



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/06/07

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council
Redevelopment Agency Board Members

FROM: Director of Public Works

SUBJECT: Award of Contract for the New Burbank Elementary School and Filbert Street Extension and Appropriation of Funds for Completion of Projects

RECOMMENDATION:

It is recommended that the City Council and Redevelopment Agency adopt the attached resolutions that:

1. Award the Burbank Elementary School and Filbert Street Extension contract to West Bay Builders, Inc., in the amount of \$27,968,069;
2. Authorize an increase of \$175,000 to the professional services agreement with AEDIS Group and \$40,000 to the professional services agreement with Bureau Veritas; and
3. Appropriate \$29,894,081 to complete these projects.

DISCUSSION:

Award of New Burbank School Construction Contract

As part of the continuing implementation of the Cannery Area Plan, and in partnership with the Hayward Unified School District (HUSD), the Hayward Area Recreation and Parks District (HARD), the City and the Redevelopment Agency are constructing improvements to the Burbank School/Cannery Park Area. Construction of the new, two-story school to replace the existing Burbank Elementary School is expected to begin February 19, 2007.

The new Burbank School will be constructed in two phases over 18 months, in time to open the new school at the start of the school year in August 2008. Phase I of the project involves construction of a school building of approximately 80,000 square feet, including 41 classrooms, a library, an administration office, a multi-use gymnasium, related support offices, and associated utilities and site work. Phase II of the contract work, which will begin only after the school year ends in June 2008, will include deconstruction of the existing school. Phase II also includes construction of Filbert Street (from B Street to C Street) along with the construction of utilities, lighting, landscaping, and irrigation. The new Burbank School design and construction work is being completed under the auspices of the Division of State Architect (DSA), which is responsible for plan approval, building permits, and inspection services for all public schools.

On December 19, 2006, three bids were received for construction of the school ranging from \$27,979,563 to \$30,794,031. However, each of the bidders had mathematical and other apparent errors in their bid sheets. On January 16, 2007, the City Council approved Addenda Nos. 1 through 5, rejected all bids, and authorized expedited bids to be received on January 30, 2007.

On January 30, 2007, two bids were received ranging from \$27,968,069 to \$28,567,000. West Bay Builders, Inc., of Novato submitted the low bid of \$27,968,069, which is 1 percent above the Engineer's Estimate of \$27,590,000. S.J. Amoroso of Redwood Shores submitted the second low bid of \$28,567,000, which is 3.5 percent above the Engineer's Estimate. All bid documents and licenses are in order, and staff recommends award of contract to the low bidder, West Bay Builders, Inc.

Amendment to Related Professional Engineering and Architectural Services Agreements

In July, 2004, the Agency authorized the City Manager to enter into an agreement with AEDIS Group for the design of the New Burbank Elementary School. The contract for basic design, construction administration, and allowance for additional services totaled \$1,375,000.

Since that time, the concept and design of the school changed and grew from its original concept to meet the interests of the neighborhood, district staff, and policy bodies. During the schematic design phase, the building footprint and exterior elevations changed substantially to meet these interests, and the building area increased from approximately 75,000 square feet to about 80,000 square feet. Also, during the original scoping of the design services contract, the technological and voice-system requirements were unclear and, therefore, were not included in the estimated fees for service in 2004. Once the requirements were clarified, these issues required the use of the entire \$83,000 in additional services available under the original contract.

Staff recommends that the scope of services for design and construction administration of the new Burbank Elementary School be increased by \$175,000 to provide for the required architectural and technical sub-consultant construction administration support services during construction and as a contingency for necessary design changes during construction. This brings the AEDIS Group professional services agreement to a total of \$1,550,000.

On October 26, 2004, the City Council authorized the City Manager to execute an agreement with Bureau Veritas (formerly Berryman & Henigar) for professional engineering design services for the Cannery Area Public Improvements for a fee of \$260,000. These public improvements provide the necessary circulation and infrastructure for the expanded Cannery Park and new Burbank School. The improvements include the extension of Filbert Street (between B Street and C Street); installation of two new streets south of the new Burbank School; installation of parking facilities; enclosure of a concrete drainage channel; landscaping throughout the project area; and the installation and relocation of new and existing utilities.

