

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 13-14, 2006

Reference No.: 2.8b.(1) - **REVISED**  
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 FISCAL YEAR 2005-06 STIP/SHOPP ALLOCATION PLAN AND CRITERIA, AND RESOLUTION G-06-08 WAIVER-06-43**

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve Waiver-06-43 extending the period of contract award for the time periods identified for each project on the attached document.

## **ISSUE:**

The Commission allocated **\$31,823,000** for the construction of the **16** 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 explanation of the delays. The respective agencies request extensions, and the planning agencies concur.

## **BACKGROUND:**

In July 2005, the Commission adopted the Fiscal Year (FY) 2005-06 STIP/SHOPP Allocation Plan and Criteria, which limited FY 2005-06 allocations to projects ready to proceed to construction within six months. 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.

In June 2006, the Commission adopted Resolution G-06-08, which formalized the six-month award deadline, incorporating the deadline into the STIP Guidelines. The resolution requires the agency implementing the project to request a time extension if the project will not be awarded within six months of the allocation.

Attachment

**Time Extension/Waiver – Project Contract Award Deadline  
Local Streets and Roads Projects**

<b>Project #</b>	<b>Applicant County PPNO Project Description Reason for Project Delay</b>	<b>Extension Amount  Construction Only</b>	<b>Allocation Date Resolution Number Number of Months Requested Extended Deadline CT Recommendation</b>
1	City of Citrus Heights Sacramento PPNO: 03-3L08 Greenback Lane Widening	\$4,000,000	06/08/2006 FP-05-85 6 months 06/30/2007 Support
<p>The City of Citrus Heights is requesting a six -month time extension due to unforeseen delays. The City Engineer resigned. This engineer was the key staff member assigned to this project and was very heavily involved with it. This staff change and project assignment to other staff has hindered the call for bids and the contract award by six months. The City does not expect this delay will significantly impact the project cost. The City plans to fund cost increases if necessary.</p> <p>The project will be ready to advertise for bids in March 2007. The City anticipates awarding the contract in June 2007.</p>			
2	Sacramento County Sacramento PPNO: 03-2L68 Watt Avenue Enhancements	<b>\$7,000,000</b>	06/08/2006 FP-05-97 6 months 06/30/2007 Support
<p>The project has experienced unforeseen delays in receiving right of way certification. As a result, the federal Authorization to Proceed with Construction was not approved until November 3, 2006. This has delayed advertising of the project for construction, and the scheduled contract award has been delayed to December 12, 2006.</p> <p>The County of Sacramento received authorization to proceed with construction on November 3, 2006 and is required to advertise a construction contract for a minimum of 30 calendar days. The construction contract is currently being advertised and the County anticipates opening bids on December 7, 2006. The County will be able to award a contract prior to the deadline if the bids are lower than the engineer's estimate. However, if bids are higher than the engineer's estimate, the County Board of Supervisors will not be able to award a contract until the next available Board date on January 9, 2007. Furthermore, if no bids are received or bids must be rejected, additional time will be required to re-advertise the project and receive new bids. An extension of the contract award deadline is requested to allow sufficient time to re-advertise and award the contract if the original bids are unacceptable. The requested 6-month extension will provide sufficient time to complete the contract advertising and award process, and allow for the project to be re-advertised in the event that bids are again found to be unacceptable.</p>			
3	Sacramento County Sacramento PPNO: 03-3L11 Florin Road Enhancements	<b>\$2,300,000</b>	06/08/2006 FP-05-86 6 months 06/30/2007 Support
<p>At the time the STIP allocation for construction was approved on June 8, 2006, the County was completing the right of way acquisition process for the project and anticipated receiving right of way certification by August 2006. With the right of way certification, the County would have been able to secure federal Authorization to Proceed with Construction, advertise the project, and award the contract in advance of the December 31, 2006 deadline. The right of way certification was not completed in August due to unforeseen delays in securing agreements with property owners. The Right of way certification was submitted to the Department on October 19, 2006.</p> <p>The Request for Authorization to Proceed with Construction was also submitted to the Department on October 19, 2006. The Authorization to Proceed with Construction has not yet been provided and has further delayed the advertising and award of a construction contract.</p> <p>These delays have pushed the scheduled contract award date to January 30, 2007. Furthermore, if no bids are received or bids must be rejected, additional time will be required to re-advertise the project and receive new bids. The City is requesting a six-month extension to the contract award deadline due to the delay in the scheduled contract award date, and to allow sufficient time to re-advertise and award the contract should the original bids be unacceptable.</p>			

