MEETING: October 26, 2021
TO: The Board of Supervisors
FROM: Shannon Hansen, Interim Director of Public Works & Transportation
RE: Approve an Agreement with State of California for Phase III of the Mariposa Creek Parkway Project

RECOMMENDATION AND JUSTIFICATION:
Approve an Agreement with the State of California for the Phase III of the Mariposa Creek Parkway Project in the Amount of $200,000; and Authorize the Board of Supervisors Chair to Sign the Agreement; and Approve Budget Action Increasing Revenue Recognizing Unforeseen ATP Grant Funds in the Public Works and Transportation Budget ($200,000).

The County has applied for and received notice that they have been awarded $4,415,000.00 in Active Transportation Program (ATP) Grant Funds to Construct Phase III of the Mariposa Creek Parkway Project; and recognize unforeseen funds from ATP Grant with Budget Action Form.

This project will provide a .4-mile extension to the existing off-street active transportation facility and close a gap in the adjacent sidewalk network.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board previously authorized Mariposa County Planning Department to apply for ATP Grant Funds with Resolution LTC#2020-15.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Delay in returning fully executed agreements will cause the delay in receiving funding authorization by the State of California.

FINANCIAL IMPACT:
Although this project is 100% funded through the Active Transportation Program, The County will have to expend funds upfront prior to seeking reimbursement.

ATTACHMENTS:
PSA for 5940(146) - UnSigned (PDF)
Budget Action Form - PE(PDF)
RESULT: ADOPTED [UNANIMOUS]
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey
# BUDGET ACTION FORM

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
<th>INCREASE</th>
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<tr>
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<td>($)200,000</td>
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## TRANSFER BETWEEN FUNDS

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<th>TOTALS</th>
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**ACTION REQUESTED:** (Check all that apply)

- [X] Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies

- [ ] Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget to another, or between categories within a budget unit.

**JUSTIFICATION:** ATP Grant

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**DEPT HEAD SIGNATURE**

**APPROVED BY RES NO. 21-598 CLERK**

**DATE:** 10/12/21

**AUDITOR’S USE ONLY**

**BA#**

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5501 CIP Fund

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Budget Action Form Revised 11/85
This Program Supplement, effective 08/19/2021, hereby adopts and incorporates into the Administering Agency-State Agreement No. 10-5940S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 09/30/2021 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. 2021-598 approved by the ADMINISTERING AGENCY on 10/26/2021 (See copy attached).

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

PROJECT LOCATION: Along Mariposa Creek in downtown Mariposa between 8th and Joe Howard streets, and includes critical connection through the former 11th street right of way

TYPE OF WORK: Off-street, multi-use active transportation use facility, adding nearly 0.5 miles of shared trails

LENGTH: 0.0(MILES)

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<th>Estimated Cost</th>
<th>State Funds</th>
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COUNTY OF MARIPOSA

By [Signature]
Title Board Chair
Date October 06, 2021
Attest [Signature]

STATE OF CALIFORNIA
Department of Transportation

By [Signature]
for Chief, Office of Project Implementation
Division of Local Assistance
Date 12-3-2021

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

Accounting Officer [Signature] Date 10/18/21 $200,000.00

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHELM
COUNTY COUNSEL

Program Supplement 10-594-Y09- SERIAL Page 1 of 6
SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines and the Active Transportation Program guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

B. This PROJECT is programmed to receive State funds from the Active Transportation Program (ATP). Funding may be provided under one or more components. A component(s) specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the component(s) identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per component(s).

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the component(s) allocated. Unless otherwise determined, the effective date of the component specific allocation will constitute the start of reimbursable expenditures.

C. STATE and ADMINISTERING AGENCY agree that any additional funds made available by future allocations will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and STATE Finance Letter. ADMINISTERING AGENCY agrees that STATE funds available for reimbursement will be limited to the amount allocated by the California Transportation Commission (CTC) and/or the STATE.

D. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations, time extensions, and fund transfers between components. Funds transferred between allocated project components retain their original timely use of funds deadlines, but an approved time extension will revise the timely use of funds criteria for the component(s) and allocation(s) requested. Approved supplementary allocations, time extensions, and fund transfers between components made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof.

   Documentation will consist of a STATE approved Allocation Letter, Fund Transfer Letter, Time Extension Letter, and Finance Letter, as appropriate.

E. This PROJECT is subject to the timely use of funds provisions enacted by the Active Transportation Program guidelines, as adopted or amended, and by approved CTC and State procedures as outlined below.

   Funds allocated for the environmental & permits (E&P), plan specifications & estimate (PS&E), and right-of-way components are available for expenditure until the end of the second fiscal year following the year in which the funds were allocated.
SPECIAL COVENANTS OR REMARKS

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. ADMINISTERING AGENCY agrees to award the contract within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after 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 of invoices for the construction phase.

