



DATE: September 28, 2021

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with RossDrulisCusenbery Architecture, Inc., thereby Increasing Construction Support for the Fire Station 6 and Fire Training Center Project by \$830,000 for a Total Not-to-Exceed Contract Amount of \$2,962,000

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) for construction support services with RossDrulisCusenbery Architecture, Inc., (RDC) in an amount not-to-exceed \$830,000, resulting in a total contract amount of not-to-exceed \$2,962,000 for the Fire Station 6 (FS6) and Fire Training Center Project (FTC).

SUMMARY

The FS6 and FTC Project commenced construction on August 17, 2020 and is anticipated to be completed in the Fall of 2022. Construction requires construction support services by the design team to address construction related issues. The scope of work required by RDC has increased due to owner requested changes, changes due to differing site conditions than originally anticipated, and the complexity of the project. As a result, the PSA requires an amendment of \$830,000 for a total not-to-exceed contract amount of \$2,962,000.

BACKGROUND

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. This project includes a partnership with Chabot Las Positas Community College (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, RDC, completed a facility needs assessment for Fire Stations 1-6 and the FTC, 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, 2016¹: 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, 2017²: 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, 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 FTC.
- September 24, 2018: The design team submitted the project plans to DSA for their 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 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, 2019: Council authorized the City Manager to Negotiate and Execute a Ground Lease and Facilities Use Agreement with the District for the FTC.
- November 19, 2019³: Council adopted a resolution approving the plans and specifications for the construction of FS6 and the FTC and calls for bids after approval

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=2860809&GUID=635FEBB7-ACCB-45F8-9DF6-DF54CBC6CD12&Options=&Search=>

² <https://hayward.legistar.com/MeetingDetail.aspx?ID=543496&GUID=31C77A8F-EE35-4576-8F9F-DA4B96CEA71D&Options=info|&Search=Fire+Station>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4244335&GUID=13F11749-D9CB-4507-95F3-813DF74D04F2&Options=&Search=>

from FAA and DSA.

- January 21, 2020: Council authorized City Manager to Negotiate and Execute Amendments to Professional Services Agreements with RDC and Kitchell CEM and to Negotiate and Execute New Professional Services Agreements with ABC Inspections, Inc., and Consolidated Engineering Laboratories
- July 7, 2020⁴: Council awarded the construction contract to S. J. Amoroso Construction.
- August 17, 2020: Construction began.

DISCUSSION

The construction of FS6 and the FTC requires construction support services by RDC and their design team to ensure that construction adheres to the construction documents. They review contractor submittals, respond to requests for information (RFIs), attend meetings and site visits, and provide overall quality oversight. On January 21, 2020⁵, Council authorized the City Manager to negotiate and execute a PSA with RDC in an amount not-to-exceed \$2,132,000. RDC's services began at the beginning of construction and continue throughout the duration of construction. Currently, approximately 50% of the construction duration has transpired and approximately 70% of the \$2,132,000 has been expended. An amendment to the PSA is needed due to the following:

- 1) Owner-requested changes – RDC's original scope of work did not include City requested changes to the construction documents. These changes are as follows:
 - a. Addition of residential-style laundry equipment to Building 1.
 - b. Provisions for future electric range in Fire Station #6 Kitchen in Building 1.
 - c. Field inspection of the LPG storage tanks at the tank manufacturer's facility.
 - d. Relocation of existing access driveways from West Winton to the adjacent Pacific Roller Die property.
 - e. Replacement of an extractor with a decontamination washer in Building 2.
 - f. Reorganization of the turnout lockers in the Apparatus Bay of Building 1.

The cost for RDC and the design team to provide construction document changes is \$150,000.