**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
4	Sierra County Sierra PPNO: 03-1L29 Pearl Street Bridge Replacement	<b>\$173,000</b>	06/08/2006 FP-05-85 <del>4 months</del> <b>6 months</b> <del>04/30/2007</del> <b>06/30/2007</b> Support
<p>The Commission approved Waiver-05-20 for Sierra County, extending the period to complete right of way acquisition through December 31, 2006. The appraisal process is complete, and the need for the extent of right of way has been determined, as well as the need for temporary construction easements. The critical property involved is a parcel with multiple owners who reside in different communities throughout California and have diverse opinions on what to do with the property. Initially, the County was negotiating with two Trustees for the property, but then it became apparent that the County will need to meet with each owner individually. The County is also working with the Sierra County Planning Department to identify land use issues and the impacts of easement acquisition to property line setbacks so that the future development potential of the property is clear. This has all required extra time. The County anticipates completing the right of way certification and requesting authorization to proceed with the construction under the federal Highway Bridge Program by the end of the 2006.</p> <p>Considering the time needed to obtain the authorization to proceed, advertise the contract, and complete the award process, it will be necessary to have a minimum of at least a four-month extension to the period of contract award for construction.</p>			
5	Sierra County Sierra PPNO: 03-3115 Loganville Scenic Byway Visitor Center	<b>\$400,000</b>	07/20/2006 FP-06-09 <del>2 months</del> <b>4 months</b> <del>03/31/2007</del> <b>05/31/2007</b> Support
<p>Sierra County (County) is requesting a two-month time extension due to unforeseen delays. This project is a cooperative project between the United States Forest Service (USFS) and the County. The USFS, a federal agency charged with emergency relief responsibility, has experienced a delay in completing the contract documents for this project due to several emergencies. These emergencies include two wildfires on the Tahoe National Forest during the 2006 fire season. These fires completely taxed the agency's resources and hindered its ability to provide the complete bid-ready plans and specifications on time. The USFS is currently preparing the PS&amp;E package, which is 95% complete.</p> <p>Sierra County, the lead agency for the construction phase of this project, is requesting a two-month time extension to allow the project to get back on schedule. The County anticipates advertising the project in January 2007 and anticipates awarding the contract by February 2007.</p>			
6	Sierra County Sierra PPNO: 03-3116 Downieville Mountain Bike and Hiker Trailhead	<b>\$173,000</b>	07/20/2006 FP-06-09 <del>3 months</del> <b>5 months</b> <del>04/30/2007</del> <b>06/30/2007</b> Support
<p>Sierra County (County) is requesting a two-month time extension due to unforeseen delays. This project is a cooperative project between the United States Forest Service (USFS) and the County. The USFS, a federal agency charged with emergency relief responsibility, has experienced a delay in completing the contract documents for this project due to several emergencies. These emergencies include two wildfires on the Tahoe National Forest during the 2006 fire season. These fires completely taxed the agency's resources and hindered its ability to provide the complete bid-ready plans and specifications on time. In addition, although no right of way is required for this project, there have been ongoing negotiations with an adjacent property regarding the adjacent property owner's use of USFS lands, which has further impacted the federal agency's ability to produce the bid-ready plans. The USFS is currently preparing the PS&amp;E package, which is 95% complete.</p> <p>Sierra County, the lead agency for the construction phase of this project, is requesting a two-month time extension to allow the project to get back on schedule. The County anticipates advertising the project in March 2007 and anticipates awarding the contract by April 2007.</p>			

Time Extension/Waiver – Project Contract Award Deadline  
Local Streets and Roads Projects

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7	City of Santa Clara Santa Clara PPNO: 04-2255C San Tomas Aquino Creek Bike Trail, Reach 3	<b>\$2,000,000</b>	06/08/2006 FP-05-86 <del>8 months</del> <b>6 months only</b> <del>08/31/2007</del> <b>06/30/07</b> Support
<p>The City of Santa Clara (City) is requesting an eight-month time extension due to unforeseen delays in securing permits from the Santa Clara Valley Water District (SCVWD), U.S. Army Corps of Engineers, Department of Fish and Game (DFG), and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). The City submitted permit application packages to the SCVWD and U.S. Army Corps of Engineers in January 2006, and to the DFG and SFBRWQCB in July 2006. The City is waiting for the applications to be processed. After the permit applications were requested and the 100% Complete Plan Check review was completed, the Santa Clara Valley Water District (SCVWD) required the agency to extend the rock slope protection into the San Tomas Aquino Creek channel. This additional requirement was unforeseen, as the SCVWD had not required the rock slope protection to be extended into the creek channel on the City's two previously completed projects, Reach 1 and Reach 2 of the San Tomas Aquino Creek Trail. As a result of this unforeseen, additional requirement for Reach 3, the City must make changes to the permit applications previously submitted.</p> <p>The City anticipates awarding the contract in August 2007, and is requesting an eight-month time extension to the period of contract award.</p>			
8	San Benito County San Benito PPNO: 05-0002U Hollister Bypass Route 25	<b>\$7,000,000</b>	07/20/2006 FP-06-05 4 months 05/31/2007 Support
<p>The project has been delayed by the need for utility relocation information that is required in order to complete right-of-way certification. Several coordination meetings with affected utilities have been held throughout the PS&amp;E phase of the project. Because the utilities had indicated that the information would be provided by June 2006, a STIP allocation was requested and San Benito County anticipated awarding a contract by August 2006. As of mid-October, all required information has not been provided and the utilities continue to delay submission despite repeated requests for information. Without the utility information, the Right-of-Way cannot be certified and construction cannot be authorized.</p> <p>The project was originally anticipated to be ready to advertise on June 23, 2006. It is now anticipated that the contract will be ready to advertise no later than January 8, 2007.</p>			

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9	City of Morro Bay San Luis Obispo PPNO: 05-0973 Waterfront Boardwalk Improvements	<b>\$1,449,000</b>	06/08/2006 FP-05-97 3 months <b>6 months</b> <del>03/31/2007</del> <b>06/30/2007</b> Support
<p>In October 2005, the City of Morro Bay (City) submitted a development permit application to the Coastal Commission. The Coastal Commission heard the permit application at a public hearing in March 2006. Conditions of Approval were placed upon the project, including the requirement to modify the project plans to relocate and reduce the footprint of the proposed road relocation and to prepare a dunes enhancement program for 20 acres of beach area, on the parcel upon which the project is located and on two other parcels, only one of which is owned by the City. With such a substantial change in project scope being mandated by this State regulatory agency, the City took the project back to the City Council for consideration, asking the City Council whether they wished to accept the permit conditions or file an appeal to the Coastal Commission.</p> <p>The City Council heard the matter and decided that the likelihood of a successful appeal was poor and that project was of such community and regional importance as to warrant moving forward. City staff was directed to find additional funds to perform the newly required scope of work. The City notified the Coastal Commission staff of the acceptance of the permit conditions of approval on May 17, 2006. The City staff had to secure additional funding to make the required changes, and then begin modifying the project plans. With the previous completion of the plans and specifications in accord with the approved environmental document and local conditions of approval, the City had to negotiate a contract amendment with the design consultant. Additionally, the City had to contract with another consulting firm that was qualified to prepare the dunes enhancement program plan and integrate the plan into the project plans and specifications.</p> <p>The City staff prepared the dunes enhancement plan and modified the project plans and specifications to integrate the dunes program, as well as to make other changes mandated by the Coastal Commission. Numerous communications were needed with Coastal Commission staff to interpret the conditions of approval. The modified plans, specifications, and dunes enhancement plan were transmitted to Coastal Commission staff for review on October 2, 2006. The project plans and specifications with the dunes enhancement program must be reviewed and approved by Coastal Commission staff in order for the City to obtain the permit from the Coastal Commission. The City cannot proceed with the project without this permit. To date, the City has not received a response from the Coastal Commission.</p> <p>On a parallel path, another project funding agency, the California Coastal Conservancy (CCC), must also review and approve the project plans and specifications before we can advertise for construction bids. The City provided the plans and specifications for the project to the CCC on October 3, 2006. The CCC is in the process of moving its office, and the staff representative for the project had a planned vacation. We were notified that the CCC would try to start review of the plans and specifications for the project once they get settled in the new office. As of October 26, 2006, the plans and specifications have not been reviewed.</p> <p>Based on the required actions of these two State agencies, the City anticipates the project plans and specifications will not receive final approval until the middle of November 2006. Once the Coastal Commission and the CCC approve the modified project plans, and the City incorporates any and all subsequently required modifications, the City will advertise the project for bidding. Meanwhile, the City is completing the FHWA package for authorization to advertise for bids. At this time, the City presumes any additional changes mandated by the State agencies will not adversely impact the FHWA review process.</p> <p>Based upon a presumed approval by Coastal Commission and CCC by November 15, 2006, the City can begin advertising the project after this date and award the contract in February or March 2007. Delays in the actions of the Coastal Commission and the CCC would push the dates back accordingly. From the date of advertisement, it is expected to take about three months to allow for contractor bid preparation, bid opening and review, City Council consideration of contract award and execution of contract.</p>			

