



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: June 5, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Program Supplement Agreement No. P87 Rev. 1 with the State of California

REQUEST(S):
That the Board of Supervisors:

1. Approve Program Supplement Agreement No. P87 Rev. 1 in the amount of \$332,000 with the California Department of Transportation for the Project Approval & Environmental Documentation (PA/ED), Plans, Specifications & Estimates (PS&E), and Right of Way (R/W) Phases of the Pixley Main Street Improvements Project; and
2. Authorize the Chairman of the Board Supervisors to sign Program Supplement Agreement No. P87 Rev. 1 on behalf of the County of Tulare.

SUMMARY:
On October 21, 2015, Tulare County was awarded funding for the design and construction of the Pixley Main Street Improvements Project (the Project) in the amount of \$1,018,000. The funding was awarded through the Statewide Component of the Active Transportation Program (ATP) funds. The ATP was created to encourage increased use of active modes of transportation, such as biking and walking. The ATP consolidates existing federal and state transportation programs into a single program, with a focus on making California a national leader in active transportation.

The Project proposes to improve the segment of Main Street between Terra Bella Avenue and Court Avenue within the community of Pixley with curbs, gutters,

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DATE: June 5, 2018

sidewalks, asphalt pave outs, class 2 bike lanes, drainage facilities, ADA Ramps, signs and pavement markings. The Project also includes Rectangular Rapid Flashing Beacons (RRFBs) to enhance the safety of pedestrian crossings.

On May 17, 2017, Tulare County received authorization to proceed with the Agency Preliminary Engineering Project Approval & Environmental Documentation (PA/ED) phase of the Pixley Main Street Improvements Project. The \$37,000 funding authorization allowed expenditure reimbursement requests from the State for the completion of the PA/ED phase for the Project. Program Supplement No. P87 Rev. 1 authorizes expenditure reimbursement requests from the State of up to \$332,000, which encompasses the PA/ED, PS&E, and R/W phases of the Project.

The CEQA Notice of Exemption was filed with the Tulare County Clerk on June 5, 2017. The PS&E and R/W phases are anticipated to be completed by May 2019. Construction for this project is scheduled for September of 2019.

FISCAL IMPACT/FINANCING:

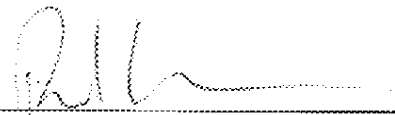
There is No Net County Cost to the General Fund.

County Road Funds will be used to fund the PA/ED, PS&E and R/W phases of this project, but will be fully reimbursed by State ATP funds of an amount up to \$332,000.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This Project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.