During the design stage of this project, the City received new requirements from the California Regional Water Quality Control Board (RWQCB) for managing storm runoff, resulting in extensive revisions to the project plans and specifications. Staff recommends that the current professional services agreement with Bureau Veritas be increased by \$40,000 for the additional

services necessary to fulfill these requirements, thereby increasing the total amount to \$300,000. Except for the Filbert Street extension between B and C Streets, all work on the public improvements portion of the overall project has been completed.

SCHEDULE:

Updated schedule for completing the new Burbank Elementary School project and related public improvements is:

Award Construction Contract	February 6, 2007
Begin Phase I Construction	February 20, 2007
Complete Phase I Construction	July 1, 2008
Begin Phase II Construction	June 16, 2008
Complete Phase II Construction	August 15, 2008

FUNDING:

In 2004 and 2006, Council authorized issuance of two Tax Allocation Bonds for \$48 million and \$11 million respectively. Subsequent issuance of these two bonds yielded net revenue of \$47,847,293 available for projects in the Cannery Area and for Downtown parking. Two projects have since been completed: City Hall Parking and Municipal Lot Two.

On July 10, 2006, Council approved the "Public Facilities Development and Property Exchange Agreement" (the PFDA) with our agency partners, Hayward Unified School District and Hayward Area Recreation District. This agreement specified the land exchange and financial arrangements for the Cannery Area Improvements and allowed staff to proceed with project implementation.

Total costs for the new Burbank School and the associated public improvements are \$40,233,461 of which Council previously appropriated \$10,339,380. An additional appropriation of \$29,894,081 is recommended to complete the projects. As previously indicated to Council, Tax Allocation Bond revenue, designated to fund projects throughout the Cannery and downtown areas, requires an augmentation from RDA undesignated fund balance to complete the Burbank School.

Money for this contract award is available from the following sources:

1. \$ 21,337,474 from the balance of the 2004 and 2006 Tax Allocation Bond Revenue and earned interest.
2. \$3,556,607 from Redevelopment Agency fund balance.
3. \$5,000,000 from the donation made by Standard Homes to the new Burbank Elementary School project.

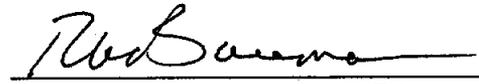
As previously reported to Council in other reports, the PFDA addresses the repayment process to the Development Agency for the construction costs of the new Burbank School, as well as the costs for the upcoming Cannery Park Expansion.

Prepared by:



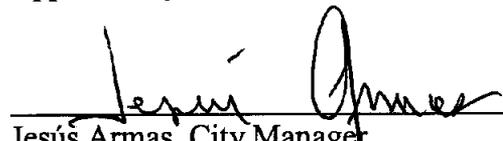
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Deputy Director of Public Works

Approved by:



Jesús Armas, City Manager

- Exhibit A-1: Cannery Area Improvement Plan
- Exhibit A-2: New Burbank Elementary School
- Exhibit B: Summary of Bids

**DUE TO THE COLOR OF THE
ATTACHMENTS, THEY HAVE BEEN
INCLUDED AS SEPARATE LINKS**

(NUMBER OF BIDS RECEIVED - 2)

