

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: December 7-8, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8b.(3), Action Item

Prepared By: Dee Lam, Chief
Division of Local Assistance

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR
LOCALLY-ADMINISTERED ACTIVE TRANSPORTATION PROJECTS,
PER ATP GUIDELINES
WAIVER 22-175**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of contract awards for ten locally-administered Active Transportation Program (ATP) projects, for the time period shown in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends the Commission extend the period of contract award for ten locally-administered ATP projects, for the time period shown in the attachment.

BACKGROUND:

The Commission allocated \$13,487,000 for ten locally-administered ATP projects, identified in the attachment. The responsible agencies have been unable to award the contracts within six months of allocations. The attachment describes the details of the project and the explanation for the delay. The respective agencies request an extension, and the planning agencies concur.

Current ATP Guidelines stipulate that the agencies implementing a project request a time extension if the project will not be awarded within six months of allocation. The Commission may approve waivers to the timely use of funds deadline, one-time only, for up to 12 months.

Attachment

“Provide a safe and reliable transportation network that serves all people and respects the environment.”

**Time Extension/Waiver – Contract Award Deadline
Active Transportation Program**

Project Number: 1
Applicant: City of Fresno
County: Fresno
District: 6
PPNO: 6907
Allocation Amount: \$1,556,000
Phase: Construction
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 12 Months
Extended Deadline: 12/31/2023
Department Recommendation: Support

Midtown Fresno Trail: McKinley Avenue Gap Closure

The City of Fresno (City) requests a 12-month time extension to the period of contract award for the Construction (CON) phase of the Midtown Fresno Trail: McKinley Avenue Gap Closure project. The City has experienced unexpected delays in awarding the contract.

The City proposes to construct a multi-use trail, Class II bicycle lanes, the Americans with Disability Act ramps, pedestrian walkways, and enhance existing crosswalks. The City received the CON allocation in June 2022, and submitted the Request for Authorization (RFA). In September 2021, the City Council enacted a policy that required a Public Labor Agreement (PLA) for all City contracts over one million dollars. The City did not anticipate this requirement when the project was programmed and during the planning phase. The City requested that the Department and the Federal Highway Administration (FHWA) use the PLA for this Federal-aid contract. This overrides the Federal-aid requirement threshold of 25 million dollars. The City has submitted the PLA for Department and FHWA approval. The City anticipates approval by September 2023. After approval of the PLA, the City will advertise and award the contract by the extended deadline.

Therefore, the City requests a 12-month time extension to award the CON phase from December 31, 2022 to December 31, 2023.

Project Number: 2
Applicant: City of Fresno
County: Fresno
District: 6
PPNO: 7017
Allocation Amount: \$990,000
Phase: Construction
Allocation Date: 05/19/2022
Allocation Resolution Number: FATP-2122-25
Number of Months Requested: 12 Months
Extended Deadline: 11/30/2023
Department Recommendation: Support

Connecting the Winchell Neighborhood, Butler/8th and Orange/Lowe Signals

The City of Fresno (City) requests a 12-month time extension to the period of contract award for the CON phase of the Connecting the Winchell Neighborhood, Butler/8th, and Orange/Lowe Signals project. The City has experienced unexpected delays in awarding the contract.

The City proposes to construct new sidewalks, traffic signals, signage, and striping to improve mobility for students and transit users. The City received the CON allocation in June 2022, and submitted the RFA. In September 2021, the City Council enacted a policy that required a PLA for all City contracts over one million dollars. The City did not anticipate this requirement when the project was programmed and during the planning phase. The City requested that the Department and the FHWA use the PLA for this Federal-aid contract. This overrides the Federal-aid requirement threshold of 25 million dollars. The City has submitted the PLA for Department and FHWA approval. The City anticipates approval by September 2023. After approval of the PLA, the City will advertise and award the contract by the extended deadline.

Therefore, the City requests a 12-month time extension to award the CON phase from November 30, 2022 to November 30, 2023.

