

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 19-20, 2011

Reference No.: 2.8b.(5) - **REVISED**
Action Item

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR LOCALLY-ADMINISTERED STIP PROJECTS, PER RESOLUTION G-06-08 WAIVER-11-06**

CTC ACTION TAKEN: The California Transportation Commission took action on extension requests as follows: The extension requests for Projects 1 (PPNO 214N), 3 (PPNO 3153), 6 (PPNO 1017), 7(PPNO 7421B) and 8 (PPNO 7421C) were approved as requested. The extension request for Project 2 (PPNO D006A) was approved for 12 months only. Projects 4 (PPNO 3565H), 5 (PPNO 4092) and 9 (PPNO 7421R) were withdrawn prior to the CTC meeting.

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 Commission allocated \$6,786,000 for the construction of the nine 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 Brisbane San Mateo PPNO 04-2140N Bayshore Corridor North/South Bikeway - Phase 2, TE	\$803,000	06/30/2010 FP-09-51 4 Months 04/30/2011 Approve
<p>The City of Brisbane (City) is requesting a four-month extension to the period of contract award for the Bayshore Corridor North/South Bikeway - Phase 2 TE project. The City could not award a contract prior to the original deadline due to weather conditions that prohibit construction. Upon FHWA approval to obligate the funds for this project on August 8, 2010, the City calculated that work could not begin on the project until November 2010 due to the time required to advertise, open bids, award and execute a contract (approximately 60 days), and an additional 30 days for a contractor to complete submittals and be prepared to mobilize equipment. This project consists of shoulder paving and striping, which require a dry surface and pavement temperatures greater than 50 degrees Fahrenheit. However, the wet season occurs between October and April of each year, during which temperatures routinely drop below 50 degrees Fahrenheit. These weather conditions prohibit construction until after the wet season. An award in December 2010 would mean that the contract documents would have to include a note specifying a delayed issuance of a Notice to Proceed, as well as an asphalt index calculator to recognize the likely difference in asphalt concrete pricing in December 2010 and its actual cost four months later in April 2011. Both of these clauses would most likely have created a higher bid and contract price, thus increasing the unit cost and decreasing the amount of actual work that could be performed.</p> <p>The City plans to advertise the project at their February 7, 2011 Council meeting, and award a contract at their March 21, 2011 Council meeting. The City requests a four-month time extension to April 30, 2011, in case there are irregularities in the advertising and award process.</p>			
2	City of Visalia Tulare PPNO 06-D006A Santa Fe Bike Path, TE	\$402,000	06/30/2010 FP-09-51 20 Months 12 Months 08/31/2012 10/31/2011 Approve
<p>The City of Visalia (City) is requesting a 20-month extension to the period of contract award for the Santa Fe Bike Path TE project. Right of way (ROW) certification is currently delayed due to a longer than expected process for obtaining approval for access at a railroad crossing. At the time of construction allocation on June 30, 2010, the City anticipated that ROW certification would be a simple and short process because the City owns the property that the bike path will be built on, and the street adjacent to the path already crosses the railroad tracks. However, the Public Utilities Commission (PUC) requested design modifications before approving the railroad crossing, and Rail America has not yet granted its approval for the bike path to cross the tracks currently used by the railroad.</p> <p>The City revised the plans to address the PUC's concerns; and the plans, specifications, and estimates package is complete with the exception of the ROW certification. The City is currently working with Rail America and the PUC to get the necessary approvals. The City has not received written approval from Rail America and cannot get a commitment as to when they might have a written approval ready. By consulting with the Department and other local agencies, the City learned that the process to obtain railroad approvals can take up to two years. Therefore, the City requests the maximum allowable 20-month extension to August 31, 2012, to allow for possible further delays obtaining railroad authorizations and contingencies regarding the bid process.</p>			