Exhibit B

BID SUMMARY				ENGINEER'S ESTIMATE		WEST BAY BUILDERS, INC 250 BEL MARIN KEYS BLVD, BUILDING A NOVATO CA 94949 Ph: (415) 456-8972 Fax: (415) 459-0665		S.J. AMOROSO CONSTRUCTION CO 390 BRIDGE PARKWAY REDWOOD SHORES CA 94065 Ph: (650) 654-1900 Fax: (650) 654-9002	
ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	1	LS	CONSTRUCTION OF BURBANK ELEMENTARY SCHOOL BUILDING	25,298,000.00	25,298,000.00	26,088,522.00	26,088,522.00	26,474,667.00	26,474,667.00
2.	1	LS	HAZARDOUS MATERIALS ABATEMENT	52,000.00	52,000.00	52,000.00	52,000.00	81,000.00	81,000.00
3.	1	LS	BUILDERS RISK INSURANCE	550,000.00	550,000.00	210,000.00	210,000.00	350,000.00	350,000.00
4.			SUBTOTAL FOR SCHOOL		25,900,000.00		26,350,522.00		26,905,667.00
5.			FILBERT STREET IMPROVEMENTS						
6.	662	LF	12" WATER (PVC)	80.00	52,960.00	75.00	49,650.00	143.00	94,666.00
7.	3	EA	6" FIRE HYDRANT ASSEMBLY	3,500.00	10,500.00	3,000.00	9,000.00	4,193.00	12,579.00
8.	384	LF	18" SEWER (PVC - SDR 26) BY OPEN TRENCH	200.00	76,800.00	125.00	48,000.00	176.00	67,584.00
9.	2	EA	CONNECT TO EXISTING SEWER	5,000.00	10,000.00	5,000.00	10,000.00	1,861.00	3,722.00
10.	493	LF	REMOVE EXISTING CURB/GUTTER	5.00	2,465.00	8.00	3,944.00	5.40	2,662.20
11.	2,983	SF	REMOVE EXISTING SIDEWALK	3.00	8,949.00	3.00	8,949.00	1.10	3,281.30
12.	101	LF	12" STORM DRAIN (RCP)	90.00	9,090.00	75.00	7,575.00	80.20	8,100.20
13.	585	LF	15" STORM DRAIN (RCP)	110.00	64,350.00	80.00	46,800.00	131.00	76,635.00
14.	4	EA	STORM DRAIN INLETS	3,000.00	12,000.00	3,000.00	12,000.00	2,815.00	11,260.00
15.	2	EA	CONNECT TO EXISTING STORM DRAIN	5,000.00	10,000.00	2,000.00	4,000.00	775.00	1,550.00
16.	1,070	LF	CURB AND GUTTER	23.00	24,610.00	40.00	42,800.00	36.00	38,520.00
17.	890	SF	VALLEY GUTTER	7.00	6,230.00	20.00	17,800.00	14.50	12,905.00
18.	1,088	SF	DRIVEWAY	10.00	10,880.00	11.00	11,968.00	11.20	12,185.60
19.	413	TON	ASPHALT CONCRETE	90.00	37,170.00	100.00	41,300.00	97.00	40,061.00
20.	517	CY	AGGREGATE BASE	50.00	25,850.00	50.00	25,850.00	48.20	24,919.40
21.	3,935	SF	SIDEWALK	8.50	33,447.50	8.00	31,480.00	9.60	37,776.00
22.	7	EA	PEDESTRIAN RAMP	1,700.00	11,900.00	1,800.00	12,600.00	1,588.00	11,116.00
23.	1,004	CY	EARTHWORK (EXCAVATION)	45.00	45,180.00	50.00	50,200.00	30.60	30,722.40

CITY OF HAYWARD
 PROJECT NAME: BURBANK ELEMENTARY SCHOOL & FILBERT STREET IMPROVEMENTS
 PROJECT NOS. 5097 & 5099
 BIDS OPENED: JANUARY 30, 2007

(NUMBER OF BIDS RECEIVED - 2)

