

MEMORANDUM TAB 130

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 17-18, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8c.(3), Action Item **YELLOW MEETING HANDOUT**

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

Subject: **POST-FACT REQUEST TO EXTEND THE PERIOD OF PROJECT COMPLETION FOR THE COMBINED AT CONSTRUCTION, MULTI-FUNDED STATE-ADMINISTERED PROJECT ON THE STATE HIGHWAY SYSTEM, PER SHOPP, AND STIP GUIDELINES WAIVER 22-125**

ISSUE:

Should the California Transportation Commission (Commission) approve a Post-Fact time extension, to complete construction for the multi-funded State-Administered Proposition 1B-State Highway Operation and Protection Program (Prop 1B SHOPP), Proposition 1B-Trade Corridors Improvement Fund (Prop 1B-TCIF)/Border Infrastructure Program (BIP) project (PPNO 1035 and 0999D), in San Diego County, for the time period as described in the attachment?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission approve a Post-Fact time extension, to complete construction for multi-funded State-Administered Prob 1B SHOPP/TCIF/BIP project (PPNO 1035 and 0999D), in San Diego County, for the time period as described in the attachment.

BACKGROUND:

In 2017 and 2018, the Commission allocated \$57,572,000 in construction capital and support for the multi-funded SHOPP/TCIF/BIP project, which was combined at construction. In accordance with the SHOPP and STIP Guidelines, the deadline to complete the Construction Contract Acceptance (CCA) for projects awarded in May 2019, is May 31, 2022. However, the Department did not meet this deadline, and is now requesting a Post Fact time extension for this phase.

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

These projects are coming to the Commission as Post-Fact time extension requests because they were not identified by one of the Department's project delivery reporting tools. The tool was developed primarily to track and report SHOPP project time extensions; however, it was discovered that the report was not capturing the entire population of projects, due to the way data was being filtered. This filtering resulted in missed/unidentified projects that needed time extensions across all programs (SHOPP and Non-SHOPP), as the reporting and tracking tool did not capture and alert all exceptions related to time extensions and timely use of funds requirements, due to various program nuances. As a result, the Department missed the submittal deadlines past the Timely Use of Funds (TUF) deadlines because the tool did not flag these types of projects.

The Department created the current list before the Commission by performing a detailed review through a manual analysis of each record which involved investigation all phases of the project in conjunction with the TUF requirements. The Department has made several enhancements and updates to the filtering of the tracking tool to make tracking and monitoring project related TUF information more accessible. The Department recognizes the need for better communication and education of the TUF requirements throughout the Department and making it part of the regular monitoring and oversight of the project delivery process.

The Department looks forward to the continued partnership with Commission staff and further discussions toward streamlining how the Department can improve its performance by meeting the TUF requirements.

Attachment

**Post-Fact Time Extension/Waiver – Project Completion for
State Highway Operation and Protection Program**

Project Number: 1
County: San Diego
District: 11
PPNO: 1035
EA: 28882
Route: 905
Allocation Amount: \$49,747,000
Phase: CON
Allocation Date: 12/06/2017
Allocation Resolution Number: SHOPP1B-A-1718-03
Award Date: 05/09/2019
Number of Months Requested: 9 Months
Extended Deadline: 02/28/2023
Department Recommendation: Support

SHOPP Mobility project

The Department requests a 9-month time extension to complete the CON phase of the SHOPP Mobility project. The Department has experienced unexpected delays in completing construction.

This project is located in San Diego County, at State Routes (SR) 11, 125, and 905 separation, and intends to construct southbound freeway to freeway connectors from SR 125 to eastbound SR 905 and SR 11.

This project was combined for construction with TCIF Route 11 - Enrico Fermi Drive to Otay Mesa East Port of Entry EA 11-05636 under EA 11-2888U.

During construction, the project encountered unexpected additional work, due to needing to building a retaining wall necessary for the placement of a fiber optic line. This delayed the initially planned specific scope of slope paving. This delay in construction also pushed out the project's one-year Plant Establishment Period (PEP) identified in the design phase. As a result, the PEP did not begin until February 1, 2022, and the Department missed the opportunity to request additional time required to complete the PEP at the time of allocation, and overlooked requesting a time extension before the CCA deadline.

Therefore, the Department is requesting a 9-month Post-Fact time extension for project completion to allow sufficient time to complete the PEP and finalize the CCA from May 31, 2022 to February 28, 2023.

**Post-Fact Time Extension/Waiver – Project Completion for
Trade Corridors Improvement Fund/Border Infrastructure Program**

Project Number: 2
County: San Diego
District: 11
PPNO: 0999D
EA: 05636
Route: 11
Allocation Amount: \$7,825,000 (TCIF) / \$3,350,000 (BIP)
Phase: CON Support
Allocation Date: 12/05/2018
Allocation Resolution Number: TCIF-A-1819-01 and Resolution FP-18-41
Award Date: 05/09/2019
Number of Months Requested: 9 Months
Extended Deadline: 02/28/2023
Department Recommendation: Support

Route 11 - Enrico Fermi Drive to Otay Mesa East Port of Entry

The Department requests a 9-month time extension to complete the CON Support phase of the TCIF Route 11 - Enrico Fermi Drive to Otay Mesa East Port of Entry project. The Department has experienced unexpected delays in completing construction.

This project is located in San Diego County, at SR 11, from 0.1 mile west of Enrico Fermi Drive to 1.2 mile east of Enrico Fermi Drive, and intends to construct a four-lane highway.

This project was combined for construction with SHOPP Mobility project EA 11-28882 under EA 11-2888U.

During construction, the project encountered unexpected additional work, due to needing to building a retaining wall necessary for the placement of a fiber optic line. This delayed the initially planned specific scope of slope paving. This delay in construction also pushed out the project's one-year Plant Establishment Period (PEP) identified in the design phase. As a result, the PEP did not begin until February 1, 2022, and the Department missed the opportunity to request additional time required to complete the PEP at the time of allocation, and overlooked requesting a time extension before the CCA deadline.

Therefore, the Department is requesting a 9-month Post-Fact time extension for project completion to allow sufficient time to complete the PEP and finalize the CCA from May 31, 2022 to February 28, 2023.