

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 14-15, 2011

Reference No.: 2.8c.  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

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Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR LOCAL BRIDGE SEISMIC RETROFIT ACCOUNT, PER LBSRA GUIDELINES WAIVER-11-64**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the request by Los Angeles County (County) to extend the period of project completion for the Ninth Street On-Ramp Over Harbor Scenic Drive and Pico Avenue Bridge Project for 18 months from November 30, 2011 to May 31, 2013.

## **ISSUE:**

In July 2007, the Commission approved Resolution LBS1B-A-0708-001, allocating \$13.5 million of Proposition 1B (Prop 1B) bond funds, and delegated authority to the Department to sub-allocate funds to projects. The Department sub-allocated \$259,726 to the County for the Ninth Street On-Ramp Over Harbor Scenic Drive and Pico Avenue Bridge project. The County is unable to complete project construction by the deadline of November 30, 2011; therefore, it is requesting an 18-month time extension to May 31, 2013.

The construction phase of the project was advertised in July 2008. The contract was awarded on November 12, 2008, and construction work began in March 2009. From March 2009 to December 2010, the contractor made progress on three abutments and seven piers involved in the retrofit of this bridge. Although work on these items progressed slowly, the County did not think adverse action against the contractor was in their best interest. The most problematic item of work was the structural steel bracing. The contractor's original structural steel subcontractor failed to perform the work and in September 2009, the County notified the contractor to obtain a properly licensed and qualified subcontractor to perform this work. In February 2010, the contractor brought on a new structural steel subcontractor that was deemed to be acceptable by the County. By January 2011, all work except the structural steel braces was substantially complete. At this point in time, the contractor was taking the position that the structural steel design was flawed and could not be constructed. The County and the contractor were unable to resolve these issues and the contractor ceased work in January 2011. The surety company that had bonded the contractor stated that the contractor was financially unable to complete the rest of the work.

In June 2011, the County notified the contractor that a recommendation to terminate the contract would be presented to the Los Angeles County Board of Supervisors (Board) for approval. The contractor objected to the termination and requested a hearing. The County conducted a hearing on contractor's protest in August 2011, and the Hearing Officer's report recommended contract termination. The Board executed final approval to terminate the contract on November 1, 2011. The County will seek to solicit a replacement contractor. A Takeover Agreement (TA) will be negotiated and executed with the new contractor. The solicitation process for a new contractor and execution of a TA are anticipated to take approximately six months. The remaining work on this project involves the fabrication and installation of specialty steel braces and is anticipated to take approximately seven months to complete.

In order to account for construction change orders, delays due to inclement weather, and other contingencies, the County is requesting an 18-month extension of the project completion deadline to May 31, 2013.

**BACKGROUND:**

In May 2008, the Commission adopted the LBSRA Guidelines (Resolution LBS1B-G-0708-001), which require the implementing agency to request a time extension if the project will not meet project completion within 36 months of the sub-allocation date. The LBSRP Guidelines stipulate that the Commission may approve a waiver to the timely use of funds deadline one time only for up to 20 months.