



**DATE:** January 21, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to Negotiate and Execute Amendments to Professional Services Agreements with RossDrulisCusenbery and Kitchell CEM and to Negotiate and Execute New Professional Services Agreements with ABC Inspections, Inc., and Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project

## **RECOMMENDATION**

That the Council adopts the attached Resolutions (Attachments II, III, IV, and V):

1. Authorizing the City Manager to negotiate and execute an amendment to the Professional Services Agreement with RossDrulisCusenbery (RDC) in an amount not-to-exceed \$2,132,000;
2. Authorizing the City Manager to negotiate and execute an amendment to the Professional Services Agreement with Kitchell CEM in an amount not-to-exceed \$1,800,000;
3. Authorizing the City Manager to negotiate and execute a Professional Services Agreement with ABC Inspections, Inc., in an amount not-to-exceed \$750,000; and
4. Authorizing the City Manager to negotiate and execute a Professional Services Agreement with Consolidated Engineering Laboratories in an amount not-to-exceed \$350,000.

## **SUMMARY**

In 2014, the voters of the City of Hayward 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. City staff and the design team have been working on completion of the design and various approvals of this project for several years. This project includes partnership with the Chabot-Las Positas Community College District (District) for the shared use of the Fire Training Center. On November 19, 2019, Council adopted the resolution approving the plans and specifications and call for bids after approval from the Federal Aviation Administration (FAA) and the Division of the State Architect (DSA). FAA and DSA have not yet approved the project. In the meantime, staff seeks approval to amend the agreements with RDC for construction phase services, Kitchell CEM for construction management, and to enter into new agreements with ABC Inspections, Inc., for Inspector of Record services and with Consolidated Engineering Laboratories for special testing services.

## BACKGROUND

Below is a list of major milestones for the Fire Station 6 and Fire Training Center 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 Fire Training Center, which determined that all facilities needed substantial upgrades.
- May 26, 2015: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Stations 1-6 and the Fire Training Center Improvement project.
- October 18, 2016: 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, 2017: Staff provided a project update to the Council Infrastructure Committee.
- June 28, 2018: Staff submitted a request to the FAA for the release of the land at the Hayward Executive Airport on which Fire Station 6 and the Fire Training Center would be constructed for non-aeronautical purposes.
- July 24, 2018: 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 Fire Training Center.
- September 24, 2018: The design team submitted the project plans to DSA for review of District owned buildings.
- October 25, 2018: The Planning Commission adopted the Mitigated Negative Declaration and approved the Site Plan Review.
- March 5, 2019: Council approved the plans for the abatement and deconstruction of the existing Fire Station 6 and Training Center 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, 2019: Council authorized the City Manager to Negotiate and Execute a Ground Lease and Facilities Use Agreement with the Chabot-Las Positas Community College District for the Fire Training Center.
- November 19, 2019: Council adopted a resolution approving the plans and specifications for the construction of Fire Station 6 and the Fire Training Center and calls for bids after approval from FAA and DSA.

## **DISCUSSION**

### *Additional Services and Amendment to Professional Services Agreement with RDC*

RDC completed the facility needs assessment report in 2014 and since then has successfully completed the design for Fire Stations 1-5 and is near completion for Fire Station 6 and the Fire Training Center. Below is a summary of the professional services agreement amounts and amendments to the agreement with RDC:

- May 26, 2015: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for the Fire Stations 1-6 and Fire Training Center Improvement project in an amount of \$1,500,000.
- March 21, 2017, Council authorized the City Manager to negotiate and execute an amendment to the agreement with RDC for construction support services for Fire Stations 1-5 improvements in an amount of \$490,000 and for schematic design phase services for Fire Station 6 and the Fire Training Center in the amount of \$310,000.
- May 23, 2017, Council authorized the City Manager to negotiate and execute an amendment agreement with RDC for design development, final construction documents and bidding support for Fire Station 6 and the Fire Training Center in an amount of \$3,000,000.

The above did not include construction support services for Fire Station 6 and the Fire Training Center. The partnership with Chabot-Las Positas Community College District (District) required obtaining approval from DSA including providing design of the fire sprinkler and alarm system and photovoltaic system to DSA for their approval. These items would typically be a deferred design and provided by the contractor; however, this is now provided by RDC and their design team. Finally, RDC will provide final changes required by FAA and final permitting by DSA as well as changes to the fuel system. An estimated \$2,132,000 is needed for these services for the completion of the design and construction support services. Staff recommends that Council approves increasing RDC's agreement by this amount for the needed services.

### *Additional Services and Amendment to Professional Services Agreement (PSA) with Kitchell CEM*

Kitchell CEM provided project management services for the Fire Stations 1-5 Improvement and Fire Station 6 and the Fire Training Center. Below is a summary of the PSA amounts and

amendments to the agreement with Kitchell CEM:

- May 26, 2015: Council authorized the City Manager to negotiate and execute an agreement with Kitchell CEM for project management services for the Fire Stations 1-6 and Fire Training Center Improvement project in an amount of \$200,000.
- November 15, 2016: Council authorized the City Manager to amend the agreement with Kitchell CEM for overall design phase management, detailed cost estimates, and bid and award phase services for Fire Stations 1-5 and Fire Station 6 and the Fire Training Center in an amount of \$600,000.
- March 21, 2017: Council authorized the City Manager to amend the agreement with Kitchell CEM for construction support services Fire Stations 1-5 in an amount of \$490,000.
- April 24, 2018: Council authorized the City Manager to amend the agreement with Kitchell CEM for extended construction support services due to scope changes and construction delays for Fire Stations 1-5 in an amount of \$190,000.

