

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 25-26, 2024

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8b.(1), Action Item

Prepared By: James R. Anderson, Chief
Division of Financial Programming

Subject: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD FOR STATE HIGHWAY OPERATION AND PROTECTION PROGRAM PROJECTS, ON THE STATE HIGHWAY SYSTEM, PER SHOPP GUIDELINES WAIVER 24-01**

ISSUE:

Should the California Transportation Commission (Commission) extend the period of contract award for eight State Highway Operation and Protection Program (SHOPP) projects, for the time periods as identified in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission extend the period of contract award for eight SHOPP projects, for the time periods as identified in the attachment.

BACKGROUND:

In 2023, the Commission allocated \$119,245,000 in Construction Capital for eight SHOPP projects. In accordance with the SHOPP Guidelines (Guidelines), the deadline to award contracts for projects allocated in June, July, and August 2023 are December 31, 2024, January 31, 2024, and February 29, 2024, respectively. The Department is requesting time extensions for the period of contract award. The attachment shows the details of each project and the delays that have resulted in these time extension requests.

Current Guidelines stipulate that the agency implementing a project request a time extension if the project will not be awarded within one Commission meeting after expiration. Expiration of Construction (CON) funds occurs six months after a project receives its CON allocation. The Commission may approve waivers to the timely use of funds deadline one-time only for up to 20 months.

Attachment

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

**Time Extension/Waiver – Contract Award for
State Highway Operation and Protection Program**

Project Number: 1
County: Mendocino
District: 01
PPNO: 4578
EA: 0C550
Route: 1
Allocation Amount: \$4,567,000
Phase: Construction
Allocation Date: 06/29/2023
Allocation Resolution Number: FP-22-95
Number of Months Requested: 2 Months
Extended Deadline: 02/29/2024
Department Recommendation: Support

SHOPP Collision Reduction project

The Department requests a 2-month time extension for the period of contract award for the CON phase of the SHOPP Collision Reduction project, in Mendocino County. The Department experienced delays in awarding the project.

This project is located on State Route (SR) 1, near the City of Albion, from 1.5 miles north of Route 128 to 0.1 mile south of Navarro Ridge Road. The project proposes to widen shoulders to standard, improve roadway cross slope, and install rumble strips and guardrails to improve safety.

This project was combined with SHOPP project EA 01-0E940 under EA 01-0C55U for CON, as both projects are located on SR 1 and are in close proximity to each other. Therefore, combining the two projects will result in administrative cost savings and minimize the disruption to the traveling public.

The Department advertised the project on September 25, 2023, and received 20 bidder inquiries from potential bidders regarding cross sections and digital design files. As a result, the Department issued three addendums and postponed the bid opening date to November 15, 2023. Additional time is needed to account for the delay to the bid opening date, to address potential bid protests, and any unforeseen issues that may delay the award process, should they arise.

Therefore, the Department is requesting a 2-month time extension to award a contract from December 31, 2023 to February 29, 2024.

Project Number: 2
County: Mendocino
District: 01
PPNO: 4616
EA: 0E940
Route: 1
Allocation Amount: \$2,382,000
Phase: Construction
Allocation Date: 06/29/2023
Allocation Resolution Number: FP-22-95
Number of Months Requested: 2 Months
Extended Deadline: 02/29/2024
Department Recommendation: Support

SHOPP Roadway Preservation project

The Department requests a 2-month time extension for the period of contract award for the CON phase of the SHOPP Roadway Preservation project, in Mendocino County. The Department experienced delays in awarding the project.

This project is located on SR 1, near the City of Albion, at Navarro Ridge Road. The project proposes to improve drainage, restore eroded slopes and channels, widen shoulders to standard, and repair roadway. This project will protect the roadway from erosion and provide stability.

This project was combined with SHOPP project EA 01-0C550 under EA 01-0C55U for CON, as both projects are located on SR 1 and are in close proximity to each other. Therefore, combining the two projects will result in administrative cost savings and minimize the disruption to the traveling public.

The Department advertised the project on September 25, 2023, and received 20 bidder inquiries from potential bidders regarding cross sections and digital design files. As a result, the Department issued three addendums and postponed the bid opening date to November 15, 2023. Additional time is needed to account for the delay to the bid opening date, to address potential bid protests, and any unforeseen issues that may delay the award process, should they arise.

Therefore, the Department is requesting a 2-month time extension to award a contract from December 31, 2023 to February 29, 2024.