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10	Moss Landing Harbor District Monterey PPNO: 05-1839 Moss Landing Coastal Trail	<b>\$304,000</b>	06/08/2006 FP-05-86 6 months 06/30/2007 Support
<p>This project was delayed due to a series of unforeseen issues that arose after the allocation was made. The project plans were being finalized at the time of allocation in June 2006. After the allocation was made, Monterey-Salinas Transit requested that the Harbor District redesign the bus stop, moving it to a different location and changing the style of the bus stop. The Harbor District Manager adjusted the plans to accommodate the change. The Coastal Commission staff also requested an unusual decorative guardrail, which the project manager and designer researched and deemed unsuitable with concurrence from the Department. Additionally, the Department required some changes to a driveway entrance, requiring the designer to change the design to meet the Department's request. The design is now 95 percent complete and the Harbor District anticipates advertising the project in January 2007. The Moss Landing Harbor District is requesting a six-month time extension to advertise and award the project.</p>			
<del>11</del>	<del>City of Los Angeles Los Angeles PPNO: 07-3181 Cultural Crescent Blue Line Entrance and Parking Facility</del>	<del><b>\$303,000</b></del>	<del>12/15/2005 FP-05-48 2 months 02/28/2007 <b>Do not support – Does not meet STIP Guidelines- 2<sup>nd</sup> request</b></del>
<p><del>In June 2006, the City of Los Angeles requested a six month extension to the original award deadline of June 31, 2006 for this project. At that time, the City cited delays due to a reduction in the project scope that required the City to re-engineer the original plans as a result of cost increases.</del></p> <p><del>The City is now requesting a second time extension due to higher than expected construction costs. In October 2006, the City received two bids for the project. The lowest bid received was \$1,968,700, and the high bid was \$2,266,346.42. The engineer's estimate was only \$955,000. The City does not have the funds to award either bid and will have to go before its Board and City Council to reject both bids. The City Board meeting is scheduled on November 2, 2006, and the City Council meeting is scheduled on November 12, 2006. This does not provide enough time to advertise the project for 30 days, obtain approval from the City's Board and City Council, and to award the contract by December 31, 2006.</del></p> <p><del>The City has been informed by several contractors that the prices on concrete, steel, asphalt, and piping have doubled in the last few months. Prices may only be guaranteed for 30 days. The Agency is attempting to value engineer this project before it goes back out to bid. The City is also requesting supplemental funds in anticipation of a shortfall. Due to the unexpected increase in construction costs and the need to value engineer and re-advertise this project, the Agency is requesting a two-month time extension to award the contract.</del></p> <p style="text-align: center;"><b>EXTENSION REQUEST WITHDRAWN</b></p>			
12	City of Santa Monica Los Angeles PPNO: 07-3449 Pedestrian Extensions to Downtown Transit Mall	<b>\$1,836,000</b>	06/08/2006 FP-05-86 <del>12 months</del> <b>8 months only</b> <del>12/31/2007</del> <b>08/30/07</b> Support
<p>Hurricane Katrina and Rita caused construction costs for public works projects to increase substantially. As a result, the City staff had to ask the City Council for additional city matching funds for this project. Also, additional federal fund authorization was obtained [STIP TE funds under Federal Number RPSTPLE-5107 (019) were added to the Regional Transportation Enhancement Activities funds obligated under Federal Number STPLER-5107 (015) in December 2003]. As a result, the federally funded design contract had to be amended in the Federal Transportation Improvement Program (FTIP). This effort added twelve months to the original schedule.</p>			

