

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 5-6, 2012

Reference No.: 2.8b.(3)
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 12-68**

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 \$22,635,000 for the construction of 12 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	Shasta County Shasta County PPNO 02-2490 East Redding Bike Lane-Phase II	\$2,294,000	5/24/2012 FP-11-54 3 months 2/28/2013 Support
<p>The County of Shasta (County) is requesting a three-month extension to the period of contract award for the East Redding Bike Lane-Phase II project. The County has experienced delays in finalizing Right of Way agreements and obtaining approval of the Authorization to Proceed with Construction (E-76).</p> <p>The County is currently working with the Bella Vista Water District (BVWD) and the Bureau of Reclamation (Bureau) on an agreement that will allow the relocation of the Bureau's water main located along the Old Oregon Trail. Due to miscommunication as to who actually owns the water main, substantial time was lost in starting the federal environmental review process with the Bureau. The Bureau owns the water main, and BVWD maintains and operates it. Coordinating the effort with the BVWD and the Bureau on Right of Way issues, finalizing construction plans, environmental document reviews, and easement details has delayed the project approximately two months. The County received approval from the Bureau and is finalizing the construction contract.</p> <p>Because the approval of the E-76 was delayed and it resulted in the submittal to Federal Highway Administration (FHWA) after the end of the fiscal year and due to the end of fiscal year shut down and start up procedures, FHWA approval is taking approximately one month from submittal. The delays in the processing of the E-76 and FHWA's end of fiscal year procedures delayed the project approximately six weeks. The County anticipates obtaining approval from FHWA on October 12, 2012, advertising on October 17, 2012, and awarding in December 2012. Therefore, the County is requesting a three-month extension to February 28, 2013.</p>			
2	City of Hercules Contra Costa County PPNO 04-2011F Intercity Rail Station project	\$9,097,000	06/28/2012 FP-11-79 (\$1,097,000 FTF) MFP-11-16 (\$8,000,000 PTA) 9 months 09/30/2013 Support
<p>The City of Hercules (City) is requesting a nine-month extension to the period of contract award for the Intercity Rail Station project. The City has experienced delays in advertising and awarding the contract due to unforeseen complexities developed from the division of the contract into two bid packages and securing necessary easements.</p> <p>The Commission allocated funds in June 2012. Subsequently, the City moved forward with a single bid package for the construction of rail-related improvements and the San Francisco Bay Trail improvements, since both elements of the Intermodal Transit Center Project (ITC) are interrelated. The Federal Transit Administration (FTA) is the lead agency for the ITC (Public Transportation Account Funds) and the Federal Highway Administration (FHWA) is the lead agency for the San Francisco Bay Trail Project (Transportation Enhancement Funds), an element of the ITC. During subsequent discussions with FHWA and the Department, it was determined that the City should split the bid package into two separate bid packages to facilitate administration of project elements subject to FTA and project elements specifically funded by FHWA. Separating the two bid packages created complex construction sequencing issues related to construction of retaining walls, relocation of fuel lines located within the current railroad Right of Way, construction of the trail and the sequence for advertising each construction contract.</p> <p>The East Bay Regional Park District had previously secured an easement for the San Francisco Bay Trail, which does not cover the scope of the rail-related improvements. In 2009, the City initiated the process with Bio-Rad, who owns the property, to secure an easement for relocation of existing fuel lines located within the current railroad Right of Way. Final engineering was required to finalize the Easement Agreement, thus delaying attainment of the easement. Compounding the issue were personnel changes with the owner of the property needed for track preparation (rail component of the train station) causing additional delay. The City anticipates possession of the subsurface easement by July 2013.</p> <p>These complexities have delayed the advertising of the ITC by nine months. The City anticipates both bid packages will be ready for advertisement by July 2013 and award in September 2013. Therefore, the City is requesting a nine-month extension to September 30, 2013.</p>			

