

ITEM 9.A.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Yugal K. Lall, City Engineer/Public Works Director 
Prepared by: Dave Klotzle, Assistant City Engineer

DATE: September 23, 2009 (CC Meeting of 10/07/09)

SUBJECT: Consider Authorization to Modify the Mountain Trail Street Pavement Rehabilitation Project (Project 8083) to Include a Portion of Spring Road from Peach Hill Road to a Point Approximately 2,000 Feet to the South and Resolution Approving Program Supplement No. N011 to Administering Agency – State Agreement for Federal Aid Projects No. 07-5436R for the Mountain Trail Street Pavement Rehabilitation Project

BACKGROUND

On February 18, 2009, the City Council authorized the design of an asphalt overlay project for Mountain Trail Street from Tierra Rejada Road to Country Hill Road, including a new landscaped center median from Cedar Springs Street to Mountain Meadows Drive. Design of the project is underway and construction is anticipated to occur in Summer 2010.

Construction of this project will be funded by the City's share of the federal transportation stimulus funds recently apportioned through the American Recovery and Reinvestment Act (ARRA). Moorpark's share of the ARRA funds for road projects is \$618,566.00 and is being administered through Caltrans.

DISCUSSION

Based on the amount of ARRA funds allocated to the City, staff is recommending that both sides of Spring Road from Peach Hill Road to a point approximately 2,000 feet to the south be added to the subject pavement rehabilitation project. The pavement condition on this section of Spring Road has deteriorated and is in need of resurfacing.

The City has applied to Caltrans and has received approval for the \$618,566.00 in federal ARRA funds for the construction of the Mountain Trail Street Pavement Rehabilitation Project. Because the City's ARRA funds have been approved by Caltrans for Mountain Trail Street only, Program Supplement No. N011 (Attachment 1) must be executed by the City and returned to Caltrans prior to submitting a request to add Spring Road to the project. The Program Supplement is a project specific agreement under the City's existing Master Agreement No. 07-5436R with Caltrans which sets forth the terms and conditions for receiving and expending federal funds on City roadway projects.

If Caltrans requires the City to execute a revised Program Supplement to include the Spring Road area of work, staff will return to City Council at a future meeting for approval of the revised Program Supplement. Attachment 2 is a resolution approving the subject Program Supplement and authorizing the City Manager to execute said Program Supplement.

FISCAL IMPACT

None. City Council's action on this item is administrative approval of the revised project limits and the subject Program Supplement Agreement. The \$618,566.00 in ARRA funds has been approved by Caltrans and any further budgetary actions will be brought before City Council for consideration.

STAFF RECOMMENDATIONS

1. Authorize staff to modify the subject project to include both sides of Spring Road from Peach Hill Road to a point approximately 2,000 feet to the south.
2. Adopt Resolution No. 2009 - _____.

Attachments:

- 1 – Program Supplement No. N011
- 2 – Resolution No. 2009 - _____

PROGRAM SUPPLEMENT NO. N011
 to
 ADMINISTERING AGENCY-STATE AGREEMENT
 FOR FEDERAL-AID PROJECTS NO. 07-5436R

Date: July 08, 2009
 Location: 07-VEN-0-MRPK
 Project Number: ESPL-5436(015)
 E.A. Number: 07-933276

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 11/28/07 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 set forth on the following pages.

PROJECT LOCATION:
 MOUNTAIN TRAIL STREET FROM TIERRA REJADA ROAD TO SUNSETRIDGE ROAD.

TYPE OF WORK: PAVEMENT REHABILITATION **LENGTH:** 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
			LOCAL		OTHER
\$618,566.00	C200	\$618,566.00	\$0.00	\$0.00	\$0.00

CITY OF MOORPARK

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 *Jerry Gray* Date 7/9/09 \$618,566.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
268	2008	2660-603-890	2008-2009	20.30.010.810	F	262040	898-F	618,566.00

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 (6) 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

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

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.).

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 Excluded Parties List System (EPLS).
8. This project is financed, in whole or in part, with federal funds from the American Recovery and Reinvestment Act of 2009 (Recovery Act). ADMINISTERING AGENCY agrees:
 - 1) Statutory provisions contained in Chapter 1 of Title 23 United States Code (U.S.C.) are applicable to all Recovery Act funded projects,
 - 2) Costs incurred prior to the date of authorization are NOT eligible for reimbursement with federal Recovery Act funds,
 - 3) Federal Prevailing Wage Rate requirements apply to all Recovery Act funded construction projects regardless of location (including projects on local roads and rural minor collectors, and Transportation Enhancement projects outside the highway right of way). ADMINISTERING AGENCY agrees to include the appropriate wage rate information in the contract and also include a contract provision that overrides the general applicability provisions in form FHWA-1273, Sections IV and V,
 - 4) To expend and invoice for all Recovery Act funds prior to

SPECIAL COVENANTS OR REMARKS

using other funds, and

5) To comply with the reporting requirements, terms and conditions set forth in Sections 1201 and 1512 of the Recovery Act and as designated by the STATE. Failure to comply will result in retentions from progress payments due ADMINISTERING AGENCY and/or other sanctions,

6) Recovery Act funds are available for liquidation only until September 30, 2015 when the remaining balance of Recovery Act funds will expire. ADMINISTERING AGENCY agrees to submit an invoice for the balance of project Recovery Act funds (if any) to the STATE prior to July 1, 2015.

RESOLUTION NO. 2009 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N011 TO ADMINISTERING AGENCY – STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 07-5436R PERTAINING TO FEDERAL FUNDING OF THE MOUNTAIN TRAIL STREET PAVEMENT REHABILITATION PROJECT [ESPL-5436(015); E.A. NO. 07-933276]

WHEREAS, the City has applied for Federal funds under the American Recovery and Reinvestment Act (ARRA), to fund the construction of the Mountain Trail Street Pavement Rehabilitation Project; and,

WHEREAS, the City has received from Caltrans the Authorization to Proceed with said project; and,

WHEREAS, said Federal funds are administered by the State of California through the California Department of Transportation (Caltrans); and,

WHEREAS, the City entered into Master Agreement No. 07-5436R with Caltrans setting forth certain requirements pertaining to Federal-Aid Projects effective November 28, 2007; and,

WHEREAS, it is necessary for the City and Caltrans to jointly execute a Program Supplement Agreement pertaining specifically to the above mentioned ARRA funding of the Mountain Trail Street Pavement Rehabilitation Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That Program Supplement No. N011 [Project No. ESPL-5436(015); E.A. No. 07-933276] is hereby approved.

SECTION 2. That the City Manager of the City of Moorpark is hereby authorized to execute said Program Supplement on behalf of the City.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 7th day of October, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk