

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 15, 2005

Reference No.: 2.8b.(1) - **REVISED**  
Action Item

From: CINDY McKIM  
Chief Financial Officer

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Local Assistance

Ref: **REQUEST TO EXTEND THE PERIOD OF PROJECT CONTRACT AWARD PER  
RESOLUTION G-03-19, STATE TRANSPORTATION IMPROVEMENT PROGRAM  
GUIDELINES  
WAIVER-05-27**

**CTC Action Update:** The City of San Juan Capistrano's Vereda Bikeway Gap Closure project (PPNO 12-9724) has been awarded (no time extension needed). The time extension request for the California State University, Sacramento's Bicycle Plan Implementation project (PPNO 03-3L07) was approved as requested.

## **ISSUE:**

The California Transportation Commission (Commission) allocated construction funds totaling \$1,704,000 for two projects, as shown 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 shows the details of the projects and the delays that have resulted in the extension requests. The responsible agencies have requested extensions, and the planning agency concurs.

## **RECOMMENDATION:**

The Department of Transportation's recommendations are shown on the attachment.

## **BACKGROUND:**

Resolution G-03-19, State Transportation Improvement Program (STIP) Guidelines, adopted by the Commission on December 11, 2003, stipulates that funds allocated for the construction phase of local grant projects are available for contract award for a period of 12 months from the date of allocation. The Guidelines further 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	Extension Amount By Component (\$ in thousands)			Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation
		E&P (Environmental & Permits)	PS&E (Plans, Specifications and Estimates)	R/W (Right of Way)	
PPNO	Project Description	CON (Construction)	TOTAL		
Reason for Project Delay					
1	California State University, Sacramento	\$0	\$0	\$0	02/26/2004 FP-03-34 14 months – Post Fact Request
	PPNO: 3-3L07 Bicycle Plan Implementation	\$60,000	<b>\$60,000</b>	<i>and</i>	04/26/2006 Neutral <i>and</i>
2		\$0	\$0	\$0	01/20/2005 FP-04-25 3 months
		\$565,000	<b>\$565,000</b>		04/20/2006 Support
<p>This is the University’s first State and federally funded transportation grant for design and construction. In an attempt to fast-track what was believed to be a relatively simple project to design and construct bicycle path facilities on University property, the University requested and received an allocation from the Commission for construction in February 2004 and January 2005. Unfortunately, the hiring of a design consultant was delayed because the University staff had to learn the required State and federal bidding and contracting requirements and incorporate them into the University’s own procurement requirements and procedures.</p> <p>The final design is underway and the project is scheduled to be advertised by December 12, 2005, and awarded by January 20, 2006. A time extension is being requested in anticipation of a possible delay in the award schedule due to numerous factors. Potential problems include a lack of responsive bidders, unforeseen problems blending the University construction contract requirements with those of the Department and FHWA, and delays due to the upcoming holiday season overlapping the schedule for advertising and awarding the project.</p> <p>A fourteen month and three month extension on these allocations will insure that the University has adequate time to resolve any conflicts between the University and Department/FHWA bidding and contract procedures, and to repackage and re-advertise the project if there is a lack of responsive bidders.</p>					
3	City of San Juan Capistrano Orange	\$0	\$0	\$0	1/20/2005 FP-04-25 12 months
	PPNO: 12-9724 Vereda Bikeway Gap Closure	\$1,079,000	<b>\$1,079,000</b>		1/20/2007 Support
<b>PROJECT AWARDED</b>	<p>The City of San Juan Capistrano has obtained all easements required for this project except one (Schriber property). In addition, the City has a conditional Eneachment Permit from the Orange County (County) for work within flood control district property. The project was issued a Right of Way Certification 3, which allows advertising of the project for construction, but does not allow the opening of the bids. The City began advertising the project on October 10, 2005. The City anticipates that the County will issue either the final easement or an eneroachment permit conditioned upon future receipt of the easement, which will allow a Certification 2 to be issued and bids to be opened by November 22, 2005.</p> <p>This bikeway parallels San Juan Creek, which is channelized. Therefore, the County’s flood control district has required a maintenance access easement over those portions outside its right of way (including the Schriber property). The County easement required the property owner to maintain the area, when it was expected that the City would be maintaining it. The property owner has requested the maintenance requirement be removed. The City has contacted the County to revise the easement, but has not received a revision to date. The consulting firm hired to negotiate the property easement estimates the subordinated easement can be recorded 45 days after signature by the property owner.</p>				