



**DATE:** January 17, 2023

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to (1) Amend the Professional Services Agreements with Kitchell CEM for Extended Construction Support Services by \$333,000 for a Not-to-Exceed Amount of \$2,533,000; (2) with RossDrulisCusenbery Architecture, Inc., by \$292,000 for a Not-to Exceed Amount of \$3,254,000; (3) Amend the Inspector of Record Services with ABC Inspections, Inc., by \$80,000 for a Not-to-Exceed Amount of \$945,000; (4) Amend the Agreement with Mobile Modular for an Additional Rental of Modular Structures by \$55,000 for a Not-to-Exceed Amount of \$283,500 for the Temporary Fire Station 6; and (5) Transfer and Appropriate Additional Funds in an Amount Not-to-Exceed \$5,596,800 for the Fire Station 6 and Fire Training Center Project, Project No. 07481 and 07482

## **RECOMMENDATION**

That Council adopts resolutions (Attachments II, III, IV, V, VI) authorizing the City Manager to:

1. Amend the Professional Services Agreement (PSA) with Kitchell CEM (Kitchell) for extended construction management services by \$333,000 for a not-to-exceed (NTE) amount of \$2,533,000;
2. Amend the PSA with RossDrulisCusenbery Architecture, Inc. (RDC) for extended construction support services by \$292,000 for a NTE Amount of \$3,254,000;
3. Amend the Inspector of Record Services with ABC Inspections, Inc., (ABC) for extended inspection services by \$80,000 for a NTE amount of \$945,000;
4. Amend the Agreement with Mobile Modular for an additional rental of modular structures by \$55,000 for a NTE amount of \$283,500 for the Temporary Fire Station 6; and
5. Appropriate additional funds in an amount NTE \$5,596,800.

## **SUMMARY**

The Fire Station 6 and Fire Training Center (FS6/FTC) project commenced construction on August 17, 2020 and was anticipated to be completed in Fall of 2022. The completion date is now estimated to be March 2023 due to the delays in delivery of the material and shortage of labor resources. Construction requires construction management, design team support, and inspector of record services to ensure that construction complies with project plans,

specifications, and codes. Council adopted resolutions authorizing the City Manager to execute agreements with Kitchell for construction management, with RDC for construction support, with ABC for inspector of record services, and with Mobile Modular for rental of modular office structures for housing of personnel at the temporary FS6. Due to the extended construction duration, services by these firms will be exhausted by the end of January. Staff is requesting amendments in the amounts of \$333,000 with Kitchell, \$292,000 with RDC, \$80,000 with ABC, and \$55,000 with Mobile Modular which are necessary to complete the project.

Furthermore, staff is requesting appropriation of additional funds in the amount of \$5,596,800 from the Measure C (Fund 406) to cover these additional expenses.

## **BACKGROUND**

In 2014, voters in 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 Chabot-Las Positas Community College District (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<sup>1</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>2</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<sup>3</sup>: 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

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<sup>1</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=454184&GUID=7CD463F3-CFEB-4ADB-B836-FC19D7730F0&Options=info|&Search=>

<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2860809&GUID=635FE8B7-ACCB-45F8-9DF6-DF54CBC6CD12&Options=&Search=>

<sup>3</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3194489&GUID=5531F83A-213A-4734-9405-ACB043B6A60D&Options=&Search=>

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 the Division of State Architect for their review of District-owned buildings.
- October 25, 2018<sup>5</sup>: The Planning Commission adopted the Mitigated Negative Declaration and approved the Site Plan Review.
- March 5, 2019<sup>6</sup>: 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<sup>7</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>8</sup>: Council adopted a resolution authorizing the City Manager to execute an amendment to the PSA for materials testing and special inspection services with Consolidated Engineering Laboratories (CEL) in the amount of \$325,000.
- September 28, 2021<sup>9</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.

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<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=3708173&GUID=5D5FBFF9-7F11-4A8D-86B1-BFFC24E4EF48&Options=&Search=>

<sup>6</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3874592&GUID=ADD09360-6319-4C1F-9C84-FF60B8CE554D&Options=&Search=>

<sup>7</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4148714&GUID=329BEA63-4E98-41D4-861F-5D39454D5C54&Options=&Search=>

<sup>8</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=4960818&GUID=222CFF1F-7950-44E2-91FC-360B494F3E3F&Options=&Search=>

<sup>9</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5149122&GUID=0B64C69C-054A-4C54-A58D-656A73A01820&Options=&Search=>

- January 18, 2022<sup>10</sup>: Council adopted a resolution authorizing the City Manager to execute the second amendment to the PSA for materials testing and special inspection services with CEL in the amount of \$450,000.
- April 19, 2022: Council adopted a resolution authorizing the City Manager to execute an amendment to the agreement with Mobile Modular for an additional 9-month rental of modular structures for the temporary FS6 in the amount of \$53,500.
- April 19, 2022: Council adopted a resolution authorizing the City Manager to execute an agreement with Day Wireless Systems for conversion of station alerting system for all Fire Stations, to make all systems compatible with the one at the New FS6/FTC, in an amount of \$300,000.
- June 28, 2022: Council adopted resolutions authorizing the City Manager to execute amendments to the PSA for Kitchell for extended construction support services for the Project by \$400,000 for a NTE amount of \$2,200,000 and for extended Inspector of Record services with ABC Inspections, Inc., by \$115,000 for a NTE amount of \$865,000.
- June 28, 2022: Council adopt a resolution authorizing the City Manager to execute an agreement with Solcom for installation of City fiber optic conduits on West Winton Avenue for the Fire Station 6 and Fire Training Center Project in a not-to-exceed amount of \$102,147.

