

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 27-28, 2012

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-12-45**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the request by the City of Anaheim (City) to extend the period of contract award for the Edison Right of Way (R/W) Bike Path State Transportation Improvement Program (STIP) Transportation Enhancement (TE) project for 11 months from June 30, 2012 to May 31, 2013, per STIP Guidelines.

ISSUE:

On December 15, 2011, the Commission approved Resolution FP-11-24, allocating \$494,000 for construction of the Edison R/W Bike Path STIP TE project. The City is unable to award the contract prior to the award deadline of June 30, 2012, due to unforeseen delays in obtaining the Authorization to Proceed with Construction (E-76). The City requests an 11-month time extension from June 30, 2012 to May 31, 2013.

BACKGROUND:

The City obtained R/W certification in early January 2012 and submitted the E-76 request to the Department. The E-76 approval was anticipated by April 2012 allowing the project to be awarded as scheduled. However, in May 2012, the Department informed the City that the Federal Highway Administration (FHWA) is requesting a 20-year minimum land use agreement. The project is located along the Southern California Edison (SCE) right of way. The current land use license agreement between the City and SCE is for 10 years, with two additional 10 year options, for a total of 30 years. The City has engaged SCE to modify the land use agreement; SCE is currently reviewing FHWA's requirement. The City anticipates the land use agreement issue to be settled by March 2013 and award the contract 2 months after. Therefore, the City is requesting an 11-month time extension to May 31, 2013.

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.