

**2.8b.(1) Time Extension / Waiver - Contract Award
Waiver 17-05**

Proj No	Dist-PPNO	EA	Work Description	Fund Source	Allocation Amount	Allocation Date	Months Requested	New Award Deadline
1	06-6624	0P590	Near Tipton, on Route 190 from 0.4 mile west of Road 152 to 0.7 mile west of Road 160. Construct roundabout, sidewalk, curb and gutter and reconstruct 1.0 mile of SR-190 and 0.5 mile of Road 152. Improve intersection.	SHOPP	\$3,290,000	7/20/16	6	Jul-2017

Reason for Delay: The project was certified "Ready To List" on June 28, 2016 with a 3W Right of Way (R/W) Certification. A 3W R/W certification was used because one of the signed R/W contracts required the property owner to move an existing garage and complete the garage removal by September 1, 2016 while allowing the Department to work around the required property. There was some confusion about whether or not the specific parcel was included in the 3W R/W certification. So the Department held off advertising the project until the property owner could relocate his garage. In the spring of 2016, the property owner declared a state of emergency due to wildfires. The property owner was called into action to provide equipment to fight the fires. While assisting with the fire, the property owner requested relief from the contract due date. Therefore, the garage was not moved in a timely manner further delaying the advertisement of the project. Since then, the owner has returned home and the contract was amended to have a demolition contractor remove the garage. With this issue resolved, the contract is now moving forward. The project was advertised on October 17, 2016 and bids opened on November 30, 2016. Five bids were received. A bid protest was filed on January 15, 2017 by the second lowest bidder and the first lowest bidder was non-responsive. Additional time is needed to process and award the contract to the next lowest, responsive bidder. A six-month time extension will allow the Department sufficient time to process and award the contract.

AWARDED

2	04-0480G	0J640	In and near Windsor and Healdsburg, on Route 101 from Old Redwood Highway to Route 128. Rehabilitate roadway.	SHOPP	\$71,132,000	8/17/16	6	Aug-2017
---	----------	-------	---	-------	--------------	---------	---	----------

Reason for Delay: The project was allocated on August 17, 2016. An additional six-month time extension for award is needed due to the delayed advertisement; an extended advertisement duration was needed to accommodate the year-end holidays and bid protest. In response to accelerated pavement deterioration and public concern about traffic disruption from extensive paving over 14 miles, the Department decided to change the paving materials to facilitate earlier paving completion. Since paving condition typically starts in April after the wet and cold weather, the Department postponed advertisement to incorporate changes in contract documents to reduce construction duration and eliminate costs to off-haul potentially contaminated materials to an appropriate facility. Rubberized asphalt concrete, which is used to meet sustainability goals, was replaced with regular asphalt concrete to allow paving at lower temperature at night and during the winter months for three to two seasons. In lieu of off-hauling at significant costs, specifications were added to reuse excavated materials as much as possible within the project's limits. The changes made to the contract documents resulted in lower bids with less working days. The project was advertised on November 14, 2016. Five bids, all below the Engineer's Estimate, were opened on January 18, 2017. The six-month extension will allow the Department sufficient time to evaluate bids, resolve bid protest from the 2nd lowest bidder, and award the contract.

AWARDED

2.8b.(1) Time Extension / Waiver - Contract Award Waiver 17-05

Reference No.: 2.8b.(1)

March 15-16, 2017

Attachment

Proj No	Dist-PPNO	EA	Work Description	Fund Source	Allocation Amount	Allocation Date	Months Requested	New Award Deadline
3	04-0485U	2A441	Near Gilroy, on Route 152 at 5.2 miles east of Route 152/Canada Road intersection (off the state highway and adjacent to Canada Road). Planting and environmental mitigation.	SHOPP	\$2,332,000	8/17/16	9	Nov-2017

Reason for Delay: The Regional Water Quality Control Board permit for the parent project (Hecker Pass Safety Improvements) requires this mitigation project to start construction prior to the completion of the Safety Improvements and an agreement of an endowment for the long-term stewardship of the mitigation's functions and values. The Department requested an allocation of funds in August 2016 in order to advertise and award the project prior to the Hecker Pass Improvement's scheduled completion in the spring of 2017. While the endowment agreement is not a constraint for project delivery or construction, the Department postponed advertisement to ensure that the endowment would be in place before the start of mitigation work and to minimize risks as well as any potential exposure to additional compensatory mitigation. It was anticipated that the endowment agreement with the property owner, Santa Clara Valley Open Space Authority (SCV-OSA), and the endowment holder, National Fish and Wildlife Foundation (NFWF), would be executed by September 2016. However, both parties requested additional changes in their final legal review that were not finalized and eventually approved until SCV-OSA's December 8, 2016 Board meeting. The project was advertised on January 9, 2017 with bid opening on February 14, 2017. Four bids were received. A nine-month extension will allow the Department sufficient time to award the contract, in case of non-responsive bids or a need for re-advertisement.

UPDATE AS OF MARCH 6, 2017: On January 6, 2017, the U.S. Army Corps of Engineers (USACE) revised and renewed nationwide permits necessary for work in streams, wetlands, and waters of the U.S. under the Clean Water Act and the Harbors Act which will go into effect on March 19, 2017. All Department projects not under contract by March 18, 2017 will be required to get updated nationwide permits. When the CTC Time Extension was submitted, this issue was considered in determining a time extension duration of 9 months. As of today, the apparent low bidder does not meet the Disadvantage Business Enterprise (DBE) Goal. As part of the usual process, the Department is reaching out to the contractor to see if they want to appeal before going to the second low bidder. The Department does not anticipate this taking place before March 18, 2017 or that the project will be awarded by that date. Therefore, this project will require a new nationwide permit from the USACE. The original 9-month request should be enough to obtain a new nationwide permit, re-advertise and award the project.

2.8b.(1) Time Extension / Waiver - Contract Award Waiver 17-05

Reference No.: 2.8b.(1)

March 15-16, 2017

Attachment

Proj No	Dist-PPNO	EA	Work Description	Fund Source	Allocation Amount	Allocation Date	Months Requested	New Award Deadline
4	05-2358	1C100	In and near the city of Santa Cruz, on Route 1, also on Route 17 (PM 0.0/6.3) at various locations. Construct roadside paving, access gates, and relocate facilities.	SHOPP	\$2,050,000	8/17/16	6	Aug-2017

Reason for Delay: Project was advertised on September 12, 2016 and bids opened on October 18, 2016. One bid was received. The bid came in 66 percent above the Engineer's Estimate of \$1,004,481. The Department rejected the bid, re-packaged, and re-advertised the project. The six-month time extension will allow the Department sufficient time to modify the project plans, rebid, and award the contract.

5	06-6654	0Q260	Near Porterville, on Route 65 from south of Henderson Avenue to Route 137. Rehabilitate pavement.	SHOPP	\$9,804,000	8/17/16	9	Nov-2017
---	---------	-------	---	-------	-------------	---------	---	----------

Reason for Delay: The project was achieved Ready To List (RTL) status in June 2016 and the funds were allocated in August 2016. However, a utility conflict with Southern California (SoCal) Gas was identified prior to the project allocation and an agreement was needed to be reached with SoCal Gas. SoCal Gas prohibited the Department and/or its contractor from adjusting and handling the conflict valve. It took longer than expected for the Department to obtain the utility agreement with SoCal Gas. Since then, the Right of Way agreement was obtained with SoCal Gas. The project R/W and RTL status were re-certified on December 15, 2016 with the advertise date scheduled for January 30, 2017 and Bid Opening date scheduled for ~~March 7, 2017~~ March 21, 2017. The nine-month time extension will allow the Department sufficient time to process and award the project.

6	11-0558	41851	Near El Centro, on Route 8 from 0.5 mile west of Route 111 to 0.6 mile west of Anderholt Road; also on Route 8 from 0.5 mile east of East Highline Canal Bridge to 0.8 mile west of Route 98 (PM R55.0/R65.0). Pavement rehabilitation.	SHOPP	\$108,307,000	8/17/16	6	Aug-2017
---	---------	-------	---	-------	---------------	---------	---	----------

