

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 23-24, 2011

Reference No.: 2.8b.(1)
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-11-13**

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 Commission allocated \$7,034,000 for the construction of the four 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 | Trinity County Trinity PPNO 02-2140 Hyampom Road Widening | \$4,111,000 | 07/01/2010 FP-09-55 6 Months 10/31/2011 Approve |
| <p>The County of Trinity (County) is requesting a six-month extension to the period of contract award for the Hyampom Road Widening project. The project was allocated on July 1, 2010, contingent upon passage of the 2010 Budget Act and available allocation capacity. However, the State budget had not yet been passed before two events occurred in September 2010 that led to additional delays.</p> <p>One of these events was the federalization of the construction funding. The opportunity to use federal funding for the construction phase became available, and the allocation was technically corrected on September 22, 2010, to change the project from 100 percent state funded to 100 percent federally funded. Due to the federalization of the project, the County must obtain NEPA revalidation, PS&E certification, and an approved Request for Authorization to Proceed (E-76) before the County can begin the bidding and contract award process.</p> <p>The other event was the expiration of the 10-year rule deadline. Under Title 23, Code of Federal Regulations, Section 630.112(c)(2), the Department can not authorize federal funds for a project that has been in the Preliminary Engineering phase for more than 10 years. The 10-year rule expired on September 30, 2010, eight days before the State budget passed on October 8, 2010. The County submitted a federal time extension request to the Department on January 12, 2011, for FHWA approval.</p> <p>The County anticipates receiving an approved federal time extension by June 30, 2011, and an approved E-76 by August 31, 2011. The County requests a six-month time extension to October 31, 2011, to allow time for the County to receive PS&E certification, an approved federal extension request, and an approved E-76; and to allow time to complete the advertising, bidding, and contract award process.</p> | | | |
| 2 | City of Alturas Modoc PPNO 02-2176 Warner Street Truck Route | \$2,172,000 | 07/01/2010 FP-09-55 5 Months 09/30/2011 Approve |
| <p>The City of Alturas (City) is requesting a five-month extension to the period of contract award for the Warner Street Truck Route project. The project was allocated on July 1, 2010, contingent upon passage of the 2010 Budget Act and available allocation capacity. However, the State budget did not pass until October 8, 2010. During this interim, the opportunity to federalize the funding of the construction phase became available. The construction allocation was technically corrected on September 22, 2010, to change the funding from 100 percent state funded to 100 percent federally funded.</p> <p>Due to the federalization of the project, the City must obtain NEPA revalidation, PS&E certification, and an approved Request for Authorization to Proceed (E-76) before the City can begin the bidding and contract award process.</p> <p>The NEPA revalidation is currently in progress. The City anticipates completing the revalidation process by April 2011, obtaining the PS&E certification in July 2011, and receiving E-76 approval in August 2011. After the E-76 is approved by FHWA, the City will need one month to advertise, open bids, review bids, and award a contract. Therefore, the City requests a five-month extension to September 30, 2011.</p> | | | |

Time Extension/Waiver – Project Contract Award Deadline
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|---|--|--|--|
| 3 | Contra Costa County Contra Costa PPNO 04-0183K Montalvin Manor Pedestrian and Transit Access Improvement, TE | \$335,000 | 11/04/2010 FP-10-12 6 Months 11/30/2011 Approve |
| <p>The County of Contra Costa (County) is requesting a six-month extension to the period of contract award for the Montalvin Manor Pedestrian and Transit Access Improvement TE project. The authorization of construction funds by FHWA has been delayed because the project was not properly listed in the recently adopted Federal Transportation Improvement Program (FTIP). Since this project received a previous construction allocation extension in June 11, 2009, the project was listed in the 2009 FTIP with a program year of 2009, and a carry over year of 2011. Previously, carryover year was an acceptable place to show extensions. However, in the adoption of the latest 2011 FTIP approved in December 2010, the Metropolitan Transportation Commission (MTC) was notified that carry over projects were no longer in the 2011 FTIP. Therefore, MTC is currently processing a formal amendment to the FTIP to amend this project into the 2011 FTIP under Program Year rather than Carry Over Year. The FTIP amendment is anticipated to be approved by the end of April 2011. FHWA cannot obligate the federal funds until these funds are listed correctly in the FTIP. Once the FTIP amendment is approved, the County expects the federal funds to be obligated by the end of May 2011. The County expects to begin advertising in mid-June and expects to open bids by August 2011. The award period will take five to seven weeks and the County anticipates awarding by early November 2011.</p> | | | |
| 4 | San Benito County San Benito PPNO 05-9380 San Juan Highway Bike Lanes, TE | \$416,000 | 07/01/2010 FP-09-55 6 Months 10/31/2011 Approve |
| <p>The County of San Benito (County) is requesting a six-month extension to the period of contract award for the San Juan Highway Bike Lanes TE project. The County is unable to award a contract by the deadline due to unforeseen delays in the Right of Way phase. In November 2010, the San Benito Council of Governments obtained the required signatures to obtain the last property. However, some property owners did not sign their names as recorded in the grant deed. As a result, at least 20 signatures are required to be obtained for a second time. A grant deed, with the appropriate signatures, is required before the Department issues the right of way certification.</p> <p>The County is estimating that the grant deed will be recorded by the end of April 2011. Once the grant deed is recorded, the County anticipates receiving right of way certification from the Department in May 2011 and approval of the Request for Authorization to Proceed (E-76) by mid July 2011. After the E-76 is approved, the County will begin advertising the project in August 2011, and expects to have a contract awarded in October 2011.</p> | | | |