



**DATE:** January 18, 2022

**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 for Materials Testing and Special Inspection Services with Consolidated Engineering Laboratories for the Fire Station 6 and Fire Training Center Project by \$450,000 for a Not-to-Exceed Amount of \$1,125,000

## **RECOMMENDATION**

That the Council adopts a resolution (Attachment II) authorizing the City Manager to execute an amendment to the professional services agreement (PSA) for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in an amount not-to-exceed \$450,000, thereby increasing the total contract amount to \$1,125,000 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 Fall 2022. Construction 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 Chabot-Las Positas Community College District (District) require testing and inspections pertaining to specific regulations of the Division of the State Architect (DSA) . On May 25, 2021<sup>1</sup>, Council adopted the resolution authorizing the City Manager to execute the first amendment to the PSA with CEL in the amount of \$325,000. The amended amount is nearly exhausted. A second amendment in the amount of \$450,000 is necessary to complete the project.

## **BACKGROUND**

In 2014, the voters of the City 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 partnership with the District in the shared use of the FTC.

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<sup>1</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

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, RossDrulisCusenbery (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<sup>2</sup>: Council authorized the City Manager to negotiate and execute an agreement with RDC for design services for Fire Stations 1-6 and the FTC Improvement project.
- October 18, 2016<sup>3</sup>: 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 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<sup>4</sup>: 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<sup>5</sup>: Council approved the plans for the abatement and deconstruction of the existing FS6 and FTC and call for bids.

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<sup>2</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=454184&GUID=7CD463F3-CFEB-4ADB-B836-DFC19D7730F0&Options=info|&Search=>

<sup>3</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2860809&GUID=635FE8B7-ACCB-45F8-9DF6-DF54CBC6CD12&Options=&Search=>

<sup>4</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3582269&GUID=1C949039-8749-4463-B1C2-B2B8CE709EDF&Options=&Search=>

<sup>5</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3874592&GUID=ADD09360-6319-4C1F-9C84-FF60B8CE554D&Options=&Search=>

- 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<sup>6</sup>: Council authorized the City Manager to Negotiate and Execute a Ground Lease and Facilities Use Agreement with the District for the FTC.
- November 19, 2019: Council adopted a resolution approving the plans and specifications for the construction of FS6 and the FTC and calls for bids after approval from FAA and DSA.
- July 7, 2020: Council awarded the construction contract to S. J. Amoroso Construction.
- August 17, 2020: Construction commenced.
- May 25, 2021<sup>7</sup>: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for materials testing and special inspection services with CEL in the amount of \$325,000.
- September 28, 2021<sup>8</sup>: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for construction support services with RDC in the amount of \$830,000.

## DISCUSSION

The construction of FS6 and the FTC 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 testing and inspections which require DSA specific regulations. On January 21, 2020<sup>9</sup>, Council authorized the City Manager to negotiate and execute a professional services agreement with CEL in an amount not-to-exceed \$350,000. CEL's services began at the start of construction on August 17, 2020. Due to added scope and actual hours spent on testing & inspections compared to CEL's initial estimate, an amendment to the PSA was needed. On May 25, 2021<sup>2</sup> Council authorized the City Manager to execute an amendment to the PSA in an amount of \$325,000.

Currently, approximately 70% of the construction duration has transpired and approximately 93% of the original and first amended amount to CEL's PSA have been expended. This is due to the number of buildings and site work in construction concurrently as well as off-site shop inspections and testing that have resulted in more staffing and time spent by CEL.

<sup>6</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4148714&GUID=329BEA63-4E98-41D4-861F-5D39454D5C54&Options=&Search=>

<sup>7</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

<sup>8</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149122&GUID=0B64C69C-054A-4C54-A58D-656A73A01820&Options=&Search=>

<sup>9</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4310191&GUID=989A319B-355D-4AAD-AB7D-BB8094C3ED4D&Options=&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

Additionally, changes to the contract document require additional inspections and testing. This accounts for approximately 1,350 inspections and their related testing to date that are required by DSA for District-owned buildings and by the City for City-owned buildings. Inspections and testing are continued and needed through the end of construction and as such an amendment to CEL's PSA is needed to complete the project. The amount of testing and inspection time that was required was under-estimated in the first amendment. Using the current rate of expenditure and projecting the remaining months with some slow-down in the end months, the estimated cost is \$390,000 plus \$60,000 for contingencies for a total of \$450,000 needed for the completion of materials testing and special inspection services with CEL.

**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 will be positively impacted during construction of the facilities.

**FISCAL IMPACT**

The total estimated project cost is \$70.9 million. As of FY 2022, Council has authorized the appropriation of \$66.7 million. The remaining \$4.2 million will be considered for approval and appropriation as part of the FY 2023 CIP budget process.

The breakdown of the total 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
Staff Construction Administration	\$300,000
<b>Total</b>	<b>\$70,901,700</b>

The above item, Inspector of Record Service & Special Testing included contracts with ABC Inspections, Inc., who provides the inspector of record services, and CEL, who provides the special inspection and testing. CEL's original contract amount of \$350,000 and the first amended amount of \$325,000 were within the estimated \$1,500,000 for inspection of record and special testing services. Staff recommends approving a third amendment in the amount of \$450,000. There is sufficient funding available to cover the cost of the amendment through the use of the construction contingency. Currently, \$1,257,393 of the \$5,239,700 construction contingency has been expended.

Construction management administration, temporary housing, permit & utilities, fixture, furniture & equipment are estimated and may change at which time, staff will seek approval from Council for additional funding.

**STRATEGIC INTIATIVES**

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**

If Council approves the resolution to amend the contract with CEL, staff will route the amendment to be executed by the City Manager, allowing the firm to continue to provide materials testing and special inspection services until the completion of construction. Currently, construction is anticipated to be completed in Fall 2022.

*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:



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Kelly McAdoo, City Manager