

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 25, 2012

Reference No.: 2.8b.(1)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Denix D. Anbiah
Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR LOCALLY-ADMINISTERED STIP PROJECTS, PER RESOLUTION G-06-08 WAIVER-12-01**

RECOMMENDATION:

The California Department of Transportation 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 Commission allocated \$2,090,000 for the construction of the five locally-administered State Transportation Improvement Program (STIP) projects identified on the attachment. The responsible agencies have been unable to award the contracts within six months of allocation. 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 June 2006, the Commission adopted Resolution G-06-08, which requires the agency implementing a project to request a time extension if the project will not be awarded within six months of the allocation. STIP Guidelines stipulate that the Commission may approve a waiver to the contract award deadline one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.

Attachment

Time Extension/Waiver – Project Contract Award Deadline
 Local Streets and Roads Projects

Project #	Applicant County PPNO Project Description Reason for Project Delay	Extension Amount <i>Construction Only</i>	Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation
1	City of Larkspur Marin County PPNO 04-2127P Median Landscaping and Meadowood Pathway, TE	\$200,000	06/23/2011 FP-10-38 3 Months 03/31/2012 Approve
<p>The City of Larkspur (City) is requesting a three-month extension to the period of contract award for the Median Landscaping and Meadowood Pathway (TE) project. The City has experienced delays in obtaining approval of the Authorization to Proceed with Construction (E-76) and contract advertisement issues.</p> <p>In early November, when the City requested E-76 approval, it was informed that the project description in the Federal Transportation Improvement Program (FTIP) did not match the description in the TE application database. The FTIP project descriptions did not include all of the proposed landscape improvement locations and did not reflect the actual Plans, Specifications & Estimate documents. Therefore, the City was required to obtain an administrative modification to amend and make the necessary correction to the FTIP in order to receive E-76 approval. The City made the corrective actions and received the E-76 approval on December 6, 2011. The City advertised the project on December 14, 2011, and anticipates awarding the contract by late January 2012. If no bids are received or if bids must be rejected, additional time will be required to re-advertise the project and receive new bids. This process will require a minimum of eight weeks. Therefore, the City is requesting a three-month time extension to March 31, 2012, to allow time for unforeseen bidding issues.</p>			
2	City of Kingsburg Fresno County PPNO 06-B002J Sierra Avenue Median Improvement, TE	\$339,000	06/23/2011 FP-10-38 6 Months 06/30/2012 Approve
<p>The City of Kingsburg (City) is requesting a six-month extension to the period of contract award for the Sierra Avenue Median Improvement TE project. The City has experienced unanticipated delays due to design changes which required amendments to the original NEPA documents, and delayed approval of the Authorization to Proceed with Construction (E-76).</p> <p>The City applied and received construction allocation from TE reserve in June 2011. During the final design reviews the City discovered changes to the final design documents that did not reflect in the NEPA document. The City is conducting an environmental review to amend the NEPA document for consistency with the final design documents. The City anticipates completing the NEPA amendment process by the end of January 2012 and obtain the E-76 by end of February 2012. The City estimates it will be able to begin advertisement in March 2012 and award the contract by April 2012. However, to allow for uncertainties with the environmental process and contingencies for unforeseen bid issues, it is requesting a six-month time extension to June 30, 2012.</p>			

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3	City of El Centro Imperial County PPNO 11-0588C Landscaping Beautification - Routes 8/86 Ramps, TE	\$551,000	06/23/2011 FP-10-38 9 Months 09/30/2012 Approve
<p>The City of El Centro (City) is requesting a nine-month extension to the period of contract award for the Landscaping Beautification - Routes 8/86 Ramps TE project. The City has experienced delays in obtaining the Authorization to Proceed with Construction (E-76) due to jurisdictional issues between the City and the Department.</p> <p>The Department has determined that the project will be delivered by the City through the execution of a Cooperative Agreement and an Encroachment Permit. The CEQA and NEPA were approved in February 2010. The City has proposed the following schedule to award the project by September 2012:</p> <ul style="list-style-type: none"> • City submitted encroachment permit application to the Department on December 15, 2011. • City to respond to Department comments, if applicable, and resubmit application and obtain approval by March 15, 2012. • City to submit and receive approval by the Department of the Plans, Specification and Estimates (PS&E) and Right of Way Certification by May 15, 2012. • City Council to approve PS&E and contract advertisement by June 19, 2012. • City to open bid and award contract by late July or early August, 2012. <p>The City is requesting a nine-month time extension to September 30, 2012, which includes an eight-week contingency to allow time for unforeseen bidding issues.</p>			
4	City of Brea Orange County PPNO 12-2135O East Birch Street Median Enhancements, Phase 1, TE	\$500,000	06/23/2011 FP-10-41 6 Months 06/30/2012 Approve
<p>The City of Brea (City) is requesting a six-month extension to the period of contract award for the East Birch Street Median Enhancements, Phase 1 TE project. The City has experienced delays due to uncertainties with the Redevelopment Agency (RA) funds that provide a portion of the total project funding. The reason for the delay is the same as for Project 5.</p> <p>When the City applied for a construction allocation for the project, the RA funds were not impacted. On June 29, 2011, the Governor signed into law legislation affecting redevelopment agencies Statewide, and jeopardized the project funding. A lawsuit was filed with the California State Supreme Court (Court) challenging the legality of this legislation; however, on December 29, 2011, the Court ruled in favor of eliminating the funding of RAs.</p> <p>The City will now utilize an alternate source of funding to move forward with the implementation of this project. The City intends to advertise the project in early January and open bids by early February 2012. The City is requesting a six-month time extension to June 30, 2012, to allow for contingencies with ensuring adequate funding sources and unforeseen bidding issues.</p>			

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5	City of Brea Orange County PPNO 12-21350 East Birch Street Median Enhancements, Phase 2, TE	\$500,000	06/23/2011 FP-10-41 6 Months 06/30/2012 Approve
<p>The City of Brea (City) is requesting a six-month extension to the period of contract award for the East Birch Street Median Enhancements, Phase 2 TE project. The City has experienced delays due to uncertainties with the Redevelopment Agency (RA) funds that provide a portion of the total project funding. The reason for delay is the same as for Project 4.</p> <p>When the City applied for a construction allocation for the project, the RA funds were not impacted. On June 29, 2011, the Governor signed into law legislation affecting redevelopment agencies Statewide, and jeopardized the project funding. A lawsuit was filed with the California State Supreme Court (Court) challenging the legality of this legislation; however, on December 29, 2011, the Court ruled in favor of eliminating the funding of RAs.</p> <p>The City will now utilize an alternate source of funding to move forward with the implementation of this project. The City intends to advertise the project in early January and open bids by early February 2012. The City is requesting a six-month time extension to June 30, 2012, to allow for contingencies with ensuring adequate funding sources and unforeseen bidding issues.</p>			