



DATE: January 24, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Increasing the Construction Contract with GSW Construction, Inc, Contract No. 23054, by \$34,000 for a Total Not-To-Exceed Amount of \$241,500 for the Trash Capture Device Installation on Cotter Way Project No. 07675

RECOMMENDATION

That Council adopts a resolution (Attachment II) authorizing staff to increase the Contract No. 23054 with GSW Construction, Inc, by \$34,000 for a total not-to-exceed (NTE) amount of \$241,500.

SUMMARY

In late October 2022, a continuous deflective separator (CDS) unit was installed in the existing storm drain under Cotter Way for trash capture from the stormwater system as part of the City's trash reduction mandate from the San Francisco Regional Water Quality Control Board (Water Board). In May 2022, the City released a call for bids and received two responses. In June 2022, the construction contract was awarded to GSW Construction, Inc., in an amount of \$188,600 and a contingency budget of \$18,900 for a total not-to-exceed amount of \$207,500. Due to necessary administrative change orders, related to the excavation, off-haul and disposal of the contaminated soil at the required solid waste landfill, staff is requesting to add an additional amount of \$34,000 increasing the contract to a total NTE amount of \$241,500.

BACKGROUND

The Water Board adopted the current Municipal Regional Stormwater Permit (MRP 3.0) on July 1, 2022. The MRP 3.0 covers stormwater 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 (MS4s). To support this effort, the City was awarded a \$800,000 grant from the U.S. Environmental Protection Agency (EPA) in January 2015.

The Cotter Way CDS Unit was identified as a key project to help meet the City's mandate to remove trash from the storm drain system and would be the final expenditure of the EPA grant funds. A CDS unit creates a continuous swirl of stormwater to concentrate and separate trash and debris. On April 19, 2022¹, Council adopted Resolution No. 22-091 which accepted the project plans and specifications and released a call for bids. Staff received and evaluated two proposals. On June 21, 2022², Council adopted Resolution No. 22-155 which awarded the construction contract to GSW Construction, Inc., (GSW) for a total NTE amount of \$207,500.

DISCUSSION

The construction contract involved installing one large trash capture device on Cotter Way in an existing storm drain box to treat storm water to partially meet the Water Board's requirements. This location is near Alameda County's flood control channel, a strategic location since it encompasses a large drainage for trash reduction that remained within project budget. As a result, a CDS at this location can capture trash from approximately 138 acres of storm water runoff area.

During construction, the project encountered two complications. First, soil contaminated by petroleum was found requiring the procurement of a new solid waste disposal site permitted for this kind of contamination. A disposal site in Suisun City, CA was found. Second, the amount of excavated dirt exceeded the original estimated quantities. Staff is requesting to increase the budget of this contract to authorize and pay for these required change orders.

ECONOMIC IMPACT

This item is not anticipated to have a significant economic impact to the City.

FISCAL IMPACT

This project currently has sufficient appropriated budget to increase the contract amount. Staff is not requesting an additional appropriation at this time. This item has no impact on the General Fund.

STRATEGIC ROADMAP

This item supports the strategic priority of Invest in Infrastructure. Specifically, this item relates to:

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

N22a: Install trash capture devices

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5558449&GUID=4BB80238-5DEF-4560-B716-0EFAFFF2D39F&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=5701494&GUID=61707525-B722-403C-93E3-F2DEA58EBBEB&Options=&Search=>

SUSTAINABILITY FEATURES

The CDS unit, 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

No public contact is required for this item.

NEXT STEPS

If Council approves this item, staff will increase the construction contract with GSW Construction, Inc., by \$34,000 to a total not-to-exceed amount of \$241,500.

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Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager