

## Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 23-24, 2011

Reference No.: 2.8b.(2)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

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Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR LOCAL BRIDGE SEISMIC RETROFIT ACCOUNT (LBSRA) PROJECTS, PER LBSRA GUIDELINES WAIVER-11-14**

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of contract award for the time periods identified for each project on the attached document.

### **ISSUE:**

The Department sub-allocated \$4,116,698 for the construction of the five locally-administered Local Bridge Seismic Retrofit Account (LBSRA) projects identified on the attachment. The responsible agencies were unable to award the contracts by the required deadline. The attachment describes the details of the projects and the explanations for the delays. The respective agencies request extensions, and the planning agencies concur.

### **BACKGROUND:**

In May 2008, the Commission adopted the LBSRA Guidelines (Resolution LBS1B-G-0708-001), which requires the agency implementing a project to request a time extension if the project will not be awarded within six months of the sub-allocation date. The LBSRA Guidelines stipulate that the Commission may approve a waiver to the timely use of funds deadline one time only for up to 20 months. Further, LBSRA Guidelines provide the flexibility for the Local Bridge Seismic Retrofit Program to exchange local funds received through the federal Highway Bridge Program for state funds, as needed, to accommodate the current remaining required local match needs, up to \$32.9 million.

Attachment

Time Extension/Waiver – Project Contract Award Deadline  
 Local Bridge Seismic Retrofit Program

<b>Applicant County Project Description Reason for Project Delay Project Number</b>	<b>Extension Amount  Construction Only</b>	<b>Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation</b>
1 John Wayne Airport Orange County JWA Elevated Roadway Bridge Numbers: 55C0655, 55C056, 55C0657, 55C0658	\$805,654	09/20/2010 LSB1B-A-0910-001 7 Months 10/31/2011 Support
<p>John Wayne Airport (JWA) is requesting a seven-month extension to the period of contract award for the construction of the JWA Elevated Roadway Seismic Retrofit project. The JWA could not award a contract prior to the original deadline due to the customization of the construction bid package to include federal contract provisions. The JWA prepared the standard construction bid package that it uses for all airport projects; however, the Department required the JWA to revise the package to add federal contract provisions. The JWA's legal counsel then reviewed the contract and identified various inconsistencies between the JWA's bid package and the federal contract requirements. The addition of the federal provisions and correction of the inconsistencies added time to the process. Additionally, the JWA Commission must meet and approve the package prior to Orange County Board of Supervisor review and approval.</p> <p>The JWA plans to advertise the project in May 2011, open bids in July 2011, obtain JWA Commission approval in September 2011, and award the contract in October 2011. The JWA requests a seven-month time extension to October 31, 2011.</p>		
2 Bay Area Rapid Transit Alameda County A Line North Aerial Structures Bridge Numbers: Various	\$ 1,379,611	09/22/2010 LSB1B-A-0910-001 7 Months 10/31/2011 Support
<p>Bay Area Rapid Transit (BART) is requesting a seven-month extension to the period of contract award for the construction of the A Line North Aerial Structures Seismic Retrofit project. The bid period was extended due to contract revisions made to the operational standards enhancing structure stability in the event of a major earthquake. The addition of these provisions to the bid package extended the bid submission period from February 2011 to July 2011. BART plans to evaluate bids by September 2011 and anticipates awarding this project by October 2011. BART requests a seven-month time extension to October 31, 2011.</p>		
3 Bay Area Rapid Transit Alameda County A Line Stations Bridge Numbers: Various	\$ 327,354	09/22/2010 LSB1B-A-0910-001 7 Months 10/31/2011 Support
<p>Bay Area Rapid Transit (BART) is requesting a seven-month extension to the period of contract award for the construction of the A Line Stations Seismic Retrofit project. The project began advertising for bids on December 15, 2010; however, the bid submission period was extended due to contract revisions made to the operational standards enhancing structure stability in the event of a major earthquake. These revisions were requested by the BART Board of Directors after advertising had begun. The addition of these provisions to the bid package extended the submission period to July 2011. BART plans to evaluate bids in September 2011 and anticipates awarding the contract in October 2011. BART requests a seven-month time extension to October 31, 2011.</p>		

Time Extension/Waiver – Project Contract Award Deadline  
 Local Bridge Seismic Retrofit Program

<b>Applicant County Project Description Reason for Project Delay Project Number</b>	<b>Extension Amount  Construction Only</b>	<b>Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation</b>
4 Bay Area Rapid Transit Alameda County R Line North Aerial Structures Bridge Numbers: Various	\$ 703,455	09/22/2010 LSB1B-A-0910-001 6 Months 09/30/2011 Support
<p>Bay Area Rapid Transit (BART) is requesting a six-month extension to the period of contract award for the construction of the R Line North Aerial Structures Seismic Retrofit project. The project began advertising for bids on October 10, 2010, and all bids submitted were incomplete. The first lowest bidder requested "Relief from Bid" due to a mistake in their bid submission. In reviewing the second, third, and fourth lowest bids, BART determined that required contract documents were excluded in all submissions. BART is in the process of determining whether exclusion of the required bid documents cause these bidders to be non-responsive. BART is planning to re-advertise the contract and requests a six-month extension for the rebidding process. BART plans to reject all bids in April 2011, re-advertise the project in May 2011, evaluate bids in July 2011, and award the contract in September 2011. BART requests a six-month time extension to September 30, 2011.</p>		
5 Bay Area Rapid Transit Alameda County A Line South Aerials Bridge Numbers: Various	\$ 900,624	09/22/2010 LSB1B-A-0910-001 4 Months 07/31/2011 Support
<p>Bay Area Rapid Transit (BART) is requesting a four-month extension to the period of contract award for the construction of the A Line South Aerials Seismic Retrofit project. The contract award has been delayed due to a protest from the second lowest bidder. BART's legal counsel is reviewing the protest and will submit a response to the protestor by May 2011. BART's legal counsel is allowing an additional two months should the protestor request FHWA review the bid. This additional two months would allow time for contract award by July 2011 or sooner. BART requests a four-month time extension to July 31, 2011.</p>		