



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes
William McDonald

SUBJECT: ACTIONS RELATED TO AN
EMERGENCY PUBLIC WORKS
CONTRACT AT FIRE STATION 5

DATE: October 12, 2012

Approved

Date

10/12/12

COUNCIL DISTRICT: 3

REASON FOR ADDENDUM

This project requires urgent action due to the critical nature of Fire Station No. 5 to the community.

RECOMMENDATION

Adopt a resolution:

- a) Finding that the award of a contract to Fehl Construction, Inc., for the restoration of San José Fire Station No. 5 and the expenditure of funds for the project is of urgent necessity for the preservation of life, health, and property;
- b) Finding that the formal bidding requirements of the San José City Charter and the San José Municipal Code are inapplicable to the award of the public works contract to Fehl Construction Inc., as authorized by Section 1217(e)(5) of the Charter and San José Municipal Code Section 14.04.170(E); and
- c) Authorize the Director of Public Works to negotiate and execute a contract to Fehl Construction, Inc., for the restoration of San José Fire Station No. 5 in an amount not to exceed \$800,000 with a contingency of \$100,000.

OUTCOME

This action will facilitate the restoration of San José Fire Station No. 5 and enable the Fire Department to restore their strategic deployment model and reduce emergency response times for the north San José area.

BACKGROUND

The Fire Department operates stations which are strategically located to deliver essential services that protect public health and safety. Station locations are established to minimize response times in the most economical manner.

An important area in the deployment strategy involves a portion of north San José in the vicinity of the Mineta San José International Airport. The station that services this area is Fire Station No. 5 which is located at 1308 North 10th Street. This station responds to more than 2,100 calls annually and serves as first responder to the Airport terminals¹. The station provides an essential service to protect the public because of this critical role at the Airport as a first responder and secondary response or support roles elsewhere, including the Downtown area.

On August 1, 2012, while corrective maintenance efforts to paint and conduct stucco repairs were in progress at Station No. 5, mold was found in the exterior walls. Public Works keeps specialized contractors for mold testing and remediation on contract through an open purchase order for these types of occurrences. Through testing, four types of mold were detected in the building: *Stachybotrys chartarum*, *Aspergillus*, *Cladosporium*, *Penicillium*. These molds are the result of moisture in areas such as wall cavities. These molds can become airborne and tests of the air in the station have shown the presence of all four. Upon opening the walls, mold was found throughout the station and removed.

On August 2, 2012, Station 5 personnel vacated the premises and relocated to Fire Station No. 34, at 1634 Las Plumas Ave., in order to allow for full mold assessment and remediation of the mold. Fire Station No. 34 is approximately 2.5 miles east of Station 5 and an estimated 8-10 minutes of normal travel time from the temporary location at Fire Station No. 34 to Fire Station No. 5. As a result, response times into Station 5's service area have increased. This compromise of the emergency response time in north San José requires immediate action to resolve the service level decrease caused by the closure of Fire Station 5.

The Fire Department is concurrently pursuing the lease of a facility in order to relocate Station 5 personnel to a location that will shorten the emergency response time for north San José. Negotiations are in progress but the securing of a lease remains tentative. These shortcomings necessitate re-establishing the existing facility quickly.

Public Works has completed the evaluation of the mold present in Station 5. The majority of the mold was in the wall cavities and required extensive demolition to complete the evaluation and remediation in a comprehensive manner. This work was completed utilizing a specialized contractor to conduct the work in a contained environment and was followed with air tests to ensure that the entire mold was removed. With completion of the remediation work, Public Works intends to negotiate and execute an emergency construction contract to restore the demolished portions of the station.

¹ Fire Station 20 located at the Airport is dedicated to serving the airfields.

ANALYSIS

San José Municipal Code Section 14.04.170 E. and the City Charter Section 1217(e) (5) provide an exception to the public bidding requirements and allow for the award of an emergency public works contract if at least eight members of the City Council find that expenditures are deemed by the City Council, "to be of urgent necessity for the preservation of life, health or property".

Increased response times caused by the vacation of Station 5 increase the risk to life and health. As such, staff recommends that Council find this criteria met. Award of an Emergency Public Works contract will facilitate the start of work on an expedited schedule with the intent of closing up the building exterior in advance of severe winter weather. Missing this opportunity jeopardizes the remediation work that has already been completed at a cost of approximately \$150,000 and would potentially lead to the need for additional demolition and removal of wet structure. This project is expected to be completed in early Summer 2013. Taking this contract through a typical design, bid, and build process could add an additional four to five months to the timeline and delay the start of construction. As such, staff recommends the criteria for finding the need for preservation of property met.

The scope of work for this project includes replacement of exterior sheathing and stucco and interior work that includes the replacement of drywall, upgrades of bathroom finishes, renovation of the kitchen, paint throughout, and replacement of windows and doors. Because this work is largely the replacement of what were existing conditions, plans and specifications are not necessary. In areas where plans and specifications are beneficial, such as the restrooms and kitchen, staff will develop them while the exterior shell is completed. Fehl Construction, Inc., was onsite conducting minor repairs for Public Works when the extent of the mold was determined and completed a portion of the demolition. Because this contractor is mobilized onsite and familiar with the work, staff has recommended continuing with this company for the rest of the project. The contractor will be held to quoted prices or force account contracting methods throughout the project to ensure competitive costs to the City.

Funding for this work has come from multiple sources, including Fire C&C and Public Works unanticipated emergency maintenance appropriations. Funds will be appropriated in the 2011-2012 Annual Report as a separate item on the October 16, 2012 agenda.

EVALUATION AND FOLLOW-UP

If Council makes a finding and grants authority to proceed with an Emergency Public Work Contract, no further action would be required on this issue.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria above. This memorandum will be posted on the City's website for the October 16, 2012 Council agenda.

COORDINATION

This memorandum has been coordinated with the City Manager's Budget Office and City Attorney's Office.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery	\$100,000
Construction	\$800,000
Contingency	\$100,000
Total Project Costs	\$1,000,000
2. SOURCE OF FUNDING: New appropriation for 2012-2013 pending acceptance of 2011-2012 Annual Report, Council Item 3.1 at October 16, 2012 Council Meeting.
3. OPERATING COSTS: No new operating costs.

HONORABLE MAYOR AND CITY COUNCIL

October 12, 2012

Subject: Fire Station 5 Rehabilitation

Page 5

CEQA

Exempt, File No. PP12-085.

Exempt, Section 15301(d) Existing Facilities rehabilitation.

/s/

DAVID SYKES
Director of Public Works

/s/

WILLIAM MCDONALD
Fire Chief

For questions please contact Matt Morley, Deputy Director, at 408 535-1298.