

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Dave Klotzle, City Engineer/Public Works Director 

**DATE:** September 25, 2015 (CC Meeting of 10/07/15)

**SUBJECT:** Consider Resolution Approving Program Supplement No. N013 to Administering Agency – State Agreement for Federal Aid Projects No. 07-5436R for the Spring and Princeton Overlay Project and Authorizing the City Manager to Sign the Supplemental Agreement

**BACKGROUND**

The Spring and Princeton Overlay Project Capital Improvement Program (CIP) 8093 includes pavement rehabilitation on Spring Road (Tierra Rejada Road to Monte Vista Nature Park); Princeton Avenue (Condor Drive to Campus Park Drive); Poindexter Avenue (N. Commerce Avenue to Gabbert Road); and Gabbert Road (Poindexter Avenue to a point approximately 200-feet south of Poindexter Avenue). Construction of this project will be funded by a combination of Regional Surface Transportation Program (RSTP) in the amount of \$585,253, with a local match of \$90,000, using Transportation Development Act (TDA) Article 8a funding.

**DISCUSSION**

Although the City applied for the RSTP funds through the Ventura County Transportation Commission (VCTC), Caltrans administers the grant. In order to receive approval for the \$585,253.00 in RSTP funding, Program Supplement No. N013 (Attachment 1) must be executed by the City and returned to Caltrans. 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. The Program Supplement requires that the City include a resolution (Attachment 2) approving the subject Program Supplement and authorizing the City Manager to execute said Program Supplement.

Design of CIP 8093 has been finalized. The City requires an encroachment permit from Caltrans for the Princeton Avenue section of the project, due to the fact that it goes underneath the 118 freeway bridge. Staff will return to City Council with a request for authorization to advertise for construction bids.

### **FISCAL IMPACT**

Approving the resolution will enable Caltrans to process the City's RSTP funds (which are reimbursement-based) for up to \$585,253. It should be noted that this is \$52,163 less than the budget for CIP 8093 currently includes. Although the City budgeted \$637,416 in federal funding, the final Caltrans estimation for expenses was less. Staff will note this reduced funding and adjust CIP 8093 either through a separate budget amendment or during the Mid-Year Budget Adjustment.

### **STAFF RECOMMENDATION**

1. Adopt Resolution No. 2015 - \_\_\_\_\_.

**Attachments:**

- 1 – Program Supplement No. N013
- 2 – Draft Resolution

**PROGRAM SUPPLEMENT NO. N013**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 07-5436R**

**Adv Project ID**                      **Date:** August 10, 2015  
0715000231                      **Location:** 07-VEN-118-MRP  
**Project Number:** STPL-5436(017)  
**E.A. Number:**  
**Locode:** 5436

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 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 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:**

SPRING RD. FROM MONTE VISTA NATURE PARK TO TIERRA REJEDA RD, PRINCETON AVE FROM CONDOR DRIVE TO CAMPUS PARK DRIVE, POINDEXTER AVE FROM GABBERT RD TO COMMERCE RD, GABBERT RD FROM PO

**TYPE OF WORK:** ASPHALT PAVEMENT RESURFACING.

**LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M240		LOCAL	OTHER
\$675,876.00	\$585,253.00		\$90,623.00	\$0.00

**CITY OF MOORPARK**

**By** \_\_\_\_\_  
**Title** \_\_\_\_\_  
**Date** \_\_\_\_\_  
**Attest** \_\_\_\_\_

**STATE OF CALIFORNIA**  
**Department of Transportation**

**By** \_\_\_\_\_  
**Chief, Office of Project Implementation**  
**Division of Local Assistance**  
**Date** \_\_\_\_\_

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

**Accounting Officer** *n Dally*                      **Date** *8/10/15*                      \$585,253.00



**SPECIAL COVENANTS OR REMARKS**

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

**SPECIAL COVENANTS OR REMARKS**

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. 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).

C. 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. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

D. 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 encumbrances 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.

E. 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

**SPECIAL COVENANTS OR REMARKS**

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.).

F. 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.

G. 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](http://www.sam.gov).

H. STATE and ADMINISTERING AGENCY agree that any additional funds which are made available for any new phase(s) of work by future Federal obligations will be encumbered on this PROJECT by use of a Federal Highway Administration-approved "Authorization to Proceed" (E-76) STATE Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

RESOLUTION NO. 2015 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N013 TO ADMINISTERING AGENCY – STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 07-5436R PERTAINING TO FEDERAL FUNDING OF THE SPRING AND PRINCETON OVERLAY PROJECT [STPL-5436(017)]

WHEREAS, the City has applied for Federal funds under the Regional Surface Transportation Program (RSTP), to fund the construction of the Spring and Princeton Overlay Project, which consists of pavement rehabilitation on Spring Road (Tierra Rejada Road to Monte Vista Nature Park), Princeton Avenue (Condor Drive to Campus Park Drive), Poindexter Avenue (North Commerce Avenue to Gabbert Road), and Gabbert Road (Poindexter Avenue to a point approximately 200-feet south of Poindexter Avenue; 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 RSTP funding of the Spring and Princeton Overlay Project.

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

SECTION 1. That Program Supplement No. N013 [Project No. STPL-5436(017)] 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 7<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk