

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 27-28, 2024

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8v.(8), Action Item

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

Subject: **POST-FACT REQUEST TO AMEND THE PERIOD OF CONTRACT AWARD FOR A STATE HIGHWAY OPERATION AND PROTECTION PROGRAM PROJECT, AS AN EXCEPTION TO THE SHOPP GUIDELINES WAIVER 24-123, AMENDING WAIVER 24-25**

ISSUE:

Should the California Transportation Commission (Commission) approve a Post-Fact time extension amendment for the period of of contract award for the State Highway Operation and Protection Program (SHOPP) Mobility project (PPNO 3012M), in San Bernardino County, for the time period as identified in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission approve a Post-Fact time extension amendment for the period of contract award for the SHOPP Mobility project (PPNO 3012M), in San Bernardino County, for the time period as identified in the attachment.

BACKGROUND:

In August 2023, the Commission allocated \$14,962,000 in Construction Capital for the SHOPP Mobility project (PPNO 3012M). The Commission approved a 2-month contract award time extension for the project at its March 2024 Commission meeting with the new deadline of April 30, 2024. However, the Department is requesting an exception to the SHOPP Guidelines (Guidelines) for additional time to award the project. The attachment shows the details of the project and the delays that have resulted in the Post-Fact time extension amendment.

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 funds occurs six months after a project receives its Construction 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.”

**Post-Fact Time Extension Amendment/Waiver – Contract Award for
State Highway Operation and Protection Program**

Project Number: 1
County: San Bernardino
District: 8
PPNO: 3012M
EA: 1J840
Route: Various
Allocation Amount: \$14,962,000
Phase: Construction
Allocation Date: 08/17/2023
Allocation Resolution: FP-23-15
Number of Months Requested: ~~2 Months~~ **6 months**
Extended Deadline: ~~04/30/2024~~ **08/31/2024**
Department Recommendation: Support

SHOPP Mobility project

The Department requests an additional four months, from two months to six months, for the period of contract award for the Construction phase of the SHOPP Mobility project. The Department experienced delays in awarding the project.

The project is on various routes, in San Bernardino County, near the cities of Barstow, Needles, Yucca Valley, and Vidal Junction, at various locations on State Routes (SR) 40, 58, 62, and 95; also in Riverside County, on SR 62 from 0.9 miles west of Cadiz Road to 2.5 miles east of Desert Center at SR 177 (Postmile 82.5/87.5). The project will install Changeable Message Signs (CMS) to provide real time roadway and weather conditions to traveling motorists, and install guardrail shielding and Maintenance Vehicle Pullouts.

The Department advertised the project on December 20, 2023, and held bid opening on February 8, 2024. The project's advertisement was delayed by two months to incorporate the 2023 mid-cycle updates to the CMS sign structures. The project received six bids and the Department originally requested two months to help complete the bidder evaluation, clear the lowest bidder for award and address any bidder disputes that may be submitted. The Department received a dispute from the protesting bidder's legal team and presented the item to the administrative resolution committee. The committee determined that the dispute had merit and the lowest bidder was found to be ineligible. The Department is pursuing the next lowest bidder and anticipates awarding by August 31, 2024.

Therefore, the Department is requesting an exception to the Guidelines for an additional four months, to allow for sufficient time to award the contract from April 30, 2024 to August 31, 2024.