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3	City of Hercules Contra Costa County PPNO 04-2025E San Francisco Bay Trail behind the Bio-Rad Facility Project	\$862,000	06/28/2012 FP-11-79 9 months 09/30/2013 Support
<p>The City of Hercules (City) is requesting a nine-month extension to the period of contract award for the Intercity Rail Station project. The City has experienced delays in advertising and awarding the contract due to unforeseen complexities developed from the division of the contract into two bid packages and securing necessary easements.</p> <p>The Commission allocated funds in June 2012. Subsequently, the City moved forward with a single bid package for the construction of rail-related improvements and the San Francisco Bay Trail improvements, since both elements of the Intermodal Transit Center Project (ITC) are interrelated. The Federal Transit Administration (FTA) is the lead agency for the ITC (Public Transportation Account Funds) and the Federal Highway Administration (FHWA) is the lead agency for the San Francisco Bay Trail Project (Transportation Enhancement Funds), an element of the ITC. During subsequent discussions with FHWA and the Department, it was determined that the City should split the bid package into two separate bid packages to facilitate administration of project elements subject to FTA and project elements specifically funded by FHWA. Separating the two bid packages created complex construction sequencing issues related to construction of retaining walls, relocation of fuel lines located within the current railroad Right of Way, construction of the trail and the sequence for advertising each construction contract.</p> <p>The East Bay Regional Park District had previously secured an easement for the San Francisco Bay Trail, which does not cover the scope of the rail-related improvements. In 2009, the City initiated the process with Bio-Rad, who owns the property, to secure an easement for relocation of existing fuel lines located within the current railroad Right of Way. Final engineering was required to finalize the Easement Agreement, thus delaying attainment of the easement. Compounding the issue were personnel changes with the owner of the property needed for track preparation (rail component of the train station) causing additional delay. The City anticipates possession of the subsurface easement by July 2013.</p> <p>These complexities have delayed the advertising of the ITC by nine months. The City anticipates both bid packages will be ready for advertisement by July 2013 and award in September 2013. Therefore, the City is requesting a nine-month extension to September 30, 2013.</p>			
4	City of El Cerrito Contra Costa County PPNO 04-2025F Improvements to Moeser and Ashbury Pedestrian Corridors project	\$977,000	04/26/2012 FP-11-50 4 months 02/28/2013 Support
<p>The City of El Cerrito (City) is requesting a four-month extension to the period of contract award for the Improvements to Moeser and Ashbury Pedestrian Corridors project. The City has not been able to proceed with advertising and awarding the project due to delays in obtaining approval of the Authorization to Proceed with Construction (E-76).</p> <p>The City submitted the E-76 request to the Department on February 22, 2012. The E-76 approval was anticipated by June 2012, allowing the project to be awarded as scheduled. Without the E-76 approval, the City was unable to advertise the project for construction bids. The E-76 was not approved until September 13, 2012 and the City was not informed until October 1, 2012. The City anticipated advertising in July and awarding in October 2012. Due to the delay in receiving the E-76, the City anticipates advertising in November 2012 and awarding in February 2013. Therefore the City is requesting a four-month time extension to February 28, 2013.</p>			