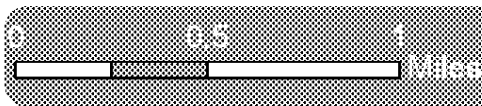
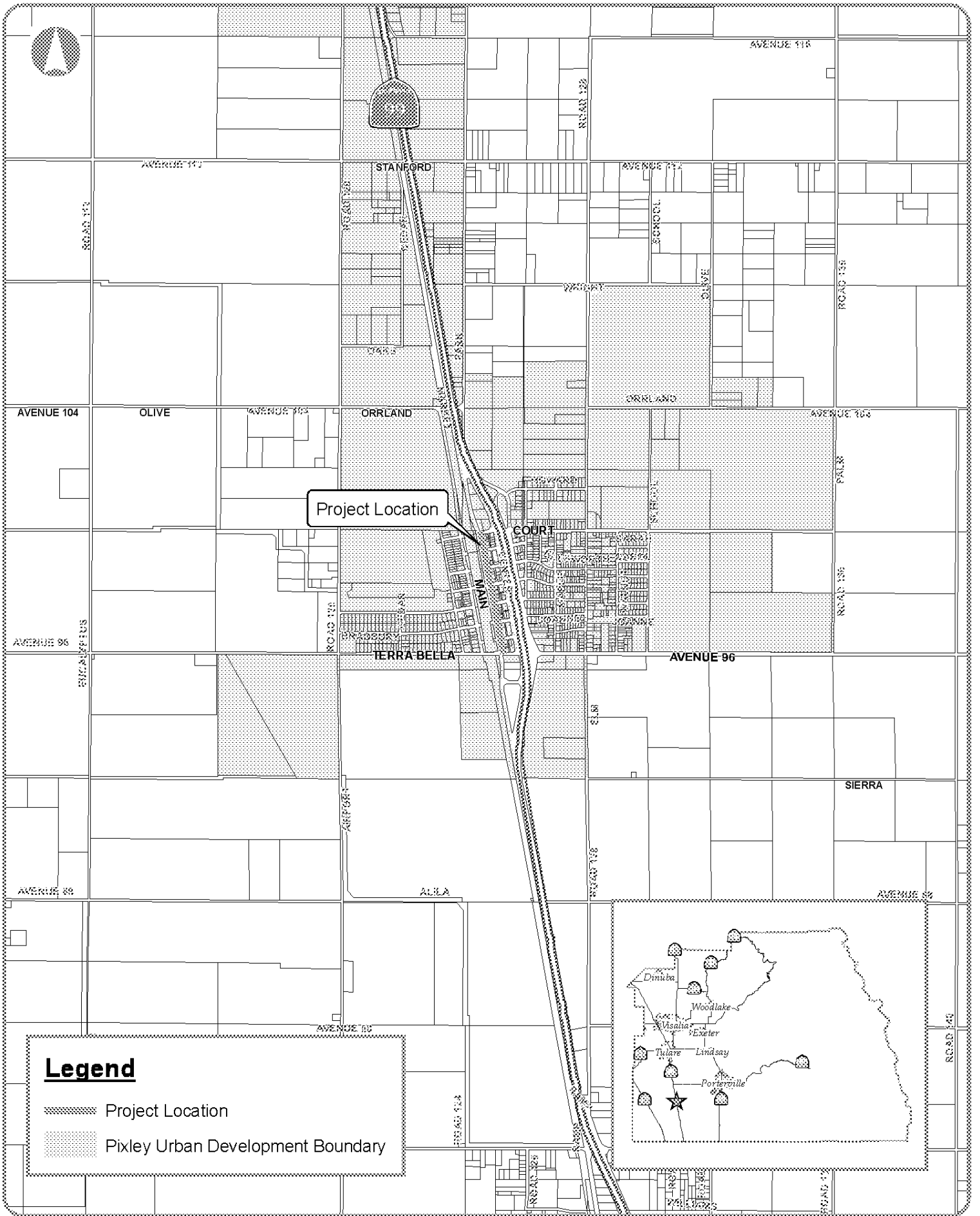
Director

RS: mjlw

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s): Attachment A – Vicinity Map
Attachment B – Program Supplement Agreement No. P87 Rev. 1

Attachment A – Vicinity Map



Attachment B

**Program Supplement Agreement No. P87 Rev. 1 with
the State of California**

PROGRAM SUPPLEMENT NO. P87 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00120S

Adv Project ID Date: May 3, 2018
0617000078 Location: 06-TUL-0-CR
Project Number: ATPL-5946(165)
E.A. Number:
Locode: 5946

This Program Supplement, effective 05/17/2017, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00120S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 07/21/08 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 encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

Construct sidewalks, curb and gutter, asphalt pave-outs and install ADA curb ramps bike lane, drainage facilities, signs and markings. Main St. between Court St. and Terra Bella St

TYPE OF WORK: Pedestrian and Bike Improvements

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	LOCAL	OTHER
\$332,000.00	\$332,000.00	\$0.00		\$0.00

COUNTY OF TULARE

APPROVED AS TO FORM:

STATE OF CALIFORNIA
Department of Transportation

By _____

COUNTY COUNSEL

By _____

Title _____

By *[Signature]* 20180509
Deputy

Chief, Office of Project Implementation
Division of Local Assistance

Date _____

Attest _____

Date _____

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

Accounting Officer *[Signature]*

Date 5/3/18 \$332,000.00

SPECIAL COVENANTS OR REMARKS

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

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.

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

SPECIAL COVENANTS OR REMARKS

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 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.

SPECIAL COVENANTS OR REMARKS

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.