

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-____

Introduced by Council Member _____

RESOLUTION APPROVING ADDENDA NOS. 1 THROUGH 6, AUTHORIZING THE SUBSTITUTION OF SUBCONTRACTORS, WAIVING ERRORS RELATED TO SUBCONTRACTOR'S DIR/CONTRACTOR'S NUMBERS AND AWARDING A CONTRACT TO S. J. AMOROSO CONSTRUCTION FOR THE FIRE STATION 6 AND FIRE TRAINING CENTER PROJECT, PROJECT NOS. 07481 AND 07482 IN THE AMOUNT OF \$52,397,000

WHEREAS, by resolution on November 19, 2019, the City Council approved the plans and specifications for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482, and called for bids to be received on February 11, 2020 contingent of receipt of approvals from Division of the State Architect and Federal Aviation Administration; and

WHEREAS, on April 30, 2020, Addendum No. 1 was provided to respond to bidder questions and included station alerting scope; and

WHEREAS, on May 13, 2020, Addendum No. 2 was provided to extend the bid due date to May 28, 2020; and

WHEREAS, on May 15, 2020, Addendum No. 3 was provided to respond to bidder questions and included COVID-19 requirements and bid breakdown upon request; and

WHEREAS, on May 22, 2020, Addendum No. 4 was provided to further extend the bid due date to June 11, 2020, respond to bidder questions and included Airport safety and security requirements; and

WHEREAS, on May 28, 2020, Addendum No. 5 was provided to respond to bidder questions; and

WHEREAS, on June 5, 2020, Addendum No. 6 was provided to respond to bidder questions and included relocation of an FAA electrical line; and

WHEREAS, on June 11, 2020, two bids were received, ranging from \$52,397,000 to \$53,455,600; S.J. Amoroso of Redwood City, California submitted the low bid in the amount of \$52,397,000, which is 8.1% below the Engineer's Estimate of \$57,000,000; and

WHEREAS, the Administrative Change Order (ACO) or contingency budget of \$5,239,700 was not disclosed; and

WHEREAS, after opening the bids, Amoroso inform staff of errors in their subcontractor's listing of IBS USA and DaSilva Concrete Construction. IBS USA was intended to be the steel subcontractor but was erroneously listed as performing work related to underground utilities. DaSilva Concrete Construction was intended to be the earthwork and underground utilities subcontractor but was erroneously listed as performing only earthwork; and

WHEREAS, staff has reviewed the sworn declarations provided by Amoroso, IBS USA and DaSilva Concrete Construction and recommends that pursuant to Public Contract Code 4107 and 4107.5, the City Council consents to substitution of DaSilva Concrete Construction as the underground utilities subcontractor and the substitution of IBS USA as the steel subcontractor; and

WHEREAS, Amoroso's subcontractor's listing of Fireblast Global included errors in listing their DIR registration number and contractor's license number; and

WHEREAS, staff has reviewed the information provided by Amoroso and determined that these errors in listing FireBlast Global's DIR registration number and contractor's license number are inconsequential deviations from the specifications which may be waived pursuant to Hayward Municipal Code section 2-8.06.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby consents to the substitution of DaSilva Concrete Construction as the underground utilities subcontractor and the substitution of IBS USA as the steel subcontractor pursuant to Public Contract Code sections 4107 and 4107.5.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby waives the errors listing Fireblast Global's DIR registration number and contractor's license number as inconsequential informalities or irregularities in the bid pursuant to Hayward Municipal Code section 2-8.06.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that S.J. Amoroso Construction. is hereby awarded the contract for the Fire Station 6 and Fire Training Center Project, Project Nos. 07481 and 07482, in an amount not to exceed \$52,397,000, in accordance with the plans and specifications adopted therefore and on file in the office of the City Clerk of the City of Hayward at and for the price named and stated in the bid of the hereinabove specified bidder, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that the Director of Public Works is authorized to expend up to \$70,901,700 for project design, construction, construction contingency, construction administration, inspection, testing, temporary housing, fees, fixture, furniture and equipment to complete the project.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the contract with S.J. Amoroso Construction, in the name of and for and on behalf of the City of Hayward, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

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