direct economic impact to the City but does support the City's adherence to the Water Board's environmental goals

## FISCAL IMPACT

Per the Adopted FY23 CIP Budget, the Project has a total appropriated budget of \$3,000,000 in the Sewer Improvement Fund (Fund 612) to complete both Arf Avenue and Tennyson Road installations. This amount will be fully reimbursed by Caltrans and will have no impact to Fund 612. The project budget is outlined below. This item has no impact on the General Fund.

### Fund Sources:

Sewer Improvement Fund (Fund 612)	\$3,000,000
<i>Caltrans Reimbursement</i>	<i>\$3,000,000</i>

### Estimated Expenditures:

Engineering & Design	\$40,000
Testing & Inspection	\$50,000
Trash Capture Devices (Contech)	\$315,000
Construction Contract	\$737,888
<u>Construction Contract – Contingency</u>	<u>\$72,112</u>
Total Estimated Project Expenditure	\$1,215,000
Remaining for Arf Avenue Project	\$1,785,000

## STRATEGIC ROADMAP

This item supports Council's strategic priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

Project N22: Meet regulatory requirements for zero trash in stormwater by installing trash capture devices.

## SUSTAINABILITY FEATURES

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

## PUBLIC CONTACT

The call for bids was publicized on the City's website from October to November 2022. 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 contacts for additional information. Staff will work closely with residents and businesses close to the project site to minimize potential impacts.

## NEXT STEPS

If Council approves this request, the City Manager will execute the awarded construction contract with JMB Construction for a total contract not-to-exceed amount of \$ 810,000. The estimated project schedule is outlined below:

Received Bids	November 2022
Award Construction Contract	January 2023
Notice to Proceed	February 2023
Construction Completion	June 2023

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Elisa Wilfong, Water Pollution Source Control Administrator

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

*Approved by:*



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Kelly McAdoo, City Manager