

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 22, 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 12-54**

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 \$1,321,000 for the construction of four 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 agencies cannot meet their deadlines and need time extensions. 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 Bakersfield Kern County PPNO 06-6560 Landscape Improvements on Stockdale Highway The City of Bakersfield (City) is requesting a six-month extension to the period of contract award for the Landscape Improvements on Stockdale Highway project. The City has experienced delays in awarding the contract due to a poor bid response.	\$202,000	02/23/2012 FP-11-37 6 months 02/28/2013 Approve
	<p>The City advertised the project on June 6, 2012 and held a pre-bid meeting on June 13, 2012. Per the City's Disadvantaged Business Enterprise (DBE) program, attendance at this pre-bid meeting was mandatory for general contractors who desire to submit bids for the project. Two contractors attended the pre-bid meeting and only one bid was submitted. The bid of \$388,000 was significantly higher than the \$227,000 budgeted for the project (\$202,000 federal funds, \$25,000 local funds). The bid was rejected by the City Council on July 18, 2012, allowing the City to re-advertise the project. Furthermore, the City must complete and adopt its new DBE program for Federal Fiscal Year 2013 which will comply with the new state DBE program and will no longer include pre-bid meetings requiring mandatory attendance by general contractors. The City anticipates the new DBE to be adopted by October 31, 2012. The City expects the new DBE requirements to result in multiple and more reasonable bid submittals. The City anticipates re-advertising the project on November 14, 2012 and awarding at the end of January 2013. The City is adding a one-month contingency to allow for any unforeseen issues. Therefore, the City is requesting a six-month extension to February 28, 2013.</p>		
2	City of Laguna Woods Orange County PPNO 12-2135W El Toro Road/Alison Creek Road/Phase II Bicycle and Pedestrian Enhancement The City of Laguna Woods (City) is requesting a four-month extension to the period of contract award for the El Toro Road/Alison Creek Road/Phase II Bicycle and Pedestrian Enhancement project. The City has experienced unanticipated delays in obtaining the Authorization to Proceed with Construction (E-76) approval and implementing the new Disadvantaged Business Enterprise (DBE) requirements.	\$500,000	02/23/2012 FP-11-40 4 months 12/31/2012 Approve
	<p>The City of Laguna Woods obtained National Environmental Policy Act (NEPA) clearance in December of 2011 and subsequently submitted its E-76 request to the Department in March 2012. The Department reviewed the submittal and requested additional information from the City. The project limits extend into two adjacent cities: Laguna Beach and Aliso Viejo. The multi-jurisdictional coordination efforts to obtain the additional information resulted in delays thus, impacting and delaying the approval of the E-76 to July 10, 2012. Furthermore, on June 29, 2012, the Department released a Division of Local Assistance Office Bulletin outlining new policy and procedures for the implementation of the new Race-Conscience (RC) DBE Program for Local Assistance federal-aid projects. The Department also revised various Local Assistance Program Manual DBE exhibits that were affected by this DBE program change. The City will implement the new RC DBE Program by revising the construction contract documents for approval by the City Manager prior to advertising the project. The City anticipates the project will be advertised at the end of August 2012 and be awarded at the end of September 2012. To allow for any unforeseen issues such as bid protests or project re-advertisement, the City is requesting an additional two months. Therefore, the City is requesting a four-month extension to December 31, 2012.</p>		

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
3	City of Shafter Kern County PPNO 06-6558 Santa Fe Way Beautification	\$140,000	01/25/2012 FP-11-28 8 months 03/31/2013 Approve
<p>The City of Shafter (City) is requesting an eight-month extension to the period of contract award for the Santa Fe Way Beautification project. The City has experienced unanticipated delays in obtaining the Department's full approval of the Transportation Enhancement (TE) application.</p> <p>The City's initial TE application was accepted by the Department in December 2011. The project initially included \$140,000 in TE funds and \$300,000 in Regional Surface Transportation Program (RSTP) funds for a total of \$440,000. The RSTP funds set aside for this project were anticipated to move forward as a separate project. This project was eventually dropped by the City. This change created an inconsistency with the TE application, Right of Way certification, and the final Plans Specification and Estimates package. The revised TE application has been received and approved by the Department on August 2, 2012. Further clarification has been requested by the TE coordinator regarding full or partial participation of the California Conservation Corps for this project as required by the STIP Guidelines. The City is revising the remaining documents, and anticipates submitting them to the Department by October 2012. The City expects to advertise in November 2012 and award in January 2013. However, if the City has a bid protest and must re-advertise the project, the award date will extend beyond the six-month award period. Therefore, the City is requesting an eight-month extension to March 31, 2013.</p>			
4	County of Ventura Ventura County PPNO 07-3565I Piru Commuter-Bicycle Path-Phase III	\$479,000	01/26/2012 FP-11-28 12 months 7/31/2013 Approve
<p>The County of Ventura (County) is requesting a 12-month extension to the period of contract award for the Piru Commuter Bicycle Path Phase III Project. The County has experienced unanticipated delays in obtaining matching funds and cannot proceed with construction.</p> <p>On December 29, 2011, the California Supreme Court issued its decision to uphold legislation dissolving Community Redevelopment Agencies (CRAs) statewide. The matching funds for this project were to be provided by the County's CRA. However, with the elimination of CRAs, the County's ability to provide matching funding was also eliminated. The County is currently exploring the use of its General Fund or Park Enterprise Fund as other avenues for match. The County anticipates obtaining matching funds and awarding the project by July 2013. Therefore, the County is requesting a 12-month extension to July 31, 2013.</p>			