Project Number: 3
County: San Mateo
District: 04
PPNO: 2021C
EA: 0Q440
Route: 1
Allocation Amount: \$3,363,000
Phase: Construction
Allocation Date: 06/29/2023
Allocation Resolution Number: FP-22-95
Number of Months Requested: 6 months
Extended Deadline: 06/30/2024
Department Recommendation: Support

SHOPP Storm Water Mitigation project

The Department requests a 6-month time extension to the period of contract award for the CON phase of the SHOPP Storm Water Mitigation project, in San Mateo County. The Department experienced delays in awarding the project.

This project is located on SR 1, in the City of Pacifica and Daly City, from San Jose Avenue Pedestrian Overcrossing to SR 280 at various locations; also on SR 280, from SR 1 to John Daly Boulevard Overcrossing. The project proposes to construct permanent best management practices to achieve Statewide National pollutant discharge elimination system permit compliance units for trash capture and total maximum daily load.

The Department advertised the project on August 7, 2023, and held bid opening on September 14, 2023. The contract received one bid. This bid came in approximately 18 percent above the Engineer's Estimate (EE). However, the sole bidder was found to be nonresponsive for failing to meet the Disadvantaged Business Enterprise (DBE) goal and not demonstrating good faith efforts. The Department determined that repackaging and re-advertising the project is in the best interest of the State. Additional time is needed to update the Plans, Specification, and Estimate (PS&E) package, update the project to the latest standards, re-advertise, and account for any unforeseen issues during the award process, including pursuing supplemental funds, if needed.

Therefore, the Department is requesting a 6-month time extension to award a contract from December 31, 2023 to June 30, 2024.

Project Number: 4
County: Riverside
District: 08
PPNO: 3006G
EA: 1G670
Route: 79
Allocation Amount: \$55,455,000
Phase: Construction
Allocation Date: 07/17/2023
Allocation Resolution Number: Safety Delegated
Number of Months Requested: 2 Months
Extended Deadline: 03/31/2024
Department Recommendation: Support

SHOPP Collision Reduction project

The Department requests a 2-month time extension for the period of contract award for the CON phase of the SHOPP Collision Reduction project, in Riverside County. The Department experienced delays in awarding the project.

This project is located on SR 1, near the City of Temecula, from 3.1 miles north of SR 371 to 1.1 miles south of Pauba Road. The project proposes to improve safety by constructing shoulders and rumble strips.

The project achieved Ready to List (RTL) in late June 2023. However, the PS&E package was required to be updated to the Department's recent standards prior to advertisement. This effort has taken longer than anticipated since the scope of work includes revisions to 16 retaining walls, 6 miles of roadway widening, and a bridge. The Department advertised the project on November 27, 2023, and the bid opening is scheduled for January 31, 2024. The Department anticipates awarding the project by March 2024.

Therefore, the Department is requesting a 2-month time extension to award a contract from January 31, 2024 to March 31, 2024.

Project Number: 5
County: Inyo
District: 09
PPNO: 2662
EA: 37950
Route: 395
Allocation Amount: \$4,953,000
Phase: Construction
Allocation Date: 06/29/2023
Allocation Resolution Number: FP-22-97
Number of Months Requested: 7 Months
Extended Deadline: 07/31/2024
Department Recommendation: Support

SHOPP Facilities project

The Department requests a 7-month time extension for the period of contract award for the CON phase of the SHOPP Facilities project, in Inyo County. The Department experienced delays in awarding the project.

This project is located on United States Highway 395, in the City of Independence, at the Independence Maintenance Station located on North Edwards Street. The project proposes to construct a new equipment canopy and water tank and make fire suppression improvements to the facility.

The Department initially advertised the project in July 2023 and held bid opening in August 2023. The contract received only one bid, which came in 12 percent above the EE, and was determined to be nonresponsive for not submitting their DBE documentation. By communicating with the potential bidders, the Department concluded that this project had received only one bid due to the remoteness of the location, making it challenging to find subcontractors.

The delay caused by the initial advertising process resulted in the project's State Fire Marshal (SFM) Permit lapsing, preventing the Department from re-advertising sooner. It took the Department two months to receive an extension on the project's SFM Permit. The Department finally re-advertised the project on December 18, 2023, and bid opening is scheduled for February 21, 2024.

The Department needs additional time to analyze the bids once received to award this project to the lowest responsive bidder, and to account for any unforeseen delays during the award process. As a result, a time extension for the period of project development expenditure for the PS&E phase is being concurrently requested at the January 2024 Commission meeting.

Therefore, the Department is requesting a 7-month time extension to re-advertise and award a contract from December 31, 2023 to July 31, 2024.

