



**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"/>
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. Q89 with the State of California

**REQUEST(S):**

That the Board of Supervisors:

1. Approve Program Supplement Agreement No. Q89 in the amount of \$75,000 with the California Department of Transportation for the Plans, Specifications, and Estimate (PS&E) Phase of the Woodville Sidewalk Improvements Project; and
2. Authorize the Chairman of the Board Supervisors to sign Program Supplement Agreement No. Q89 on behalf of the County of Tulare.

**SUMMARY:**

On December 6, 2016, Tulare County was awarded funding through the highly competitive Active Transportation Program (ATP) for the design and construction phases of the Woodville Sidewalk Improvements Project (the Project) in the amount of \$832,000. The ATP was created to encourage increased use of active modes of transportation, such as biking and walking.

The Project proposes to improve sidewalk facilities within the community of Woodville along the Road 168 corridor between Avenue 168 and Woodville Elementary School. The proposed improvements include the installation of curbs, gutters, sidewalks, asphalt paveouts, ADA ramps, signs, and pavement markets.

The Project was originally programmed through the ATP Cycle 3 – MPO Component planned for Fiscal Years 19/20 and 20/21. However, on April 28, 2017, the Governor signed Senate Bill (SB) 1 directing \$100 million annually from the Road and Maintenance and Rehabilitation Account to the ATP beginning FY 17/18. This created

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an opportunity to advance funding for the Project under the 2017 SB1 ATP Augmentation Component.

The County took advantage of the opportunities made available by SB 1 and was successful in advancing funds for the design and construction phases of the Project to FY 17/18 and FY 18/19, respectively. On March 21, 2018, funds for the design phase in the amount of \$75,000 was allocated and made available to the County by the California Transportation Commission (CTC). This Program Supplement (PS No. Q89) authorizes funding for final engineering design of the Project.

The Project Approval and Environmental Documentation (PA&ED) phase for the Project was completed utilizing Road funds in order to expedite and secure funds for the Plans, Specifications, and Estimates (PS&E) phase. The PS&E phase is scheduled to be completed by Fall of 2018. Construction for this project is anticipated to begin in Spring of 2019.

**FISCAL IMPACT/FINANCING:**


There is No Net County Cost to the General Fund.

The PA&ED Phase for this project in the amount of \$15,000 was funded by Road funds. County Road Funds will be used to fund the PS&E phase of this project, but will be fully reimbursed by SB 1 ATP Augmentation funds in the amount of \$75,000.

**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: jk

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

Attachment(s): Attachment A – Vicinity Map  
Attachment B – Program Supplement Agreement No. Q89

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF PROGRAM ) Resolution No. \_\_\_\_\_**  
**SUPPLEMENT AGREEMENT NO. Q89 ) Agreement No. \_\_\_\_\_**  
**WITH THE STATE OF CALIFORNIA )**

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE BOARD OF  
SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 5, 2018, BY THE  
FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

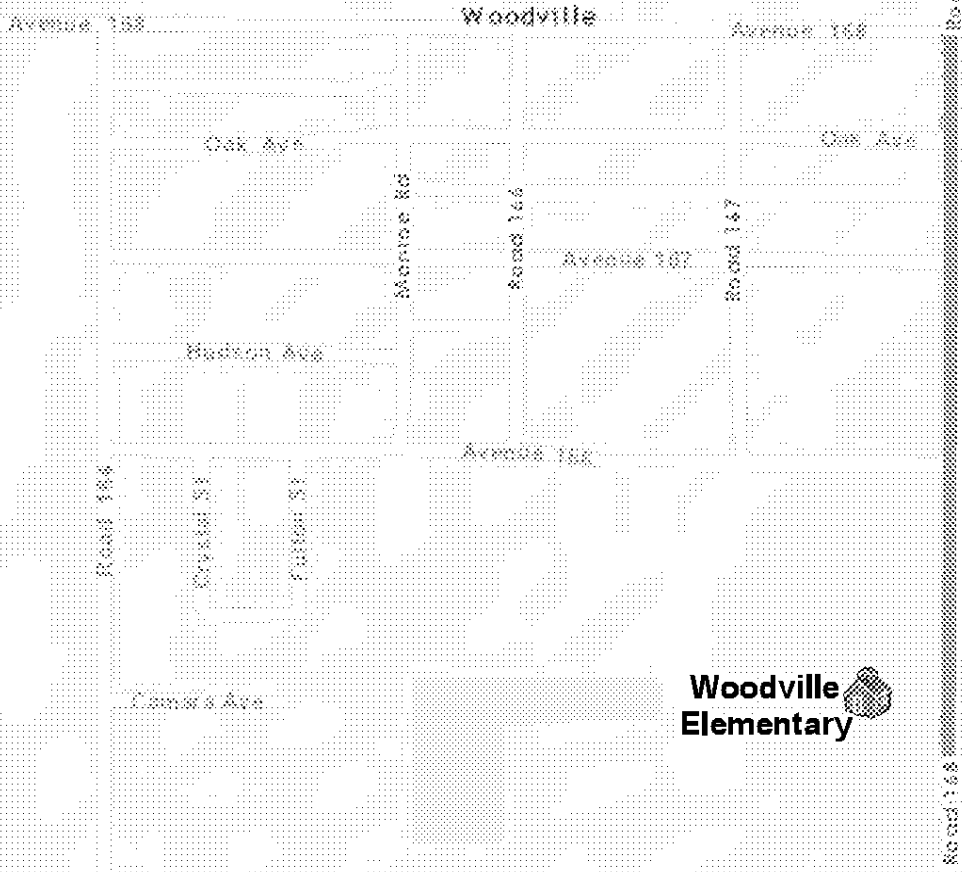
ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

