State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

M e m o r a n d u m

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 8, 2013

Reference No.: 2.8b.(1)
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-13-01**

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 $7,103,000 for the construction of 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 *Construction Only*	Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation
1	County of Tehama Tehema County PPNO 02-2503 99W Overlay project	$2,333,000	6/28/2012 FP-11-71 4 months 4/30/2013 Support

The County of Tehama (County) is requesting a four-month extension to the period of contract award for the 99W Overlay project. The County has not been able to advertise and award the contract due to delays in obtaining approval of the Authorization to Proceed with Construction (E-76) and project bid complexities.

The County submitted the E-76 request to the Department on August 7, 2012. The Department authorized the E-76 on September 10, 2012, and notified the County on October 25, 2012. The project involves a base bid with additive alternate areas and the contractor's choice of utilizing two construction methods; A and B. Method A utilizes a deeper removal of asphalt with two lifts of Hot Mix Asphalt (HMA); Method B utilizes Cold In-Place Recycling with a single lift of HMA. These bid options result in a more complex bid and award process. These additional complexities do not allow the County ample time to advertise and award this construction project contract prior to the December 2012 deadline. The County anticipates advertising and awarding this project by April 2013. Therefore, the County is requesting a four-month extension to April 31, 2013.

2	County of Siskiyou Siskiyou County PPNO 02-2479 Bridge Preventive Maintenance Program Phase 1 Various Locations project	$208,000	06/28/2012 FP-11-71 6 months 06/30/2013 Support

The County of Siskiyou (County) is requesting a six-month extension to the period of contract award for the Bridge Preventive Maintenance Program, Phase 1 Various Locations project. The County has experienced delays in awarding the contract due to bid protests.

The County combined this project with a related project (PPNO 2504) into one bid package. The County advertised on October 5, 2012, and bids opened in November 2012. The second lowest bidder protested the low bid claiming the low bidder did not comply with the Disadvantaged Business Enterprise (DBE) goal requirements. The County reviewed the bids and DBE information and will not be able to award by December 31, 2012. The County started the administrative review upon receiving confirmation from the second lowest bidder that they would like one performed. Should the County determine the low bidder to be invalid, the award would go to the second lowest bidder. However, the second lowest bidder came in over the engineer's estimate. As a result, the County would have to request additional funds from the bridge program, with matching local funds. The additional funds would not be available until March 2013. The County anticipates re-advertising the project and awarding by June 30, 2013. Therefore, the County is requesting a six-month extension to June 30, 2013.

Time Extension/Waiver – Project Contract Award Deadline
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Project #	Applicant County PPNO Project Description Reason for Project Delay	Extension Amount *Construction Only*	Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation
3	County of Siskiyou Siskiyou County PPNO 02-2504 Bridge Preventive Maintenance Program Phase 2 Various Locations project	$222,000	06/28/2012 FP-11-71 6 months 06/30/2013 Support

The County of Siskiyou (County) is requesting a six-month extension to the period of contract award for the Bridge Preventive Maintenance Program, Phase 2 Various Locations project. The County has experienced delays in awarding the contract due to bid protests.

The County combined this project with a related project (PPNO 2479) into one bid package. The County advertised on October 5, 2012, and bids opened in November 2012. The second lowest bidder protested the low bid claiming the low bidder did not comply with the Disadvantaged Business Enterprise (DBE) goal requirements. The County reviewed the bids and DBE information and will not be able to award by December 31, 2012. The County started the administrative review upon receiving confirmation from the second lowest bidder that they would like one performed. Should the County determine the low bidder to be invalid, the award would go to the second lowest bidder. However, the second lowest bidder came in over the engineer's estimate. As a result, the County would have to request additional funds from the bridge program, with matching local funds. The additional funds would not be available until March 2013. The County anticipates re-advertising the project and awarding by June 30, 2013. Therefore, the County is requesting a six-month extension to June 30, 2013.

4	Glenn County Glenn County PPNO 03-1317 Hamilton City Pedestrian Improvement project, TE	$308,000	06/28/2012 FP-11-71 3 months 03/31/2013 Support

Glenn County (County) is requesting a three-month extension to the period of contract award for the Hamilton City Pedestrian Improvement project. The County has experienced delays in finalizing Right of Way certification and obtaining approval of the Authorization to Proceed with Construction (E-76).

The County experienced unanticipated delays in obtaining the Right of Way certification. The County expected the process to be completed on schedule since no additional Right of Way was necessary for the project. The County requested the Right of Way certification on October 2, 2012, and was subsequently notified that specific forms should have been utilized to document the agreement with Cal Water regarding adjusting water valves to grade during construction. The County prepared the necessary forms and the Right of Way was certified on November 13, 2012. The E-76 was approved on December 5, 2012 allowing the County to proceed with advertising and awarding the project. The County anticipates advertising the project in December 2012 and awarding in February 2013. To allow for any unforeseen issues such as bid protests, the County is requesting an additional month. Therefore, the County is requesting a three-month extension to March 31, 2013.

Time Extension/Waiver – Project Contract Award Deadline
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5	Sierra County Sierra County PPNO 03-1L61 Ridge Road Rehabilitation project	$2,304,000	06/28/2012 FP-11-71 ~~5~~ **6** months 06/30/2013 Support

The County of Sierra (County) is requesting a six-month extension to the period of contract award for the Ridge Road Rehabilitation project. The County has experienced delays due to the unanticipated re-evaluation of the National Environmental Policy Act (NEPA) Categorical Exclusion (CE) document.

The original NEPA clearance was completed on August 11, 2011, but an unanticipated discovery of high arsenic levels found in some soil samples taken during routine project site testing triggered a re-evaluation of the NEPA CE. This re-evaluation was completed on May 7, 2012 at which time the permit application could now be started. During the re-evaluation process, the "Area of Potential Impacts (API)" was expanded due to the discovery of additional cultural resources. The County anticipated the permit process to be completed in April 2012, but due to the newly expanded API, it was completed in October 2012. Furthermore, the project is located in a remote region of the northern sierra mountain range at an elevation of 5,000 feet in altitude. Due to the unanticipated early seasonal snowfall in late October and early November, prospective bidders have been prevented from evaluating the project site to provide accurate bids. The snow is not typically on the ground in March, but could potentially last until mid April. The County anticipates advertising in March 2013 and awarding in ~~May~~ **June** 2013. The delay in receiving the permits from the regulatory agencies, coupled with early winter weather conditions, is the reason for the requested time extension. Therefore, the County is requesting a ~~five~~ **six**-month extension to ~~May 31~~ **June 30**, 2013.

6	Tulare County Tulare County PPNO 06-6539 Pixley Main Street Enhancement project	$190,000	6/28/2012 FP-11-71 6 months 6/30/2013 Support

The County of Tulare (County) is requesting a six-month extension to the period of contract award for the Pixley Main Street Enhancement project. The County has experienced delays in advertising and awarding the contract due to unforeseen design complexities, maintenance agreements and Community Services Employment Training (CSET) negotiations.

The County developed the project with the understanding that the existing storm drain system would be utilized in the project. However, during the design phase of the project, it was determined that the existing storm drain system terminated at the south end of the project and was not functional. The project had to be redesigned to utilize curb and gutter and valley gutters to convey the storm runoff. Modifications to address the project's drainage features added approximately one month to the design process. Furthermore, the American Disability Act (ADA) compliant curb ramps were determined to fall outside the existing right of way and also conflicted with existing utility pole locations. The County redesigned the ADA ramps to help avoid purchasing additional Right of Way or relocating the existing poles. These modifications added approximately one month to the design process.

In addition, the County does not maintain landscaping within the unincorporated communities. Therefore the County needed to finalize an agreement with the Pixley Community Services District (CSD) to commit to maintaining the landscaping improvements that are part of this project. These negotiations took approximately two months longer than expected. Lastly, the County needed to negotiate with CSET to perform certain portions of the work as required in the grant application. The County had to negotiate with CSET on the documentation needed to submit pay requests and invoices. Those negotiations took an additional two months to complete. Therefore, the County is requesting a six-month extension to June 30, 2013.

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

Project #	Applicant County PPNO Project Description Reason for Project Delay	Extension Amount *Construction Only*	Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation
7	City of Tulare Tulare County PPNO 06-6524 Santa Fe Bike Lighting project	$397,000	6/28/2012 FP-11-71 4 months 4/30/2013 Support

The City of Tulare (City) is requesting a four-month extension to the period of contract award for the Santa Fe Bike Trail Lighting project. The City has experienced delays in project advertisement and award due to unanticipated design revisions.

The City's five-mile Class I Santa Fe Bike Trail was originally designed and built during the 1990's. Due to fiscal constraints, the original trail construction only included lighting in the central portions of the trail, leaving a total of three segments unlit. The City, under a separate project, successfully completed the lighting of one segment. The remaining two segments are included in this project. The City used local funds to redesign the project to incorporate LED lighting fixtures to comply with the City's emerging green energy standards and greenhouse gas emission targets. This allows the City to reduce its operation and maintenance costs. The redesign delayed the project by four months. The City has completed the revisions and the project is ready to advertise and award. The City is requesting a four-month extension to April 30, 2013.

8	Ventura County Transportation Commission (City of Camarillo) Ventura County PPNO 07-3565K Ponderosa Drive Landscaping project	$1,017,000	06/28/2012 FP-11-74 6 months 6/30/2013 Support

The Ventura County Transportation Commission (County) is requesting a six-month extension to the period of contract award for the Ponderosa Drive Landscaping project. The City has not been able to proceed with awarding the project due to bidding issues.

The County received only two bids on the Ponderosa Drive Landscape project. Both bidders had some issues with their bids and were considered non-responsive. The County plans to reject the bids at their January Council meeting. The County will then need to re-bid the project. However, the timeframe to re-advertising and awarding the project will exceed the award deadline. Although the County worked closely with the Department, the original six months to award was a very tight timeframe as the City received the allocation in June 2012 but did not receive the E-76 for the project until September 2012. The City was not able to advertise the project until October 2012 and anticipated awarding the contract in November 2012. The City anticipates advertising and awarding the project in April 2013 however, to allow for any unforeseen issues, the County is requesting an additional two months. The County is requesting a six-month extension to June 30, 2013, to re-advertise and award the project.

9	San Joaquin Regional Transit District San Joaquin PPNO 10-0204 Airport Way Bus Rapid Transit Corridor Enhancement project	$124,000	06/28/2012 FP-11-71 3 months 3/31/2013 Support

The San Joaquin Regional Transit District (RTD) is requesting a three-month extension to the period of contract award for the Airport Way Bus Rapid Transit Corridor Enhancement project. The RTD has not been able to proceed with awarding the project due to delays in obtaining the Authorization to Proceed with Construction (E-76).

The RTD's original Transportation Enhancement application was approved by the Department with the understanding that the construction (installation of purchased bicycle racks) would be completed by RTD staff. The RTD discovered during recent communication with the Department and authorization processes that a Public Interest Finding (PIF) submittal was required with the E-76 in these circumstances. The RTD is currently working on the PIF for submittal to the Department by the end of December. To allow time to receive approval of the E-76 and the PIF, the RTD is requesting a three-month extension to March 31, 2013.