## **DISCUSSION**

The FS6/FTC project commenced construction on August 17, 2020 and was anticipated to be completed in Fall of 2022. The completion date is now estimated to be March 2023 due to the delays in delivery of the material and shortage of labor resources. Construction requires construction management, design team support, and inspector of record services to ensure that construction complies with project plans, specifications, and codes.

On January 21, 2020, Council adopted a resolution authorizing the City Manager to execute amendments to the PSA with Kitchell for construction support services in the amount of \$1,800,000 and to the PSA with ABC for inspector of record services in the amount of \$750,000. In June 2022, the updated construction completion date was extended to January 2023 which required extension of services by Kitchell and ABC. On June 28, 2022, Council adopted resolutions authorizing the City Manager to execute amendments to the PSA for Kitchell for extended construction support services by \$400,000 for a NTE amount of \$2,200,000 and for extended inspector of record services with ABC by \$115,000 for a NTE amount of \$865,000. The amounts for both Kitchell and ABC will be exhausted by the end of January 2023. After construction is completed, there are remaining construction management, design team and inspector of record services to close out the project. Amendments in the amounts of \$333,000 and \$80,000, respectively are necessary to complete the project.

Similarly, on January 21, 2020, Council adopted the resolution authorizing the City Manager to

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<sup>10</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=5382577&GUID=A35183AB-DAFF-402B-9377-1A30697790C7&Options=&Search=>

execute an amendment to the PSA with RDC for construction support services in the amount of \$2,132,000. On September 28, 2021, due to additional scope, Council adopted resolutions authorizing the City Manager to execute an amendment to the PSA for RDC for extended construction support services by \$830,000 for a NTE amount of \$2,962,000. This amount will be exhausted by the end of February 2023. An amendment in the amount of \$292,000 is necessary to complete the project.

The extended construction duration also required extensions for the rental of two modular office structures used at the temporary fire station. On January 22, 2019, Council adopted a resolution authorizing the City Manager to execute a rental agreement with Design Space Modular Buildings (now Mobile Modular) in an amount not-to-exceed \$175,000. On April 19, 2022, Council adopted a resolution authorizing the City Manager to execute an amendment to the agreement with Mobile Modular for the rental of the modular office structures by \$53,500, for a total not-to-exceed amount of \$228,500. An amendment in the amount of \$55,000 is necessary for continued use of the two modular office structures until the completion of the project.

**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**

Staff recommends funding the amendment amounts with Kitchell CEM, ABC Inspections, Inc., RDC, and Mobile Modular through the FS6/FTC project. The total estimated project cost is \$70.9 million. As of FY22, Council has authorized the appropriation of \$66.7 million. The Adopted FY23 CIP budget appropriated the remaining \$4.2 million.

The estimated project cost at the time of award of the construction contract 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     |

Previous amendments with Kitchell CEM, ABC Inspections, Inc., RDC, and Mobile Modular were funded through the Construction Contingency funds but now it is projected that an additional \$5,596,800 is needed to complete the project. The following details the current project

estimates:

|   |                  |
|---|------------------|
| Construction Contract                         | \$52,397,000     |
| Construction Contingency (ACO)                | \$5,239,700      |
| Consultant Design                             | \$4,692,270      |
| Construction Management Administration        | \$5,787,000      |
| Inspector of Record Service & Special Testing | \$2,070,000      |
| Demolition of old Fire Station and FTC        | \$378,494        |
| Temporary Housing                             | \$610,000        |
| Permit & Utility Fees                         | \$400,000        |
| Fixture, Furniture & Equipment                | \$4,300,000      |
| <u>Staff Construction Administration</u>      | <u>\$624,000</u> |
| Total   | \$76,498,464     |

*Appropriation of Additional Funds*

The Adopted FY 2023 CIP includes a total of \$70,901,700 for the FS6/FTC project. The total estimated project cost of \$76,498,500 exceeds that amount.

Therefore, staff recommends that Council authorize the City Manager to transfer additional funds in the amount of \$5,596,800 from Measure C Operating (Fund 101) to Measure C Capital (Fund 406) and appropriate the same amount to the Project.

**STRATEGIC ROADMAP**

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

Invest in City Facilities and Property  
N10 Construct the Fire Station 6 and Fire Training Center

**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 resolutions to amend the agreements with Kitchell CEM, RDC, ABC Inspections, Inc., and Mobile Modular, staff will route the amendments to be executed by the City Manager, allowing the firms to continue to provide construction support, inspector of record services and modular structures rental until the completion of the project. Staff will also transfer funds from Fund 101 to Fund 406 and appropriate

them to the Project.

*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