

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *MM*

BOARD AGENDA # *C-7

Urgent Routine

AGENDA DATE October 21, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Program Supplement Agreement No. 060-N for Federal Project No. STPL-5938(152) – RSTP Roadway Resurfacing Program FY 07-08 Phase 2

STAFF RECOMMENDATIONS:

1. Approve Program Supplement Agreement No. 060-N for Federal Project No. STPL-5938(152) - RSTP Roadway Resurfacing Program Fiscal Year 2007-2008 Phase 2.
2. Authorize the Director of Public Works to execute the Program Supplement Agreement.

FISCAL IMPACT:

Approval of the Program Supplement Agreement makes available \$3,492,310 in Federal Regional Surface Transportation Program (RSTP) funds for the construction of the subject project. A local match of \$452,466 will come from the Department of Public Works Road Fund. There will be no impact to the General Fund.

BOARD ACTION AS FOLLOWS:

No. 2008-729

On motion of Supervisor Grover, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Assistant Clerk

File No.

Approval of Program Supplement Agreement No. 060-N for Federal Project No. STPL-5938(152) – RSTP Roadway Resurfacing Program FY 07-08 Phase 2

DISCUSSION:

Projects funded by the Federal Highway Administration (FHWA) are administered by the California Department of Transportation (Caltrans). Caltrans and Stanislaus County executed a Master Agreement, approved by the Board of Supervisors on April 24, 2007, Resolution No. 2007-302, to cover the general responsibilities and obligations of each agency relative to dispensing and receiving Federal and State funding. For every FHWA funded project, a funding agreement called a Program Supplement Agreement is executed by and between Caltrans and the County to cover the specific requirements of that project and to define the amount of the funding available. The Program Supplement Agreement is a supplement to the approved Master Agreement.

The County received funding approval from FHWA on August 12, 2008, to proceed with the construction of the roadway resurfacing project. Approval and execution of Program Supplement Agreement No. 060-N is required to enable the County to receive reimbursement when invoicing Caltrans for project costs associated with RSTP Roadway Resurfacing Program Fiscal year 2007-2008 Phase 2. Although the Director of Public Works has been authorized through Board Resolution No. 2007-301, to execute Program Supplement funding agreements on behalf of Stanislaus County for projects funded by the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans), this specific Program Supplement Agreement requires a local agency certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. As such, Department of Public Works staff has brought this item forward for Board consideration to meet this specified requirement.

Approval and execution of this agreement will allow the County to construct this resurfacing project. The project consists of resurfacing a total of approximately 27.3 miles of roads on portions of the following roads: Beckwith Road, Hart Road, Whitmore Avenue, River Road, Villa Manucha Road, Marshall Road, Eastin Road, Sycamore Avenue, and Ward Avenue. In order for these roads to be resurfaced, it is recommended that the Board approve the Program Supplement Agreement and authorize the Director of Public Works to sign the agreement on behalf of the County.

This project will be brought back to the Board of Supervisors in November for approval to adopt plans and specifications and set the date for bid opening. Construction is anticipated to start May 1, 2009 and be completed by July 1, 2009.

POLICY ISSUES:

The Board should determine if this action is consistent with the Board's priorities of providing a safe community, a healthy community and a well planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TDD (916) 654-4014
(916) 654-3151
Fax (916) 653-7621

COPY



August 28, 2008

File : 10-STA-0-CR
STPL-5938(152)
10 Stanislaus County Roadways
that shall be resurfaced. Beckwith
Rd./Eastin Rd./Hart Rd./Marshall Rd

Mr. Matt Machado
Director of Public Works
Stanislaus County
Tenth Street Place, 1010 10th Street, Suite 3500
Modesto, CA 95354

Attn: Mr. Ron Cherrier

Dear Mr. Machado:

Enclosed are two originals of the Program Supplement Agreement No. 060-N to Administering Agency-State Agreement No. 10-5938R and an approved Finance Letter for the subject project. Please retain the signed Finance Letter for your records.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

In accordance to Government Code 16304, Federal funds appropriated by the State budget are available for liquidation only for seven years and the State funds are available only for five years. The attached Finance Letter shows these deadlines as the "Reversion Date". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to one year for federal funds and up to three years for State funds.

Please note that Government Code 16304 does not supersede any other more restrictive expenditure deadlines.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

Zakaria Hyeer

for BILL SANDOVAL, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosure

c: DLA AE Project Files

COPY

PROGRAM SUPPLEMENT NO. N060
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 10-5938R

Date: August 20, 2008
Location: 10-STA-0-CR
Project Number: STPL-5938(152)
E.A. Number: 10-956719

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 04/26/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____, approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks setforth on the following pages.

PROJECT LOCATION:

10 Stanislaus County Roadways that shall be resurfaced. Beckwith Rd./Eastin Rd./Hart Rd./Marshall Rd./River Rd./Sycamore Ave./Villa Manucha Rd./Ward Ave./Whitmore Ave./River Rd.

TYPE OF WORK: Asphalt Concrete Overlay

LENGTH: 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	L230	\$3,492,310.00	LOCAL		OTHER
\$3,944,776.00			\$452,466.00	\$0.00	\$0.00

STANISLAUS COUNTY

STATE OF CALIFORNIA
Department of Transportation

By _____

By _____

Date _____

Chief, Office of Project Implementation
Division of Local Assistance

Attest _____

Date _____

Title _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Mary Buchbamer Date 8/21/2008 \$3,492,310.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
171	2007	2660-102-890	2007-2008	20.30.010.810	C	262040	892-F	3,492,310.00

COPY

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS #33
P. O. Box 942874
Sacramento, CA 94274-0001.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

3. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
4. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund

COPY

SPECIAL COVENANTS OR REMARKS

reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation

COPY

SPECIAL COVENANTS OR REMARKS

Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



File : 10-STA-0-CR
STPL-5938(152)
10 Stanislaus County Roadways
that shall be resurfaced. Beckwith
Rd./Eastin Rd./Hart Rd./Marshall Rd

November 5, 2008

Mr. Matt Machado
Director of Public Works
Stanislaus County
Tenth Street Place, 1010 10th Street, Suite 3500
Modesto, CA 95354

Dear Mr. Machado:

Enclosed is your fully executed copy of Program Supplement Agreement No. 060-N to Administering Agency-State Agreement No. 10-5938R .

Sincerely,

Zeckaria Herjuel

for BILL SANDOVAL, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosure

c: DLA AE Project Files
(10) DLAE - Sinaren Pheng

RECEIVED

NOV 6 2008

STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS

PROGRAM SUPPLEMENT NO. N060
 to
 ADMINISTERING AGENCY-STATE AGREEMENT
 FOR FEDERAL-AID PROJECTS NO. 10-5938R

Date: August 20, 2008
 Location: 10-STA-0-CR
 Project Number: STPL-5938(152)
 E.A. Number: 10-956719

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 04/26/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. , approved by the Administering Agency on 10/23/08 (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks set forth on the following pages.

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TYPE OF WORK: Asphalt Concrete Overlay

LENGTH: 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
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\$3,944,776.00	\$3,492,310.00		\$452,466.00	\$0.00	\$0.00

STANISLAUS COUNTY

STATE OF CALIFORNIA

Department of Transportation

By *Matt DeLub*

By *Terrence Hayes*

Date 10 23 08

for Chief, Office of Project Implementation
 Division of Local Assistance

Attest _____

Date 11/4/08

Title Director of Public Works

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer *Mary Buckhamer* Date 8/21/2008 \$3,492,310.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
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STPL-5938(152)

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STPL-5938(152)

SPECIAL COVENANTS OR REMARKS

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STPL-5938(152)

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