

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

DEPT: Public Works *AMM*

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE September 9, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Program Supplement Agreement No. 059-N for Federal Project No. STPL-5938(151) – RSTP Roadway Resurfacing Program FY 07-08 Phase 1

STAFF RECOMMENDATIONS:

1. Approve Program Supplement Agreement No. 059-N for Federal Project No. STPL-5938(151) RSTP Roadway Resurfacing Program FY 07-08 Phase 1.
2. Authorize the Director of Public Works to execute the Program Supplement Agreement.

FISCAL IMPACT:

Approval of the Program Supplement Agreement makes available \$3,256,660 in federal-aid match funds for the construction of the subject project. A local match of \$421,935 will come from the Department of Public Works Road Fund. No impact to the General Fund is anticipated.

BOARD ACTION AS FOLLOWS:

No. 2008-644

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Program Supplement Agreement No. 059-N for Federal Project No. STPL-5938(151) – RSTP Roadway Resurfacing Program Fiscal Year 2007-2008 Phase 1

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 has received the approval to proceed with the construction of the roadway resurfacing project. Approval and execution of Program Supplement Agreement No. 059-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 1. 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 29.9 miles of roads on portions of the following roads: Carver Road, Claribel Road, Claus Road, Dale Road, Gratton Road, Hickman Road, Main Street, Montpelier Road, Orange Blossom Road, Rodden Road, Tully Road, 26 Mile Road and Valley Home Road. 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.

The approval to award the contract for this project is scheduled to go to the Board on September 9th under a separate agenda item. If approved, construction would start on October 14th and be completed by November 25, 2008.

COPY

PROGRAM SUPPLEMENT NO. N059
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 10-5938R

Date: July 29, 2008
Location: 10-STA-0-CR
Project Number: STPL-5938(151)
E.A. Number: 10-956718

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:

14 Stanislaus County Roadways that shall be resurfaced. Carver Rd.: Bangs Rd. to SR 219; Claribel Rd.: Roselle Ave. to Albers Rd.; Claus Rd.: City of riverbank to City of Modesto;

TYPE OF WORK: Asphalt Concrete Overlay

LENGTH: 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	H230		LOCAL		OTHER
\$3,678,595.00	\$3,256,660.00		\$421,935.00	\$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 *Ann J. Mans* Date 7/31/08 \$3,256,660.00

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	3,256,660.00

APPROVED AS TO FORM:
STANISLAUS COUNTY COUNSEL

BY *Sharon S. By*

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

STPL-5938(151)

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.).