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13	Ventura County Ventura PPNO: 07-3565D Piru-Ranco Camulos Bike Path – Center Street Segment	<b>\$652,000</b>	06/08/2006 FP-05-86 <del>12 months</del> <b>6 months only</b> <del>12/31/2007</del> <b>06/30/07</b> Support
<p>The Commission allocated funding for the project in June 2006; however, the County of Ventura (County) has been unable to advertise because it is awaiting the required FHWA obligation of the TE funds. The Local Assistance area engineer received the required paperwork on November 15, 2006. The County will proceed to advertise when FHWA has authorized the project. Ventura County is requesting a 12-month extension, as the County does not know when we will receive FHWA approval.</p>			
14	City of California City Kern PPNO: 09-E012K California City Boulevard Sidewalk Improvements	<b>\$161,000</b>	06/08/2006 FP-05-86 3 months 02/28/2007 Support
<p>The City of California City's only engineering oversight individual is the Project Manager/Public Works Director who recently resigned. This delayed project oversight between the City and the Consultant Engineer for review and acceptance of the Plans, Specifications, and Estimate (PS&amp;E) package. The PS&amp;E package has been completed and the project is ready to be bid. A three-month extension will enable the City to have time to bid, review, and award this project. The City began advertising the project on November 16, 2006, and anticipates awarding the contract in January 2007.</p>			
15	City of Ripon San Joaquin PPNO: 10-0018A Jack Tone Road Bike Path	<b>\$375,000</b>	06/08/2006 FP-05-97 3 months 03/31/2007 Support
<p>The Department received the E-76 package on August 28, 2006, returned it for various corrections, and received the completed package on October 13, 2006. However, as the agency had previously been notified, the Department needed to receive the completed package by August 11, 2006 for the Department and FHWA to be able to process it in FFY2005-06. Since the City submitted the E-76 package too late, the Department was not able to process it before the end of FFY 2005-06. This has delayed the approval of the E-76 by approximately three months. The City is requesting a three-month extension to the period of contract award. The City now anticipates awarding the contract in March 2007.</p>			