Project Number: 3
Applicant: City of South Gate
County: Los Angeles
District: 7
PPNO: 5124
Allocation Amount: \$1,923,000
Phase: Construction
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 6 Months
Extended Deadline: 06/30/2023
Department Recommendation: Support

Long Beach Boulevard Pedestrian Improvements

The City of South Gate (City) requests a 6-month time extension to the period of contract award for the CON phase of the Long Beach Boulevard Pedestrian Improvements project. The City has experienced unexpected delays in awarding the contract.

The City proposes to construct pedestrian lighting, crosswalks, flashing beacons, curb ramps, bicycle racks, and repair sidewalks. The City received the CON allocation in June 2022, and submitted the RFA to proceed with the CON phase to the Department for review and approval. In addition, the project was approved for the 2021 Federal Transportation Improvement Program (FTIP) in March 2021. However, the Metropolitan Planning Organization (MPO) required an FTIP amendment for the project so that it could be included in the 2023 FTIP. The FTIP amendment is required before the City can receive funding and approval of the RFA to proceed with the CON phase. The City submitted an FTIP amendment to the MPO in August 2022, and anticipates approval by January 2023. After the FTIP amendment and the RFA to proceed with the CON phase are approved, the City will advertise the contract and award the contract by the extended deadline.

Therefore, the City requests a 6-month time extension to award the CON phase from December 31, 2022 to June 30, 2023.

Project Number: 4
Applicant: Southern California Association of Governments
County: Los Angeles
District: 7
PPNO: 5978
Allocation Amount: \$800,000
Phase: Construction
Allocation Date: 05/19/2022
Allocation Resolution Number: FATP-2122-23
Number of Months Requested: 3 Months
Extended Deadline: 02/28/2023
Department Recommendation: Support

Santa Monica East Pico Quick Build

The Southern California Association of Governments (Agency) requests a 3-month time extension to the period of contract award for the CON phase of the Santa Monica East Pico Quick Build project. The Agency has experienced unexpected delays in awarding the contract.

The Agency proposes to construct pedestrian crosswalks and rectangular rapid flashing beacons on East Pico Boulevard in the City of Santa Monica. The Agency received the CON allocation in May 2022, and submitted an RFA to proceed with the CON phase to the Department. The Agency released a request for proposal in July 2022, and selected a consultant in September 2022. The contract must be approved by the Agency's Regional Council (Council) before it can be awarded; however, the Agency missed the submittal deadline for the next Council meeting in November 2022. The Agency submitted the necessary forms for the following Council meeting in January 2023. The Agency needs additional time for contract approval by the Council and awarding of the contract by the extended deadline.

Therefore, the Agency requests a 3-month time extension to award the CON phase from November 30, 2022 to February 28, 2023.

Project Number: 5
Applicant: City of Baldwin Park
County: Los Angeles
District: 7
PPNO: 5427A
Allocation Amount: \$573,000
Phase: Construction
Allocation Date: 03/17/2022
Allocation Resolution Number: FATP-2122-18
Number of Months Requested: 12 Months
Extended Deadline: 09/30/2023
Department Recommendation: Support

Walnut Creek-San Gabriel River East Bank Greenway and Neighborhood Connections

The City of Baldwin Park (City) requests a 12-month time extension to the period of contract award for the CON phase of the Walnut Creek-San Gabriel River East Bank Greenway and Neighborhood Connections project. The City has experienced unexpected delays in awarding the contract.