BID SUMMARY				ENGINEER'S ESTIMATE		WEST BAY BUILDERS, INC 250 BEL MARIN KEYS BLVD, BUILDING A NOVATO CA 94949 Ph: (415) 456-8972 Fax: (415) 459-0665		S.J. AMOROSO CONSTRUCTION CO 390 BRIDGE PARKWAY REDWOOD SHORES CA 94065 Ph: (650) 654-1900 Fax: (650) 654-9002	
ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
24.	1	EA	1" AIR VALVE	1,600.00	1,600.00	1,500.00	1,500.00	2,057.00	2,057.00
25.	2	EA	2" BLOW OFF	900.00	1,800.00	1,000.00	2,000.00	6,672.00	13,344.00
26.	4	EA	12" GATE VALVE	3,800.00	15,200.00	2,500.00	10,000.00	2,512.00	10,048.00
27.	1	EA	ADJUST MH TO GRADE	1,000.00	1,000.00	1,500.00	1,500.00	1,320.00	1,320.00
28.	5	EA	ROADSIDE SIGNS	254.92	1,274.60	600.00	3,000.00	325.00	1,625.00
29.	1	LS	STRIPPING	2,000.00	2,000.00	7,500.00	7,500.00	6,935.00	6,935.00
30.	1	LS	WATER POLLUTION CONTROL	11,000.00	11,000.00	25,000.00	25,000.00	16,255.00	16,255.00
31.	4	EA	DRAINAGE FILTER INSERT	1,500.00	6,000.00	1,250.00	5,000.00	1,350.00	5,400.00
32.	1	LS	TRAFFIC CONTROL	6,500.00	6,500.00	15,000.00	15,000.00	5,420.00	5,420.00
33.	1	LS	CLEARING AND GRUBBING	20,000.00	20,000.00	10,000.00	10,000.00	6,264.00	6,264.00
34.	1	LS	IRRIGATION SYSTEM	5,500.00	5,500.00	14,000.00	14,000.00	14,565.00	14,565.00
35.	2,245	SF	SOIL PREP AND FINISH GRADING	0.50	1,122.50	1.00	2,245.00	0.90	2,020.50
36.	42	CY	IMPORT TOP SOIL	25.00	1,050.00	50.00	2,100.00	50.00	2,100.00
37.	312	LF	ROOT BARRIER	5.00	1,560.00	8.00	2,496.00	7.80	2,433.60
38.	26	EA	TREES, 24" BOX	275.00	7,150.00	300.00	7,800.00	321.00	8,346.00
39.	2,245	SF	GROUND COVER FROM FLATS, 9" O.C.	1.10	2,469.50	1.00	2,245.00	0.90	2,020.50
40.	2,245	SF	BARK MULCH	0.62	1,391.90	1.00	2,245.00	0.55	1,234.75
41.	1	LS	180-DAY PLANT ESTABLISHMENT	5,000.00	5,000.00	5,000.00	5,000.00	4,100.00	4,100.00
42.	1	LS	LIGHTING AND ELECTRICAL SERVICE	60,000.00	60,000.00	65,000.00	65,000.00	65,600.00	65,600.00
43.	SUBTOTAL FOR FILBERT STREET IMPROVEMENTS				604,000.00		617,547.00		661,333.45
44.	1	LS	ADMINISTRATIVE CHANGE ORDERS	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
			TOTAL		27,504,000.00		27,968,069.00		28,567,000.45 *

* TOTAL DIFFERENT THAN SUBMITTED BID

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

*me
2/2/07*

RESOLUTION AWARDING THE CONTRACT TO WEST BAY BUILDERS FOR THE NEW BURBANK ELEMENTARY SCHOOL AND FILBERT STREET EXTENSION PROJECT, PROJECT NOS. 5097 AND 5099

WHEREAS, on November 2, 2006, the City Council approved the plans and specifications for the New Burbank Elementary School Project, Project Nos. 5097 and 5099, and called for bids to be received on December 12, 2006, which was extended to December 19, 2006 at the request of the contractors; and

WHEREAS, on December 19, 2006, three bids were submitted, however each of the bidders had mathematical and other errors in their bid sheets; on January 16, 2007, Council approved Addenda Nos. 1 through 5, rejected all bids and called for expedited bids to be received on January 30, 2007; and

WHEREAS, On January 30, 2007, two bids were received ranging from \$27,968,069 to \$28,567,000; West Bay Builders submitted the low bid in the amount of \$27,968,069, which is 1 percent above the Engineer's Estimate of \$27,590,000.