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5	County of Kern Kern County PPNO 06-6556 Kernville Walkable Community Pedestrian Improvements project	\$775,000	05/24/2012 FP-11-54 3 months 2/28/2013 Support
<p>The County of Kern (County) is requesting a three-month extension to the period of contract award for the Kernville Walkable Community Pedestrian Improvement project. The County has experienced delays due to utility and project coordination efforts with multiple parties, and has been unable to advertise and award the project on schedule.</p> <p>The County has experienced delays due to coordination efforts with the Southern California Edison Utility company, which is providing power service for the street light component of the project. The County must also coordinate with the Parks' Department Federal Emergency Management Agency project that restores flood-damaged riverbank adjacent to the subject project. The coordination efforts have delayed the project approximately two months. The County anticipated advertising and awarding the project by mid-November 2012. The County is currently working on preparing the project for advertisement and anticipates awarding the contract on January 8, 2013. The County is requesting an additional month to allow for any unforeseen issues. Therefore, the County requests a three-month time extension to February 28, 2013.</p>			
6	Culver City Los Angeles County PPNO 07-4090 Pedestrian Improvements at Various Intersections project	\$634,000	06/28/2012 FP-11-71 9 months 9/30/2013 Support
<p>The City of Culver City (City) is requesting a nine-month extension to the period of contract award for the Pedestrian Improvements at Various Intersections project. The City has not been able to proceed with the project advertisement and award due to delays in obtaining local matching funds.</p> <p>The local matching funds were originally programmed from the City's Redevelopment Agency bond proceeds. Due to the passing of Assembly Bill (AB)1484 of 2012 which is a bill issued by California Supreme Court to dissolve the Community Redevelopment Agencies, the City's successor agency cannot obligate the originally planned local match until an audit by the California Department Of Finance has been completed for unencumbered cash, which is anticipated occur at the end of April 2013. Due to this unforeseen circumstance, the passage of AB 1484 of 2012, the City is requesting a of nine-month extension to September 2013, to award the construction contract. This extension would also allow the City to seek other funding sources to use the local match.</p>			
7	Mono County Mono County PPNO 09-2558 Rehabilitation of Local Roads, Lee Vining Streets Rehabilitation project	\$2,047,000	06/28/2012 FP-11-72 6 months 6/30/2013 Support
<p>The County of Mono (County) is requesting a six-month extension to the period of contract award for Lee Vining Streets Rehabilitation project.</p> <p>The current deadline to award the project is December 28, 2012. Unfortunately, the project will have to be shut down immediately due to the inclement winter weather conditions in the Eastern High Sierra. Weather conditions vary from year to year, but normally road construction activities cannot begin before May. The six-month delay between bidding and the start of construction would cause the contractor to have reduced bonding capacity and be exposed to material price fluctuations. This could potentially result in fewer and higher bids. Delaying the bid advertisement to March 2013, and award to May 2013 would reduce the risk of bids higher than the engineer's estimate. The County is requesting an additional month to allow for any unforeseen issues. Therefore, the County requests a six-month time extension to June 30, 2013.</p>			

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8	Mono County Mono County PPNO 09-2021 Rehabilitation of Local Roads, Bridgeport Street Rehabilitation project	\$2,119,000	06/28/2012 FP-11-72 6 months 06/30/2013 Support
<p>The County of Mono (County) is requesting a six-month extension to the period of contract award for the Rehabilitation of Local Roads – Bridgeport project.</p> <p>If awarded by the current deadline of December 28, 2012, the project would have to be shut down immediately due to the inclement winter weather conditions in the Eastern High Sierra. Weather conditions vary from year to year, but normally road construction activities cannot begin before May. The six-month delay between bidding and start of construction would cause the contractor to have reduced bonding capacity and be exposed to material price fluctuations. This could result in fewer and higher bids. Delaying bid advertisement to March 2013 and award to May 2013 would reduce the risk of bids higher than the engineer's estimate. Therefore, the County requests a six-month time extension to June 30, 2013.</p>			
9	City of Stockton San Joaquin County PPNO 10-0205 Airport Way Streetscape Beautification project	\$900,000	05/24/2012 FP-11-54 6 months 5/30/2013 Support
<p>The City of Stockton (City) is requesting a six-month extension to the period of contract award for the Airport Way Streetscape Beautification project. The City has not been able to proceed with advertising and awarding the project due to unexpected utility relocation issues, and delays in obtaining approval of Authorization to Proceed with Construction (E-76) and Right of Way Certification.</p> <p>Originally, the City submitted an E-76 package and a Right of Way Certification to the Department which included utility relocation costs. The Department advised the City that utility relocation costs (maintenance-hole lids and fire-hydrants) are non-participating costs, and since the City is unable to bear these costs, the packages were returned to the City unchanged. The City is currently working with the Department to pursue federal funds for the cost of utility relocation work being performed as part of the contract bid items. Because the City did not anticipate the additional Utility Relocation E-76 (UR E-76) submittal, it has experienced subsequent delays to its Right of Way Certification and E-76 approval. The City is currently completing the UR E-76 package for the Department's review and anticipates approval by November 28, 2012. Right of Way Certification is expected by mid-January 2013 and E-76 approval by the end of February 2013. The City anticipates advertising and awarding the project in May 2013. Therefore, the City is requesting a six-month extension to May 2013.</p>			