Reason for Delay: The Department has recently experienced claims statewide on pavement projects in construction over the current pavement smoothness specification, so there have been discussions about updating the specification statewide to eliminate potential claims in the near future. As this is a very high dollar project, and it appeared that the new specification would be ready shortly, the project team decided to ask the Department's Specification Unit to possibly include the updated specifications, and avoid the potential cost increases in construction. This would require delaying advertising of the project. When it became clear that the Department's updated statewide pavement smoothness specifications were not being resolved quickly, the project team moved forward, and kept the existing pavement smoothness specification, and the project was advertised on November 14, 2016. Bid opening was scheduled for January 10, 2017. However, an addendum was issued to postpone the bid opening date to January 24, 2017 to address numerous bid inquiries and to allow potential contractors enough time to develop their bids. Two bids were received. A six-month time extension will allow the Department sufficient time to process, resolve bid protest from the second lowest bidder, and award the contract.

AWARDED

2.8b.(1) Time Extension / Waiver - Contract Award Waiver 17-05

Reference No.: 2.8b.(1)

March 15-16, 2017

Attachment

Proj No	Dist-PPNO	EA	Work Description	Fund Source	Allocation Amount	Allocation Date	Months Requested	New Award Deadline
7	11-0559	41852	Near Winterhaven, on route 8 from 0.7 mile west of Ogilby Road overcrossing to 0.7 mile west of Route 186/8 Separation. Pavement rehabilitation.	SHOPP	\$63,669,000	8/17/16	6	Aug-2017

Reason for Delay: The Department has recently experienced claims statewide on pavement projects in construction over the current pavement smoothness specification, so there have been discussions about updating the specification statewide to eliminate potential claims in the near future. As this is a very high dollar project, and it appeared that the new specification would be ready shortly, the project team decided to work with the Department's Specification Unit to possibly include the updated specifications, and avoid the potential cost increases in construction. This would require delaying advertising of the project. When it became clear that the Department's updated statewide pavement smoothness specifications were not being resolved quickly, the project team moved forward, and kept the existing pavement smoothness specification, and the project was advertised on November 21, 2016. Bid opening was scheduled for January 10, 2017. However, an addendum was issued to postpone the bid opening date to February 2, 2017 to address numerous bid inquiries and to allow potential contractors enough time to develop their bids. Two bids were received. A six-month time extension will allow the Department sufficient time to process and award the contract.

8	02-3473	4E650	Near Seiad Valley, on Route 96 at various locations from 0.1 mile west of Thompson Creek Bridge (No. 02-0069) to 0.2 mile east of Beaver Creek Bridge (No. 02-0081). Upgrade bridge rail.	SHOPP	\$11,080,000	8/17/16	6	Aug-2017
---	---------	-------	---	-------	--------------	---------	---	----------

Reason for Delay: The project was advertised on September 26, 2016 and bids opened on November 15, 2016. Five bids were received. The lowest bidder did not meet the Disadvantaged Business Enterprise (DBE) goals set by the Department. A reconsideration hearing was held on January 17, 2017. It was determined that the lowest bidder did not make a Good Faith Effort to meet the DBE goals and therefore the Department rejected the lowest bidder. The second lowest bid came at a 20 percent over the Engineer's Estimate. Therefore, the current funding allocation is inadequate to award the contract to the second lowest bidder. A six-month time extension will allow the Department sufficient time to determine the course of action regarding this project.

9	08-9991C	0G770	In and near Corona, Lake Elsinore, Wildomar, Murrieta, and Temecula, on Route 15 from San Diego County Line to 0.2 mile north of Route 91. Install Traffic Management System field elements.	SHOPP	\$22,063,000	8/17/16	6	Aug-2017
---	----------	-------	--	-------	--------------	---------	---	----------

Reason for Delay: This project was allocated on August 17, 2016 and was advertised on October 10, 2016. The project includes many Information Technology elements and was required to go through a non-traditional advertise and award process. Bids opened for the project on November 20, 2016. Six bids were received. The apparent low bidder had a subcontractor that did not possess the correct license. The next three lowest bidders failed to submit Disadvantaged Business Enterprise (DBE) documentation. The fifth lowest bidder miscalculated quantities in bid items that resulted in a material unbalanced and was not eligible for award. The last bidder was found to have inconsistencies on the subcontractor list and DBE documentation. All six bidders were not qualified for award. This project needs to be re-advertised. The six-month time extension will allow the Department sufficient time to re-advertise and award the project.