NOW, THEREFORE, BE IT RESOLVED that West Bay Builders is hereby awarded the contract for the New Burbank School and Filbert Street Extension Project, Project Nos. 5097 and 5099, in accordance with the plans and specifications adopted therefor 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 final proposal of the hereinabove specified contractor, and all other bids are hereby rejected.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute an agreement with West Bay Builders in the name of and for and on behalf of the City of Hayward, in an amount not to exceed \$27,968,069 in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2007

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

mll
2/2/07

**RESOLUTION AUTHORIZING AN INCREASE IN
ADDITIONAL PROFESSIONAL SERVICES WITH BUREAU
VERITAS FOR THE CANNERY PUBLIC IMPROVEMENT
PROJECT NO. 5099**

WHEREAS, on October 26, 2004, Bureau Veritas (formerly Berryman & Henigar) was retained to provide professional engineering design services for the Cannery Public Improvement Project, Project No. 5099, in the amount, including additional services, of \$260,000; and

WHEREAS, during the design phase, the Regional Water Quality Control Board (WQCB) made significant demands for the management of storm drainage on-site to be handled in a different manner than was previously proposed which will require additional funds of \$40,000 in order to revise the civil and landscaping design for the Cannery Public Improvement Project.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes an increase of \$40,000 to the additional services portion of the professional services agreement with Bureau Veritas for the Cannery Public Improvement Project, Project No. 5099.

HAYWARD, CALIFORNIA _____, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:
CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____

Secretary of the Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

General Counsel

DRAFT

HAYWARD REDEVELOPMENT AGENCY

RESOLUTION NO. RA 07-

Introduced by Agency Member

*mal
2/2/07*

RESOLUTION AUTHORIZING AN INCREASE IN
ADDITIONAL PROFESSIONAL SERVICES WITH AEDIS
ARCHITECTURE AND PLANNING, INC. FOR THE NEW
BURBANK ELEMENTARY SCHOOL PROJECT, PROJECT
NO. 5097

WHEREAS, on July 6, 2004, the Redevelopment Agency Board authorized the Executive Director to enter into a Professional Services Agreement with AEDIS Group, Inc., for design and construction support services for the New Burbank School in the total amount including additional services of \$1,375,000; and

WHEREAS, during the design, various changes and requirements by the Division of State Architect (DSA) that were beyond the original scope of work in the contract with AEDIS were identified requiring additional work anticipated at an estimated \$175,000.

NOW THEREFORE BE IT RESOLVED that the Redevelopment Agency of the City of Hayward hereby authorizes an increase of \$175,000 to the additional services portion of the professional services agreement with AEDIS Group, Inc., for the New Burbank School.

HAYWARD, CALIFORNIA _____, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:
CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____
Secretary of the Redevelopment Agency
of the City of Hayward

DRAFT

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA 07

mal
2/2/07

Introduced by Agency Member _____

RESOLUTION AMENDING RESOLUTION RA 06-15, AS AMENDED, THE REDEVELOPMENT BUDGET RESOLUTION FOR FISCAL YEAR 2006-2007, RELATING TO A TRANSFER OF FUNDS TO THE REDEVELOPMENT TAX ALLOCATION BONDS FUND, FUND 454 AND APPROPRIATING FUNDS FOR THE NEW BURBANK ELEMENTARY SCHOOL AND CANNERY AREA PUBLIC IMPROVEMENTS PROJECT, PROJECT NOS. 5097 AND 5099

BE IT RESOLVED that the Redevelopment Agency of the City of Hayward hereby approves a transfer of \$3,556,607 from the Redevelopment Agency fund balance and accepts a \$5,000,000 donation made by Standard Homes to the Redevelopment Agency Tax Allocation Bond Fund, Fund 454, for the New Burbank Elementary School and Cannery Area Public Improvements Project.

BE IT FURTHER RESOLVED by the Redevelopment Agency that Resolution No. RA 06-15, as amended is further amended by appropriating from the Redevelopment Tax Allocation Bond Fund, Fund 454, \$28,947,476 for the New Burbank Elementary School Project, Project 5097, and \$956,605 for the Cannery Area Public Improvements Project, Project 5099, for a total appropriation amount of \$29,894,081.

HAYWARD, CALIFORNIA _____, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:
CHAIR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____
Secretary of the Redevelopment Agency

of the City of Hayward.

APPROVED AS TO FORM:

General Counsel