- 2) Changes related to existing site conditions – during construction, actual site conditions differed from the construction document which required revisions to the construction plans; they are as follows:
 - a. Generation of FAA-compliant Construction Drawings for the replacement of the existing underground electrical service from West Winton to the Hayward Executive Airport.
 - b. Revisions to the approved stormwater drainage design related to the existing PG&E high-pressure gas main along the project frontage to West Winton prior to the City's discovery

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4585540&GUID=E58956C7-ADD3-4516-9BD7-4979FEBA136D&Options=&Search=>

⁵ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4310191&GUID=989A319B-355D-4AAD-AB7D-BB8094C3ED4D&Options=&Search=>

that the main was abandoned.

- c. Redesign of the photovoltaic panel arrays due to the specified Basis-of-Design PV panel being discontinued by the manufacturer.
- d. Redesign of the Utility Yard at Building 1 due to the specified Basis-of-Design hybrid battery being discontinued by the manufacturer.
- e. Re-evaluation of Building 7 structural design due to Owner Furnished Contractor Installed BART car exceeding assumed weights, including direct coordination with BART engineering staff.

The cost related to these changes is \$232,000.

3) Complexity of project – The original scope of work was provided by RDC before construction started and did not provide them the benefit of the construction schedule. The complexity of the project has resulted in higher-than-normal time needed by RDC and the design team to attend meetings, review and respond to contractor requests for information and submittals. Also, since this project is in partnership with the District, portions of this project are under Division of State Architect's (DSA) review. The processes with DSA have also resulted in more construction support from RDC and their design team. Specifically, the added scope changes are the following:

- a. Construction administration paperwork and processes required by DSA, including construction change documentation and supporting documentation.
- b. Construction of multiple building or areas of the site at the same time, requiring additional support from multiple disciplines at an accelerated rate.
- c. Large number of RFIs generated by the Contractor.
- d. Large number of Submittals generated by the Contractor requiring multi-discipline review and coordination.
- e. Weekly standing construction meetings, apart from the weekly Owner-Architect-Contractor (OAC) meetings, to review priority RFIs and Submittals.
- f. Provision of final inspections of the fire alarm system installation and operation.
- g. Preparation of Construction Bulletins
- h. Review and coordination with the final Fireblast Interface Drawings.
- i. Design changes such as elevator guiderail redesign, underground tank deadmen, emergency generator pad, roof anchored fall restraints, window/curtainwall framing revisions based on subcontractor submittals, etc.
- j. Multiple submittal re-reviews of material & Shop Drawings
- k. Concrete repairs and efforts associated with field fixes

The cost related to this is \$375,000.

The total cost of the extra work is \$757,000 plus \$73,000 for contingencies. An additional \$830,000 is needed for these services by RDC and their design team for the completion of construction support services.

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 has been and will continue to be positively impacted during construction of the facilities.

FISCAL IMPACT

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

The above item, Construction Management Administration, included contracts with both RDC and Kitchell CEM who provide construction management. Kitchell CEM's contract amount of \$1,800,000, RDC's original contract amount of \$2,132,000 and the amended amount of \$830,000 with RDC will exceed the budgeted \$4,000,000. Staff recommends funding the amended amount through Construction Contingency. Currently, \$600,000 of the \$5,239,700 contingency has been expended.

There are multiple funding sources for this project. The City's district sales tax, known as Measure C sales tax, will provide the majority of the funding. The total current budget is \$60.4 million, which includes \$28.7 million outlined in the FY19 adopted Capital Improvement Program in Measure C, Fund 406, and \$26 million for FY20. Prior year project appropriations total \$5.7 million.

Included in the budgeted amounts and through a partnership with the District is a \$20 million contribution towards the cost of the project to offset the total current budget.

This leaves an approximately \$10.5 million difference between what has been previously budgeted and the estimated cost (including construction contingency). Staff believes that because of the length of the project and reduced expenditures in future years related to completing or completed projects, future revenues in the Measure C fund will be sufficient to meet the additional previously unappropriated amount.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following project:

Project 12: Construct the Fire Station and FTC

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

Currently, construction is anticipated to be completed in the Fall of 2022. If Council approves the resolution to amend the contract with RDC, staff will route the amendment to be executed by the City Manager, allowing the firm to continue to provide construction support 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