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10	SANDAG San Diego County PPNO 11-7421S Bayshore Bikeway Segments 4 & 5 project	\$995,000	06/28/2012 FP-11-71 20 months 08/31/2014 Support
<p>The San Diego Association of Governments (SANDAG) is requesting a 20-month extension to the period of contract award for the Bayshore Bikeway Segments 4 & 5 project. The SANDAG has not been able to proceed with advertising and awarding the project due to unexpected railroad agreement issues.</p> <p>The project's alignment requires modifications to two existing at-grade railroad crossings, on Harbor Drive and Tidelands Avenue. These crossings require approval from the California Public Utilities Commission (CPUC) for grade crossing modifications and railroad agreements on the Burlington Northern and Santa Fe (BNSF) Railway. SANDAG has encountered significant delays in obtaining CPUC approvals and the required railroad agreements. Discussions with CPUC and BNSF have been underway since April 2012. In April 2012, both BNSF and CPUC met with SANDAG during preliminary discussions and indicated a willingness to obtain the approvals and agreements for the project. In August of 2012, BNSF informed SANDAG that they must obtain CPUC approvals before BNSF could continue working on the railroad agreements. Despite repeated requests, the designated contact with BNSF has not responded to SANDAG's requests for continued project discussions. The CPUC is recommending additional requirements that SANDAG considers costly and unnecessary, but SANDAG anticipates a submittal to the CPUC in early October 2012 with a minimum of four-months needed to obtain CPUC approval for the crossing modifications. Once this is accomplished, SANDAG will enter into discussions with BNSF to obtain the required railroad agreements. SANDAG anticipates Right of Way Certification in June 2014 and advertising and awarding the project in August 2014. Due to the lack of responsiveness of BNSF, SANDAG is unsure of the time required to obtain agreements with BNSF and therefore requests the maximum time extension of 20 months to August 31, 2014.</p>			
11	SANDAG San Diego County PPNO 11-7421Z Coastal Rail Trail – Oceanside 2B project	\$1,517,000	06/28/2012 FP-11-71 3 months 3/31/2013 Support
<p>The San Diego Association of Governments (SANDAG) is requesting a three-month extension to the period of contract award for the Coastal Rail Trail – Oceanside 2B project. SANDAG experienced delays in obtaining approval of the Authorization to Proceed with Construction (E-76), bidding inquiries, and procurement practices.</p> <p>SANDAG submitted the E-76 package to the Department on August 7, 2012. SANDAG anticipated approval of the E-76 by the end of August 2012, allowing the project to be advertised and awarded as scheduled. The E-76 was not approved until September 26, 2012, delaying the project by one month. Due to the delay, SANDAG was unable to advertise the project for construction bids as scheduled. SANDAG advertised the project on October 1, 2012. During the advertisement period SANDAG received bidding inquiries delaying the bid opening by approximately three weeks to mid-November 2012. In addition to the delay in receiving the E-76 approval and bidding inquiries, SANDAG has an extensive procurement process of pre-bid meetings, site walk, bid opening, bid review process, protest allowable period, contractor documents review, contract award documents review, and issuing a notice to proceed, the project is anticipated to award no later than March 2013. Therefore, SANDAG is requesting a three-month time extension to March 31, 2013.</p>			

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12	City of Mission Viejo Orange County PPNO 12-2135Y Marguerite Parkway Median Island / Civic Center project	\$418,000	04/26/2012 FP-11-51 2 months 12/31/2012 Support
<p>The City of Mission Viejo (City) is requesting a two-month extension to the period of contract award for the Marguerite Parkway Median Island/ Civic Center project. The City has experienced delays in obtaining approval of the Authorization to Proceed with Construction (E-76).</p> <p>The City submitted the E-76 package to the Department in January 2012. The Department notified the City and Orange County Transportation Agency (OCTA) in July 2012 of the dual California Conservation Corps signature requirement. The City re-submitted the package with the dual signatures and the package was approved in late August 2012. Obtaining approval of the E-76 with the added requirements delayed the project by two months. The City requires two months to complete the construction contract award process. During that period, the City will advertise the project, review bids, and request City Council approval for contract award at its November 19, 2012, meeting. The City is currently proceeding with construction contract award. The City is requesting a two-month extension from October 2012 to December 2012 in the event there are bid protests or the contract award process is delayed.</p>			