

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 30-July 1, 2010

Reference No.: 2.8b.(2)
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 LOCAL BRIDGE SEISMIC RETROFIT PROJECTS WAIVER-10-32**

RECOMMENDATION:

The California Department of Transportation (Department) 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 Department sub-allocated \$43,353 to the county of Los Angeles (County) for the construction of two locally-administered Local Bridge Seismic Retrofit projects identified on the attachment. The County was unable to award the contracts by required the deadlines. The attachment describes the details of the projects and the explanations for the delays. The County requests time extensions, and the planning agency concurs.

BACKGROUND:

In May 2008, the Commission adopted the Local Bridge Seismic Retrofit Account (LBSRA) Guidelines (Resolution LBS1B-G-0708-001), which require the agency implementing a project to request a time extension if the project will not be awarded within six months of the sub-allocation date. The LBSRA Guidelines stipulate that the Commission may approve a waiver to the timely use of funds deadline one time only for up to 20 months. Further, LBSRA Guidelines provide the flexibility for the Local Bridge Seismic Retrofit Program to exchange local funds received through the federal Highway Bridge Program for state funds, as needed, to accommodate the current remaining required local match needs, up to \$32.9 million, and to advance projects if requested by the local agency on a "first come, first serve" basis.

On October 30, 2008, the Commission authorized the exchange of \$24,300,000 in federal bridge funds for State Highway Operation and Protection Program funds from the Local Assistance lump sum allocation. Under the flexibility provided by the LBSRA Guidelines, the Department sub-allocated \$43,353 to the County for two projects identified on the attachment. The County was unable to award the contracts within six months of allocation, and is requesting time extensions.

Attachment

Post Fact Time Extension/Waiver – Project Contract Award Deadline
 Local Bridge Seismic Retrofit Program

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	Los Angeles County Los Angeles PPNO: 07-932594L Santa Anita Avenue under Union Pacific Railroad Bridge No. 53C0897	\$15,901	09/15/2009 FM-08-02 1 Month 04/30/2010 Support
<p>The County of Los Angeles (County) is requesting a one-month extension to the period of contract award for the Santa Anita Avenue seismic retrofit project. The County was planning to award the contract on March 15, 2010. However, due to an accident that occurred at the bridge on March 15, 2010, the County had to delay the award of the contract in order to assess the damage and impact on the retrofit project. Within two weeks of the accident, it was determined that the damage to the bridge structure could be handled outside of the contract scope of work and the project could proceed. The County awarded the contract on April 8, 2010.</p> <p>The County was unable to submit a time extension request at the May 2010 Commission meeting due to the timing of the accident and submission deadline for time extensions. The County was unable to award the contract prior to the award deadline of March 31, 2010, and requests a one-month post-fact time extension to April 30, 2010.</p>			
2	Los Angeles County Los Angeles PPNO 07-933227L 25 th Street East under Union Pacific Railroad Bridge No. 53C0810	\$27,452	09/15/2009 FM-08-02 1 Month 04/30/2010 Support
<p>The County of Los Angeles (County) is requesting a one-month extension to the period of contract award for the 25th Street East seismic retrofit project.</p> <p>This project is subject to Title 49 CFR 26, which requires the contractor to take necessary and reasonable steps to ensure that Disadvantage Business Enterprises have an opportunity to participate in the contract. To ensure compliance, the County specified an Underutilized Disadvantaged Business Enterprise (UDBE) goal of six percent. The lowest bidder proposed a UDBE goal of zero percent, and was asked to submit an Exhibit 15-H UDBE Information - Good Faith Efforts form in accordance with the special provisions. After reviewing the information submitted, the County determined that the lowest bidder did not demonstrate a good faith effort. The County determined the lowest bidder to be nonresponsive, and was thus required to return to the County Board of Supervisors (Board) to have the contract awarded. The Board awarded the contract on April 13, 2010. The time required to review the UDBE Information - Good Faith Efforts form and submit the award to the Board delayed the award of the contract by six to eight weeks.</p> <p>The County failed to submit a time extension request at the May 2010 Commission meeting. The County was unable to award the contract prior to the award deadline of March 31, 2010, and requests a one-month post fact time extension to April 30, 2010.</p>			