

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 9-10, 2008

Reference No.: 2.8b.(3)
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Terry Abbott
Division Chief
Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR LOCALLY-ADMINISTERED STIP PROJECTS, PER RESOLUTION G-06-08 WAIVER-08-03**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve Waiver-08-03 extending the period of contract award for the time periods identified for each project on the attached document.

ISSUE:

The Commission allocated \$2,684,000 for the construction of two State Transportation Improvement Program (STIP) projects identified on the attachment. The responsible agencies have been unable to award the contracts and do not anticipate awarding the contracts by the deadlines. The attachment describes the details of the projects and the explanations of 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	City of San Diego San Diego County PPNO: 11-7421I Pedestrian Bridge at Park Boulevard and Harbor Drive	\$2,000,000	06/07/2007 FP-06-104 6 months 06/30/2008 Support
<p>The City of San Diego (City) is requesting a six-month extension to the period of contract award for the Pedestrian Bridge at Park Boulevard and Harbor Drive TE project. The City received a STIP construction allocation for this project on June 7, 2007. In addition to the \$2,000,000 STIP TE funds, this project also has \$2,800,000 in Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funds as well as funds from the Redevelopment Agency of the City of San Diego and private sources.</p> <p>An unforeseen and major delay was experienced when the FHWA in Washington, D.C. identified this project as being subject to a Buy America Program waiver request and the Construction Experimental Work Program. The project schedule was delayed several months while the City waited for FHWA to review and approve the proposed waiver request and work program.</p> <p>In addition, the City has also experienced unforeseen delays in obtaining right of way certification and subsequent Request for Authorization to Proceed (E-76) approvals because the project site traverses a railroad right of way which required negotiations with the Burlington Northern Santa Fe Railway (BNSF). Lengthy negotiations occurred for over a year and a half.</p> <p>On June 26, 2007, the Redevelopment Agency for the City of San Diego and the City Council of San Diego met with the City to discuss the City's Request to Bid. Only the authorization to advertise the project was given to the City. Due to rising costs, direction was given to City staff to advertise the project and return with bid results at a later date for consideration of awarding a construction contract. However, the Buy America waiver request, Construction Experimental Work Program, and right-of-way agreements with the BNSF were not approved until much later, resulting in a delay to E-76 submittal and approval. FHWA authorized the E-76 on September 28, 2007.</p> <p>The project is currently being advertised, with a bid opening scheduled for January 24, 2008. After the bid opening, the Redevelopment Agency of the City of San Diego and the City Council of San Diego will consider the item at a meeting to be scheduled in early 2008. In addition to the meeting in early 2008, the City must wait a 120-day contract award period, as specified in the contract specifications. The 120-day contract award period will expire on May 23, 2008. The earliest possible date a contract could be awarded would be June 2008.</p>			
2	City of San Diego San Diego County PPNO: 11-7421J Washington Street and Goldfinch Street Pedestrian Improvement	\$684,000	06/07/2007 FP-06-104 2 months 02/29/2008 Support
<p>The City of San Diego (City) is requesting a two-month extension to the period of contract award for the Washington Street and Goldfinch Street Pedestrian Improvement TE project. The City received an approved Request for Authorization to Proceed (E-76) from FHWA on July 31, 2007. Some modifications to the specifications were required in order to comply with the federal race-neutral language. The project was advertised on August 30, 2007, and the original bid opening date was October 3, 2007. Due to an addendum, which was required in order to provide clarification, the extended bid opening date was October 12, 2007.</p> <p>The bids were successfully opened on October 12, 2007, and the lowest responsible bidder was identified. A period of 10-working days was required for any possible bid protests. No bid protests were filed. The project is currently in the process of being awarded and the City hopes to award the contract awarded by January 16, 2008. The City is requesting a two-month time extension in the event the City encounters any problems and is unable to award by the anticipated date.</p>			