

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 7-8, 2004

Reference No.: 2.8b.(2)  
Action Item

From: ROBERT L. GARCIA  
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Ref: **REQUEST TO EXTEND THE PERIOD OF CONTRACT AWARD PER RESOLUTION  
G-03-19, FOR STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) –  
WAVIER 03-41**

## **ISSUE:**

The California Transportation Commission (Commission) allocated construction funds totaling \$25,124,000 for the Amador 49 Bypass project (PPNO 2130D) at the April 3, 2003 Commission meeting. Should the Commission extend the deadline for contract award for six months for this project?

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the Commission approve the time extension for the period of contract award for the project.

## **BACKGROUND:**

Resolution G-03-19, STIP Guidelines, adopted by the Commission on December 11, 2003, stipulates that funds allocated for Caltrans construction are available for contract award for a period of twelve months from the date of allocation. The Guidelines further stipulate that the Commission may approve waivers to the contract award deadline one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.

The Amador 49 Bypass project was advertised on September 22, 2003, bids were opened on November 20, 2003. During the Department's contract review process, it was determined that the apparent low bidder did not make a good faith effort to meet the Federal requirement for Disadvantaged Business Enterprise goals. The contractor was notified and appealed the decision. The decision was upheld and the review process for the apparent second low bidder began. On February 11, 2004, it was determined that the apparent second low bidder also did not make a good faith effort to meet the Federal requirement for Disadvantaged Business Enterprise goals.

The contractor has also appealed the decision. The results of the appeal hearing was a split decision; therefore, it is unknown if the contract award will go to the apparent second low bidder at this time. If the contract is not awarded to the apparent second low bidder, a time extension is needed, as the contract will not be awarded before April 2004.