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16	San Dieguito River Valley Regional Open Space Park Joint Powers Authority San Diego PPNO: 11-7421E Lake Hodge Bicycle/Pedestrian Bridge	<b>\$2,000,000</b>	06/08/2006 FP-05-97 <del>12 months</del> <b>6 months only</b> <del>12/31/2007</del> <b>06/30/07</b> Support
<p>The San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) is requesting a 12-month time extension because this project was delayed due to unforeseen circumstances that include the sharp rise in the cost of steel and concrete in the last year. The project was advertised in July 2006 with a bid deadline of August 16, 2006. This would have allowed the JPA to award a contract by December 2006. Unfortunately, only one bid was received and it was considerably higher than the Engineer's Estimate or funds available. The JPA will not be able to award a contract until the project is redesigned in ways that will result in a lower bid and the project is re-advertised.</p> <p>The JPA and its design engineers met with various contractors (including the contractor who had bid and the plan holders who had not bid) to identify elements of the project that were most costly or raised their concerns, and to generate ideas that would lower the costs. Based on the discussions with the bidder, suppliers, and prospective bidders; JPA's engineer determined that there were opportunities to reduce construction costs by making changes to the design details and specifications for the hand railing and the foundations of Abutment 1, Pier 2 and Pier 3. For Abutment 1, additional geologic investigation and geotechnical analysis is necessary to investigate the potential for shortening the 108" cast-in-drilled-hole piles and for providing rock cores for inspection by the bidders. In response to the engineer's recommendations, the JPA Board authorized additional geotechnical investigations and also authorized the design engineer to revise the project by eliminating non-essential elements such as the decorative deck surface overlay and the lighting.</p> <p>The geotechnical investigations are underway, and the report was expected in late October 2006. The design engineers will then change the PS&amp;E accordingly and make other changes to reduce the project cost, including removing non-essential components. The earliest the project can be redesigned and ready to re-advertise is December 2006 or January 2007. However, the environmental conditions on the project prohibit construction after March 15 due to bird-nesting season. The JPA believes it would be unwise to rush the advertising process only to award the contract when the contractor would not be able to begin work for several months. The JPA is requesting a 12-month time extension to allow time to revise the plans, advertise long enough to encourage competition, and award a contract no later than Fall 2007.</p>			

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17	City of San Diego San Diego PPNO: 11-7421F Bird Rock Area Traffic Management Plan	<b>\$2,000,000</b>	07/20/2006 FP-06-07 6 months 07/31/2007 Support
<p>The City of San Diego (City) is requesting a six-month time extension due to unforeseen delays. The Department received the Request for Authorization to Proceed with Construction (E-76) in late September 2006, and the City received approval of the E76 in the middle of October 2006. With an original award deadline of January 21, 2007, this would give the City only three months to advertise and award the construction contract. The typical construction contract for bid and award process ranges from six to eight months. If the City has a construction contract under \$250,000, the City has another means of executing the contract which would take less time, but any construction contract over \$250,000 can take anywhere from six to eight months. The following list of tasks describes the eight-month bid and award process:</p> <p><b>TASK 1 - Duration: 6 weeks</b> After the City receives E76 approval, they have to route a request for City Council action for permission to advertise and award the project. The request needs to be reviewed and signed by the Engineering Department, Facility Financing, Environmental Services, Equal Opportunity Contract Processing, Mayor's Liaison, Capital Improvement/Financial Management, Auditor, and City Attorney. The routing and review process takes approximately 6 weeks.</p> <p><b>TASK 2 - Duration: 4 weeks</b> After Task 1, the request for permission to advertise and award the project has to be submitted to City Council for approval. This process takes approximately 4 weeks.</p> <p><b>TASK 3 - Duration: 6 weeks</b> Once the Council grants the permission to advertise the project, the project will need to be advertised for a minimum of 6 weeks.</p> <p><b>TASK 4 - Duration: 2 weeks</b> Once a contractor has been selected based on lowest responsible bid, Contracts Processing will review and tabulate the bid data. Subsequently, Equal Opportunity Contract Processing will review and approve the contract. This process takes approximately 2 weeks.</p> <p><b>TASK 5 - Duration: 4 weeks</b> After the contractor has been notified, the Project Manager will approve the selected contractor and begin the award documentation. The City will notify the contractor by mail and post the bid results. The City's Auditor will then issue a certificate for the contract. The contracts will be sent to the contractor for execution, bonds, and insurance. This process takes approximately 4 weeks.</p> <p><b>TASK 6 - Duration: 6 weeks</b> After the contractor submits the required documents to the City, the bonds and insurance are received and reviewed and additional information is requested if required. Bonds, insurance and contracts are forwarded to City Attorney's office for review. This process takes approximately 6 weeks.</p> <p><b>TASK 7 - Duration: 4 weeks</b> After the City Attorney approves the contract, the Engineering Department will be notified that a Purchase Order can be requested. The contract is forwarded to the Chief Acquisition Officer and the City's Attorney for signature. This process takes approximately 4 weeks.</p> <p>The total bid and award process takes approximately 32 weeks. As such, the City of San Diego is requesting a six-month time extension to July 31, 2007.</p>			