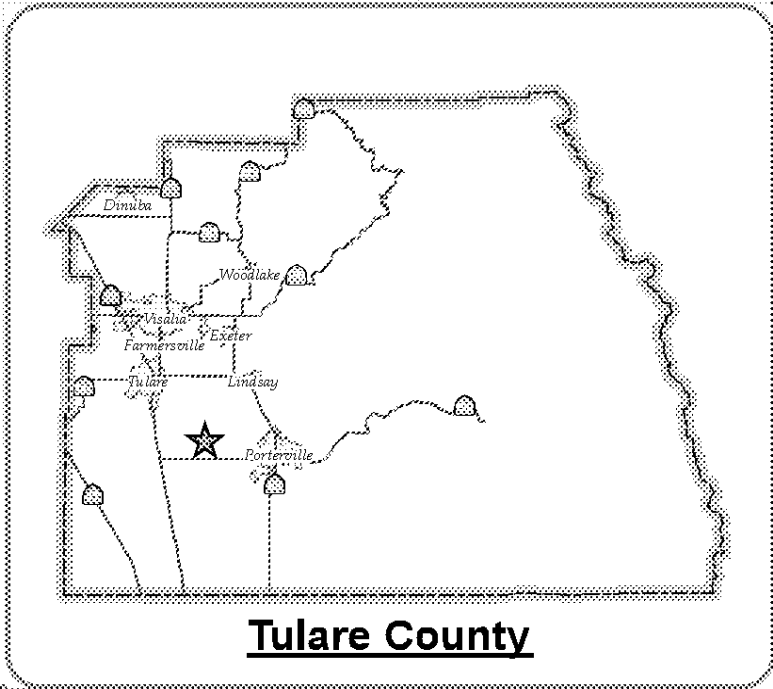
\* \* \* \* \*

1. Approved Program Supplement Agreement No. Q89 in the amount of \$75,000 with the California Department of Transportation for the Plans, Specifications, and Estimate (PS&E) Phase of the Woodville Sidewalk Improvements Project; and
2. Authorized the Chairman of the Board Supervisors to sign Program Supplement Agreement No. Q89 on behalf of the County of Tulare.




## **Attachment A – Vicinity Map**



**Woodville  
Elementary**



**Legend**

-  Project Site
-  Project Location
-  Tulare County Boundary



**Attachment B**  
**Program Supplement Agreement No. Q89 with**  
**the State of California**

PROGRAM SUPPLEMENT NO. Q89  
to  
ADMINISTERING AGENCY-STATE AGREEMENT  
FOR STATE FUNDED PROJECTS NO 00120S

Adv Project ID            Date: April 6, 2018  
0618000140            Location: 06-TUL-1-CR  
Project Number: ATPSB1L-5946(176)  
E.A. Number:  
Locode: 5946

This Program Supplement, effective 03/21/2018, 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 sidewalk, curb and gutter and install ADA ramps, AC pave-outs, striping and signage in Woodville along Road 168.

**TYPE OF WORK:** Pedestrian Improvements

Estimated Cost	State Funds		Matching Funds	
	SB1 funds		LOCAL	OTHER
\$75,000.00	\$75,000.00		\$0.00	\$0.00

COUNTY OF TULARE

APPROVED AS TO FORM:  
COUNTY COUNSEL  
By [Signature] 5/15/18  
Deputy

STATE OF CALIFORNIA  
Department of Transportation

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

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 [Signature]

Date 4/6/18 \$75,000.00

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
**PROGRAM SUPPLEMENT AND CERTIFICATION FORM**  
PSCF (REV. 01/2010)

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	4/6/2018	0618000140
	REQUISITION NUMBER / CONTRACT NUMBER <b>061800000403</b>	

FROM: **Department of Transportation**

SUBJECT: **Encumbrance Document**

VENDOR / LOCAL AGENCY:  
**COUNTY OF TULARE**

CONTRACT AMOUNT:  
**\$75,000.00**

PROCUREMENT TYPE:  
**Local Assistance**

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
14	2017	2660-108-3290	2018	20.30 720.100	2620/0000	75,000.00

**ADA Notice:** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410 or TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.



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/](http://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.
2. This PROJECT has received State Senate Bill1, Chapter 5, Statutes of 2017 (SB1) 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.