The City proposes to construct a Class I shared-use path trail, Class II bicycle lane, rectangular rapid-flashing beacons, and install solar lights along the trail. The City received the CON allocation in March 2022. The project is located in a flood-control right of way and requires Section 408 permission from the United States Army Corps (USACE) because of the planned alterations to the right of way. Section 408 program allows another party, such as a local government, company, or individual, to alter a USACE Civil Works project. The City submitted a Section 408 permission application to the USACE for the project in January 2018. The application described the proposed project limits and the two construction phases needed to complete the project. The City plans to construct a new path along a levee as the first construction phase followed by the second construction phase consisting of landscaping. Both construction phases require Section 408 permission and are located within the same project limits. In June 2022, the City received the Section 408 permit with the final decision. After reviewing the permit, the City realized that the permit only provided permission for constructing the new path along the levee but not the landscaping. The City contacted USACE about the permit and requested that the permit include the landscaping. The USACE denied the request and concluded that the application was only for constructing the new path along the levee. However, the City's application included both a new path along the levee and landscaping. The City is challenging the USACE's final decision and seeking a revision to the permit. The City is in communication with the USACE and actively working with a consultant to help expedite a revision of the permit. The City was informed by the USACE that the permit revision process will be completed by March 2023. The City anticipates advertising the contract in May 2023 and awarding the contract by the extended deadline. The City needs additional time to receive a revised permit and award the contract. The project also has a concurrent time extension

request for the CON-NI allocation of this project on this month's Commission agenda under this same item.

Therefore, the City requests a 12-month time extension to award the CON phase from September 30, 2022 to September 30, 2023.

Project Number: 6
Applicant: City of Baldwin Park
County: Los Angeles
District: 7
PPNO: 5427B
Allocation Amount: \$104,000
Phase: Construction Non-Infrastructure
Allocation Date: 03/17/2022
Allocation Resolution Number: FATP-2122-18
Number of Months Requested: 12 Months
Extended Deadline: 09/30/2023
Department Recommendation: Support

Walnut Creek-San Gabriel River East Bank Greenway and Neighborhood Connections

The City of Baldwin Park (City) requests a 12-month time extension to the period of contract award for the CON-NI phase of the Walnut Creek-San Gabriel River East Bank Greenway and Neighborhood Connections project. The City has experienced unexpected delays in awarding the contract.

The City proposes to provide education encouragement, engagement, and evaluation, including walking and biking audits, community presentations, and bicycle safety education programs. The City received the CON-NI allocation in March 2022 and anticipated awarding the contract by the original deadline. However, the City did not receive Section 408 permission from the USACE for the CON phase, delaying the start of the CON and CON-NI phases. The CON-NI phase cannot begin until after the start of the CON phase. Therefore, the CON-NI is delayed until the City receives a revised Section 408 permit. The City anticipates receiving a revised permit by March 2023 and advertising the contract by May 2023. The City needs additional time to obtain a revised permit and award the contract. The City has a concurrent time extension request for the CON allocation for this project on this month's Commission agenda under this same item.

Therefore, the City requests a 12-month time extension to award the CON-NI phase from September 30, 2022 to September 30, 2023.

Project Number: 7
Applicant: City of Twentynine Palms
County: San Bernardino
District: 8
PPNO: 1266
Allocation Amount: \$1,263,000
Phase: Construction
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 12 Months
Extended Deadline: 12/31/2023
Department Recommendation: Support

Twentynine Palms Safe Routes to School Infrastructure Implementation Grant

The City of Twentynine Palms (City) requests a 12-month time extension to the period of contract award for the CON phase of the Twentynine Palms Safe Routes to School Infrastructure Implementation Grant project. The City has experienced unexpected delays in awarding the project.

The City proposes to construct sidewalks, asphalt paths, curb ramps, pedestrian crosswalks, pedestrian beacons, speed feedback signs, and school signs. The City received the CON allocation in June 2022 and began advertising the contract. The bid opening was in September 2022. All bids received exceeded the Engineer's estimate. The lowest bid exceeded the estimate by 25 percent. The City does not have the additional funds needed to award the contract. A bidding analysis for cost savings is currently underway. Design plans are being reviewed to determine material changes that would retain the design standards and provide cost savings. The City needs additional time to reduce the project cost, re-advertise the construction contract, and award the project. The City will seek local funds if necessary and anticipates awarding the contract by the extended deadline.

Therefore, the City requests a 12-month time extension to award the CON phase from December 31, 2022 to December 31, 2023.