The above did not include construction support services for Fire Station 6 and the Fire Training Center. An estimated \$1,800,000 is needed for the construction support services by Kitchell CEM. Staff recommends that Council approves increasing Kitchell CEM's agreement by this amount for the needed services.

*Professional Services Agreement with ABC Inspections, Inc.*

The construction of Fire Station 6 and the Fire Training Center requires inspector of record services, which is typical for construction of essential service buildings and required by DSA for buildings owned by the District. On September 23, 2019, a Request for Proposals (RFP) was issued for inspector of record services. Responses from five firms were received on October 17, 2019. City and District staff evaluated the proposals. Based on their expertise, experience with similar projects, familiarity with DSA requirements, and proposed staffing, ABC Inspections, Inc., was chosen as the most suitable firm for this work. An estimated \$750,000 is needed for the inspector of record services by ABC Inspections, Inc.

*Professional Services Agreement with Consolidated Engineering Laboratories*

The construction of Fire Station 6 and the Fire Training Center requires materials testing and special inspection services to ensure that the materials and construction comply with project plans, specifications, and codes. Furthermore, buildings owned by the District have required DSA testing and inspections. On November 13, 2019, a Request for Proposals (RFP) was issued for testing and special inspection services. Responses from nine firms were received on December 12, 2019. Based on their experience with similar projects, familiarity with DSA requirements, and proposed staffing, Consolidated Engineering Laboratories was chosen as the most suitable firm for this work. An estimated \$350,000 is needed for the materials testing and special inspection services by Consolidated Engineering Laboratories.

## ECONOMIC IMPACT

Ultimately, 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.

## FISCAL IMPACT

The estimated project cost provided in the November 19, 2019 staff report are as follows:

Construction Contract	\$57,000,000
Construction Contingency (ACO)	\$5,700,000
Consultant Design	\$5,000,000
<b>Construction Management Administration</b>	<b>\$4,000,000</b>
<b>Inspector of Record Service &amp; Special Testing</b>	<b>\$1,500,000</b>
Demolition of old Fire Station and FTC	\$ 425,000
Temporary Housing	\$ 500,000
Permit & Utility Fees	\$ 940,000
Fixture, Furniture & Equipment	\$ 600,000
Staff Construction Administration	\$ 300,000
<b>Total</b>	<b>\$75,965,000</b>

The total amount to amend the professional services agreements for RDC and Kitchell is \$3,932,000, which is within the estimated cost shown above for construction management administration. Similarly, the total amount for the professional services agreement with ABC Inspections, Inc., and Consolidated Engineering Laboratories is \$1,100,000, which is within the estimated costs for inspector of record services and testing & special inspections.

The total current appropriated budget is \$60.4 million, which includes \$27.0 million outlined in the FY 2019 adopted Capital Improvement Program in Measure C, Fund 406, and \$30.6 million for FY 2020. The prior year's project expenditures total was \$2.8 million. The total current budget includes a contribution of \$20 million by Chabot-Las Positas Community College District as their current share. Current estimated figures, if realized, could leave a shortfall of up to \$15.565 million. The construction contract amount of \$57,000,000 above is an estimate and the actual amount will be known upon receipt of bids. Once bids are received, staff will determine next steps with respect to any funding shortfall and will return to Council for direction.

## STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. This agenda item supports the following goal and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 1: Increase neighborhood safety and cohesion.

Objective 2: Foster a sense of place and support neighborhood pride.

## **SUSTAINABILITY FEATURES**

This project incorporates sustainability features as they relate to water, energy, and the environment.

1. Water: Water efficient plumbing fixtures - This project includes the installation of water efficient plumbing fixtures to reduce water consumption.
2. Environment: Bay-Friendly Landscaping & Storm Water Treatment - This project will implement Bay-Friendly Landscaping techniques to use native plants and climate appropriate plants. This project will install bio-swales at the Fire Training Center to treat storm water runoff from the pavement and filters pollution from the storm water before entering the San Francisco Bay.
3. Energy: Installation of LED lighting, skylights, and PV panels - This project will install energy efficient windows, LED lighting, skylights, and PV panels providing electricity and maintenance cost savings. The proposed buildings will be designed to meet Leadership in Energy and Environmental Design (LEED) Silver, or better, and zero net energy.

## **PUBLIC CONTACT**

As part of the CEQA requirements, the Initial Study and Mitigated Negative Declaration were posted for public review and a public hearing was brought before the Planning Commission on October 25, 2018.

## **SCHEDULE**

The following is the revised tentative schedule:

Call for Bids	February 2020 (assumes approval by FAA and DSA)
Open Bids	March 2020
Award Construction Contract	April 2020
Begin Construction	May 2020
Complete Construction	August 2022

## **NEXT STEPS**

If Council approves these resolutions and when the agreements are executed by the City Manager, the firms will be ready to provide their respective services when construction begins.

*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:*

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager