RESOLUTION - ACTION REQUESTED 2014-398

MEETING: August 5, 2014

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Approve the School House Rd Bridge Agreement

RECOMMENDATION AND JUSTIFICATION:
Approve a Program Agreement for the School House Road Over Owens Creek Bridge Project No. BRLO 5940(113), and Authorize the Public Works Director to Sign the Agreement.

Staff has prepared the necessary federal documents for the authorization of $155,000 in Federal Bridge funds for Project Number BRLO 5940(113) - School House Road over Owens Creek Bridge. Mariposa County has received authorization for the project from Caltrans. A resolution is required to authorize the Public Works Director to execute the Program Agreement.

This project is funded 100%. No local match is required.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has previously approved this type of agreement.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve; the funds would be unencumbered and the project would not be completed.

FINANCIAL IMPACT:
If the requested action is approved, funds will be allocated into the Bridge Replacement/Repair fund #512 during Final Budget Adjustments in September 2014.

ATTACHMENTS:
School House Rd Agreement (PDF)
E-76 Allocation (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 01/16/09 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. 304-35B approved by the Administering Agency on 01/5/14.

The Administering Agency further stipulates that as a condition to the payment by the 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.

**PROJECT LOCATION:**
School House Road over Owens Creek, Bridge 40C0053

**TYPE OF WORK:** Rehabilitate existing two-lane bridge; Widen to standard 2-lane width (No Added Capacity)  
**LENGTH:** 0.0(MILES)

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<th>Estimated Cost</th>
<th>Federal Funds</th>
<th>Matching Funds</th>
<th>OTHER</th>
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**COUNTY OF MARIPOSA**  
By:  
Title: Director Public Works  
Date: August 5, 2014

**STATE OF CALIFORNIA**  
Department of Transportation  
By: Chief, Office of Project Implementation  
Divison of Local Assistance  
Date: 8/26/2014

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

**Accounting Officer:**  
Date: 7.8.14  
$155,000.00

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*APPROVED AS TO FORM:*  
STEWART W. DARLEHM  
COUNTY COUNSEL
TO: STATE CONTROLLER'S OFFICE
Claims Audits
3301 "C" Street, Rm 404
Sacramento, CA 95816

FROM:
Department of Transportation

DATE PREPARED: 7/8/2014
REQUISITION NUMBER / CONTRACT NUMBER: 10150000013 / BRLO-5940(113)
PROJECT NUMBER: 1014000188

SUBJECT:
Encumbrance Document

VENDOR / LOCAL AGENCY:
COUNTY OF MARIPOSA

Local Assistance

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<tr>
<th>CHAPTER</th>
<th>STATUTES</th>
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For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-8410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N. Street, MS-99, Sacramento, CA 95814.
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. 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).

3. 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 for Federal aid projects, or encumberances for State funded projects, as well as to suspend invoice payments for any on-going or future 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.

4. 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 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.).

5. Any State and Federal funds that may have been encumbered for this project are
available for disbursement for limited periods of time. For each fund encumbrance the
limited period is from the start of the fiscal year that the specific fund was appropriated
within the State Budget Act to the applicable fund Reversion Date shown on the State
approved project finance letter. Per Government Code Section 16304, all project funds
not liquidated within these periods will revert unless an executed Cooperative Work
Agreement extending these dates is requested by the ADMINISTERING AGENCY and
approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District
Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to
avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's
Office and the Department of Finance; in order for payment to be made, the last date the
District Local Assistance Engineer can forward an invoice for payment to the
Department's Local Programs Accounting Office for reimbursable work for funds that are
going to revert at the end of a particular fiscal year is May 15th of the particular fiscal
year. Notwithstanding the unliquidated sums of project specific State and Federal funding
remaining and available to fund project work, any invoice for reimbursement involving
applicable funds that is not received by the Department's Local Programs Accounting
Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid.
These unexpended funds will be irrevocably reverted by the Department's Division of
Accounting on the applicable fund Reversion Date.

6. Award information shall be submitted by the ADMINISTERING AGENCY to the District
Local Assistance Engineer within 60 days of project contract award and prior to the
submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

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

7. As a condition for receiving federal-aid highway funds for the PROJECT, the
Administering Agency certifies that NO members of the elected board, council, or other
key decision makers are on the Federal Government Exclusion List. Exclusions can be
found at www.sam.gov.

8. In the event that right of way acquisition for or construction of this project of the initial
federal authorization for preliminary engineering is not started by the close of the tenth
fiscal year following the fiscal year in which the project is authorized, the
ADMINISTERING AGENCY shall repay the Federal Highway Administration through
Caltrans the sum of Federal funds paid under the terms of this agreement.
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