G. The ADMINISTERING AGENCY shall invoice STATE for environmental & permits (E&P), plans specifications & estimate (PS&E), and right-of-way costs no later than 180 days after the end of last eligible fiscal year of expenditure. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

H. 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 LAPM and the Active Transportation Program (ATP) Guidelines.

I. ADMINISTERING AGENCY indirect costs, as defined in 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, to be claimed must be allocated in accordance with an Indirect Cost Allocation Plan (ICAP), submitted, reviewed, and approved in accordance with Caltrans Audits and Investigations requirements which may be accessed at: www.dot.ca.gov/hq/audits/.

ADMINISTERING AGENCY agrees to comply with, and require all sub-recipients and project sponsors to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, and all applicable Federal and State laws and regulations.

ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., and all applicable Federal and State laws and regulations, shall be used to determine the allowability of individual PROJECT cost items.

Any Fund expenditures for costs for which ADMINISTERING AGENCY has received
SPECIAL COVENANTS OR REMARKS

payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, or 48 CFR, Chapter 1, Part 3, are subject to repayment by ADMINISTERING AGENCY to STATE. Should ADMINISTERING AGENCY fail to reimburse Funds due STATE within 30 days of demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due ADMINISTERING AGENCY from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller, and the California Transportation Commission.

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to comply with all reporting requirements in accordance with the Active Transportation Program guidelines, as adopted or amended.

K. This PROJECT has received funds from Active Transportation Program (ATP). The ADMINISTERING AGENCY agrees to administer the project in accordance with the CTC Adopted SB1 Accountability and Transparency Guidelines.

2. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the California Transportation Commission. Any changes to the approved PROJECT scope without the prior expressed approval of the California Transportation Commission are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

3. A. This PROJECT will be administered in accordance with the applicable CTC STIP guidelines, the Active Transportation Program guidelines, the CTC Adopted SB1 Accountability and Transparency Guidelines as adopted or amended, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

B. This PROJECT is programmed to receive State funds from the Active Transportation Program (ATP). A fund allocation by the California Transportation Commission (CTC) is required, in addition to other requirements, before reimbursable work can occur for the PROJECT (see individual locations in the CCC & Certified ATP Augmentation Recommended Projects List attached to this agreement). Each allocation will be assigned an effective date and identify the amount of funds allocated.

This PROGRAM SUPPLEMENT has been prepared to allow reimbursement of eligible PROJECT expenditures for the PROJECT allocated (see locations in the CCC & Certified ATP Augmentation Recommended Projects List attachment to this agreement). Unless otherwise determined, the effective date of the PROJECT allocation will constitute the start of reimbursable expenditures.

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D. Upon ADMINISTERING AGENCY request, the CTC and/or STATE may approve supplementary allocations. An approved time extension will revise the timely use of funds criteria for the PROJECT. Approved supplementary allocations and time extensions made after the execution of this PROGRAM SUPPLEMENT will be documented and considered subject to the terms and conditions thereof. Documentation will consist of a STATE approved Allocation Letter, Time Extension Letter, and Finance Letter, as appropriate.

E. The funds allocated for this PROJECT are subject to the timely use of funds provisions as established by the Active Transportation Program guidelines, as adopted or amended, and approved by CTC and State procedures as outlined below.

Funds allocated for the construction component are subject to an award deadline and contract completion deadline. For each specific project location, ADMINISTERING AGENCY agrees to award a contract, as applicable, within 6 months of the construction fund allocation and to complete and accept the construction within 36 months of award.

F. For each specific project location, award information shall be submitted by the ADMINISTERING AGENCY to the Caltrans Local Assistance ATP Program Manager, at the address included below, immediately after project contract award, as applicable, and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for each construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

Ms. Desiree Fox, ATP Program Manager  
Division of Local Assistance  
Department of Transportation  
P.O. Box 942874, MS#1  
Sacramento, CA 94274-0001

G. For construction costs, for each specific project location, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

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J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to comply with all reporting requirements in accordance with the Active Transportation Program guidelines, and the CTC Adopted SB1 Accountability and Transparency Guidelines, as adopted or amended.
RESOLUTION - ACTION REQUESTED 2021-598

MEETING: October 26, 2021

TO: The Board of Supervisors

FROM: Shannon Hansen, Interim Director of Public Works & Transportation

RE: Approve an Agreement with State of California for Phase III of the Mariposa Creek Parkway Project

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Budget Action Form - PE (PDF)

REF ID# 12194
RESULT:       ADOPTED [UNANIMOUS]
MOVER:        Wayne Forsythe, District IV Supervisor
SECONDER:     Miles Menetrey, District V Supervisor
AYES:         Smallcombe, Sweeney, Long, Forsythe, Menetrey
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**TOTALS:** $0 $0

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**JUSTIFICATION:** ATP Grant

**DEPT HEAD SIGNATURE**

**APPROVED BY RES NO.** 21-598 CLERK

**DATE:** 10/12/21

**AUDITOR'S USE ONLY**

**5501 CIP Fund**

Budget Action Form Revised 11/05