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3	City of Culver City Los Angeles PPNO 07-3153 Sepulveda Boulevard Pedestrian Improvements, TE	\$291,000	06/30/2010 FP-09-51 3 Months 03/31/2011 Approve
<p>The City of Culver City (City) is requesting a three-month extension to the period of contract award for the Sepulveda Boulevard Pedestrian Improvements TE project. The project is delayed due to an expired NEPA environmental document. The project's original NEPA - Programmatic Categorical Exclusion document, executed on April 11, 2007 was valid at the time the Allocation Request was submitted. However, the NEPA document expired prior to the City's Request for Authorization to Proceed with Construction, submitted on October 7, 2010. On October 21, 2010, the Department notified the City that the environmental document had expired and needed to be revised. The City submitted its revised Preliminary Environmental Studies form later that day. Due to unforeseen delays resulting from pending environmental document review and the time required to advertise and review bids, the City anticipates it will not be able to award the project by December 13, 2010, which is the last City Council meeting of 2010 at which the project could be approved for award. The City anticipates that FHWA will review the revised NEPA document and approve the project for federal reimbursement by the end of December 2010. The City plans to advertise by January 2011, open bids by February 2011, and award the project by March 2011. The City requests a three-month time extension to March 31, 2011.</p>			
4	City of Santa Paula Ventura PPNO 07-3565H City of Santa Paula Bike Trail, TE	-\$479,000	06/30/2010 WITHDRAWN PRIOR TO CTC MEETING FP-09-51 3 Months 03/31/2011 Approve
<p>The City of Santa Paula (City) is requesting a three-month extension to the period of contract award for the City of Santa Paula Bike Trail TE project. The City advertised the project on November 22, 2010 and plans to award on December 20, 2010. However, the City anticipates possible issues during the bid process due to a history of receiving bids higher than expected. The City requests a three-month time extension to March 31, 2011, to account for additional time needed to re-advertise the project if bids come in too high.</p>			
5	Los Angeles County Los Angeles PPNO 07-4092 Rosemead Blvd. Median Landscaping Beautification, TE	-\$1,587,000	06/30/2010 WITHDRAWN PRIOR TO CTC MEETING FP-09-51 4 Months 04/30/2011 Approve
<p>Los Angeles County (County) is requesting a four-month extension to the period of contract award for the Rosemead Boulevard Median Landscaping Beautification TE project. The County planned to award a contract on December 30, 2010. However, the award of the project has been delayed because the lowest bidder has been non-responsive to the pending contract issues. The County is requesting authority from the County's governing board to award to the next lowest bidder. The request is scheduled for consideration at the January 4, 2011 Board meeting. The County requests a four-month time extension to April 30, 2011, in case there are further irregularities in the award process.</p>			

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6	San Diego Association of Governments San Diego PPNO 11-1017 Bayshore Bikeway Segments 7 and 8A, TE	\$2,445,000	06/30/2010 FP-09-51 6 Months 06/30/2011 Approve
<p>The San Diego Association of Governments (SANDAG) is requesting a six-month extension to the period of contract award for the Bayshore Bikeway Segments 7 and 8A TE project. The project has been delayed due to additional mitigation required by CEQA. Initially, SANDAG understood that obtaining the environmental permits for wetland impacts would be accomplished through available mitigation banks. After further research, SANDAG learned that the Coastal Salt Marsh is not available habitat in any existing environmental mitigation bank; therefore, impacts are not readily mitigated. Significant redesign of the project alignment was required to avoid these impacts, including the need to obtain an easement on private property. The new alignment also delayed agency agreements and California Coastal Commission approvals, resulting in a total delay of six months.</p> <p>SANDAG anticipates the right of way certification to be completed by December 2010, and all approvals to be in place by March 2011. SANDAG plans to advertise by April 2011, open bids by May 2011, and award by June 2011. SANDAG requests a six-month time extension to June 30, 2011.</p>			
7	City of San Diego San Diego PPNO 11-7421B Cherokee Avenue Traffic Calming, TE	\$423,000	06/30/2010 FP-09-51 4 Months 04/30/2011 Approve
<p>The City of San Diego (City) is requesting a four-month extension to the period of contract award for the Cherokee Avenue Traffic Calming TE project. The City planned to award a contract in November 2010. However, when bids were received on November 18, 2010, none of the bids met the disadvantaged business enterprise goals or good faith efforts. All bids were determined to be non-responsive and the project was re-advertised in December 2010. The City plans to open the new bids in January 2011 and award in February 2011. The City requests a four-month time extension to April 30, 2011, in case there are further issues during the award process.</p>			
8	City of San Diego San Diego PPNO 11-7421C Sidewalks and Landscaping on 40 th Street, TE	\$193,000	06/30/2010 FP-09-51 4 Months 04/30/2011 Approve
<p>The City of San Diego (City) is requesting a four-month extension to the period of contract award for the Sidewalks and Landscaping on 40th Street TE project. The City planned to award a contract in November 2010. However, when bids were received on November 4, 2010, none of the bids met the disadvantaged business enterprise goals or good faith efforts. All bids were determined to be non-responsive and the project was re-advertised in December 2010. The City plans to open the new bids in January 2011 and award in February 2011. The City requests a four-month time extension to April 30, 2011, in case there are further issues during the award process.</p>			

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9	City of San Diego San Diego PPNO 11-7421R Bikeway, Signage and Sidewalks on Central Avenue, TE	-\$163,000	06/30/2010 –WITHDRAWN PRIOR TO CTC MEETING EP 09-51 2 Months 02/28/2011 Approve
<p>The City of San Diego (City) is requesting a four month extension to the period of contract award for the Bikeway, Signage and Sidewalks on Central Avenue TE project. The City plans to award a contract in December 2010. However, the City anticipates possible issues with bids meeting disadvantaged business enterprise goals. The City requests a two month time extension to February 28, 2011, in case there are issues during the award process.</p>			