Project Number: 8
Applicant: San Bernardino Associated Governments
County: San Bernardino
District: 8
PPNO: 1269
Allocation Amount: \$500,000
Phase: Construction Non-Infrastructure
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 4 Months
Extended Deadline: 04/30/2023
Department Recommendation: Support

San Bernardino County Safe Routes to School Program

The San Bernardino Associated Governments (Agency) requests a 4-month time extension to the period of contract award for the Construction Non-Infrastructure (CON-NI) phase of the San Bernardino County Safe Routes to School Program project. The City has experienced unexpected delays in awarding the project.

The Agency proposes a program to extend the existing Safe Routes to School education, encouragement, evaluation, and enforcement program to additional schools in San Bernadino County. The Agency received the CON-NI allocation in June 2022 and anticipated releasing a Request for Proposals (RFP) in August 2022. The Agency submitted an RFP submittal to the County of Santa Barbara Purchasing Department (SBPD) for contract advertisement. However, the SBPD has not been able to advertise the RFP due to project scheduling conflicts and a current backlog of projects caused by a lack of staff during the COVID-19 pandemic. The Agency did not anticipate the delay caused by the SBPD and need additional time to award the contract. The Agency anticipates the release of the RFP by January 2023, and awarding the contract by the extended deadline.

Therefore, the Agency requests a 4-month time extension to award the CON-NI phase from December 31 2022, to April 30, 2023.

Project Number: 9
Applicant: City of Vista
County: San Diego County
District: 11
PPNO: 1363
Allocation Amount: \$3,468,000
Phase: Construction
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 6 Months
Extended Deadline: 06/30/2023
Department Recommendation: Support

Townsite Complete Street Improvements

The City of Vista (City) requests a 6-month time extension to the period of contract award for the CON phase of the Townsite Complete Street Improvements project. The City has experienced unexpected delays in awarding the project.

The City proposes to construct sidewalks, Class II and Class III bicycle lanes, traffic circles, curb extensions, and pedestrian crosswalks. The City received the CON allocation in June 2022, and submitted a RFA to the Department requesting to proceed to the CON phase of the project. The City received approval for the RFA in September 2022 and anticipated advertising the contract in October 2022. However, the City cannot advertise and award the contract by the deadline due to the current City Council schedule and the standard processing time for the City clerk's office. Therefore, the City needs additional time to advertise the contract and award the project. The City anticipates advertising the contract by February 2023, and awarding the contract by the extended deadline.

Therefore, the Agency requests a 6-month time extension to award the CON phase from December 31, 2022 to June 30, 2023.

Project Number: 10
Applicant: Active Transportation Resource Center
County: Various
District: 50
PPNO: 0776
Allocation Amount: \$2,310,000
Phase: Construction Non-Infrastructure
Allocation Date: 06/30/2022
Allocation Resolution Number: FATP-2122-29
Number of Months Requested: 6 Months
Extended Deadline: 06/30/2023
Department Recommendation: Support

Active Transportation Resource Center

The Active Transportation Resource Center (ATRC) requests a 6-month time extension to the period of contract award for the CON-NI phase of the Active Transportation Resource Center project. The ATRC has experienced unexpected delays in awarding the project.

The ATRC's mission is to provide resources, technical assistance, and training to transportation partners across California to increase opportunities for the success of active transportation projects. The ATRC received the CON-NI allocation in June 2022 and began working on awarding the contracts for the program services. The ATRC is made up of many different contractors that provide the program services. This extension is needed due to the ATRC's structure and the variety of services it provides. Currently, it is not feasible to award the contract by the deadline due to contract negotiation delays related to the contract budget, external personnel revisions, and the contract review process. The ATRC needs additional time to ensure that all contracts are awarded for the contractors. The ATRC anticipates awarding the contracts by the extended deadline.

Therefore, the ATRC requests a 6-month time extension to award the CON-NI phase from December 31, 2022, to June 30, 2023.