Project Number: 6
County: Stanislaus
District: 10
PPNO: 3144
EA: 1C270
Route: 5
Allocation Amount: \$19,381,000
Phase: Construction
Allocation Date: 08/17/2023
Allocation Resolution Number: FP-23-15
Number of Months Requested: 4 Months
Extended Deadline: 06/30/2024
Department Recommendation: Support

SHOPP Roadway Preservation project

The Department requests a 4-month time extension for the period of contract award for the CON phase of the SHOPP Roadway Preservation project, in Stanislaus County. The Department experienced delays in awarding the project.

This project is located on Interstate 1 (I-1), in the City of Westley, at the Westley Safety Roadside Rest Area (SRRA). The project proposes to replace SRRA buildings, add walkways, site facilities, new fire access, and construct a California Highway Patrol field office and maintenance crew room.

This SRRA project needs SFM Permit approval for the eight buildings being constructed. There were recent changes in building permit code requirements. The SFM permits for this project were approved in 2017 with building code 2016 in paper format. This project was reprogrammed in 2019. A newer building code was in effect in 2019. The Department updated the permit applications due to the new building codes. Since then, multiple submittals have been made due to SFM's newer submittal process and design changes. It took the Department longer than anticipated to obtain approval from the SFM due to multiple revisions of the permit application re-submittal and addressing SFM comments. The Department is currently reviewing the PS&E package and needs additional time to advertise, open bids, and award the project by June 2024.

Therefore, the Department is requesting a 4-month time extension to award a contract from February 29, 2023 to June 30, 2024.

Project Number: 7
County: Stanislaus
District: 10
PPNO: 3420
EA: 1H280
Route: 5
Allocation Amount: \$9,774,000
Phase: Construction
Allocation Date: 08/17/2023
Allocation Resolution Number: FP-23-15
Number of Months Requested: 2 Months
Extended Deadline: 04/30/2024
Department Recommendation: Support

SHOPP Bridge Preservation project

The Department requests a 2-month time extension for the period of contract award for the CON phase of the SHOPP Bridge Preservation project, in Stanislaus County. The Department experienced delays in awarding the project.

The project is located on I-5, near the City of Patterson, from Fink Road Undercrossing (No. 38-0114L) to Khaksa Road Undercrossing (No. 38-0127L/R) at various locations. The project proposes to rehabilitate bridge decks with concrete overlay, replace joint seals and approach slabs, and rehabilitate columns.

On September 18, 2023, the Department advertised the contract and held bid opening on October 26, 2023. The contract received four bids, of which the lowest bid was 28.6 percent above the EE. The three remaining bids range from 36.2 to 67.7 percent above the EE. The Department has determined that requesting supplemental funds is in the best interest of the State to be able to award this project to the lowest responsive bidder. This request for supplemental funds is being requested concurrently at the January 2024 Commission meeting.

If the supplemental funds are approved, the Department is confident that the project will be awarded to the lowest responsible bidder. Additional time is needed to account for any unforeseen issues during the award process.

Therefore, the Department is requesting a 2-month time extension to award a contract from February 29, 2024 to April 30, 2024.

Project Number: 8
County: Orange
District: 12
PPNO: 3102A
EA: 0Q980
Route: 241
Allocation Amount: \$19,370,000
Phase: Construction
Allocation Date: 06/29/2023
Allocation Resolution Number: FP-22-95
Number of Months Requested: 6 Months
Extended Deadline: 06/30/2024
Department Recommendation: Support

SHOPP Bridge Rehabilitation and Replacement project

The Department requests a 6-month time extension, for the period of contract award for the CON phase of the SHOPP Bridge Rehabilitation and Replacement project, in Orange County. The Department experienced delays in awarding the project.

The project is located on SR 241, in the cities of Rancho Santa Margarita, Mission Viejo, Lake Forest, and Irvine, from Oso Parkway to 0.7 mile north of Portola Parkway. The project proposes to rehabilitate the Trabuco Creek Bridge (No. 55-0700R/L), upgrade Transportation Management System (TMS) elements, upgrade safety devices, and improve highway worker safety. This project will maintain bridge health, improve TMS system functionality, and enhance highway worker safety.

The Department advertised the project on July 24, 2023, and held bid opening on September 13, 2023. The contract received two bids, of which the lowest bid was 17.2 percent above the EE. However, the lowest bidder was found to be nonresponsive. The remaining bid was 46.3 percent above the EE. The Department has determined that rejecting the bids, repackaging, and re-advertising the project is in the best interest of the State.

It took the Department additional time to perform more engineering revisions to reduce the cost and repackage the PS&E. The Department re-advertised the project on December 29, 2023 and bid opening is scheduled for February 9, 2024. Additional time is also requested to account for any unforeseen issues during the award process and pursue supplemental funds to award the project if needed.

Therefore, the Department is requesting a 6-month time extension to award a contract from December 31, 2023 to June 30, 2024.