



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: October 18, 2011

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 for Federal Funding for the Avenue 416 at Road 80 Intersection Improvements Project

REQUEST(S):

That the Board of Supervisors:

1. Approve Program Supplement No. N054 to Administering Agency-State Agreement for Federal-Aid Projects No. 06-5946R for funding the construction of the Avenue 416 at Road 80 Intersection Improvements project; and
2. Authorize the Chairman to sign the Program Supplement on behalf of the County of Tulare.

SUMMARY:

The County is the lead agency on a project to widen Avenue 416 at the intersection of Road 80 in the City of Dinuba for a distance of about 400 feet on each leg of the intersection. The project includes widening the roadway to add additional left turn lanes, improving drainage, installing new curb and gutter and wheel chair accessible ramps, sidewalks and driveway approaches and upgrading the traffic signal. Federal funds are being proposed to pay for a portion of this project.

On January 19, 2007 the County entered into a Master Agreement with Caltrans for the County to administer Federal-Aid funded transportation related projects. Caltrans designated this as Agreement No. 06-5946R and the County designated this as Tulare County Agreement No. 23002. When a project is approved by Caltrans and the Federal Highway Administration (FHWA) to use federal funds, a Program Supplement to the Master Agreement containing conditions and provisions controlling the use of those funds on that project is required to be approved by the

SUBJECT: Program Supplement for Federal Funding for the Avenue 416 at Road 80 Intersection Improvements Project
DATE: October 18, 2011

County as the Administering Agency and executed by Caltrans.

In 2005, a bill originating in the House of Representatives as HR 3 was approved by Congress that included an earmark to provide federal funding for widening Avenue 416 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program. On August 5, 2011, Caltrans and FHWA authorized the County to apply this federal earmark toward funding this project.

On August 31, 2011, Caltrans prepared Program Supplement No. N054 to the Master Agreement to be approved by the County and returned to Caltrans for execution within 60 days. Once it has been signed by the appropriate Caltrans official, a fully executed copy will be returned to the County for our files. Once a contract is awarded and underway, County may then invoice Caltrans for the federal share of the construction costs of this project.


FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund. The total cost of this project is estimated to be \$1,921,161 including construction, contingencies and construction engineering. Caltrans will reimburse County for \$1,079,880 using the federal SAFETEA-LU funds. The \$841,281 estimated balance of the project cost will be paid by the Tulare County Transportation Authority from the ½ cent sales tax measure known as Measure R for regional projects in the County.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This program supplement provides funding for a project that enhances the economic well being of the people of Tulare County by improving the efficiency of this heavily used intersection.

ADMINISTRATIVE SIGN-OFF:



Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

BLF:PS

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

Attachment(s) Attachment A - Vicinity Map Program Supplement (3 copies)
Attachment B - Program Supplement N054

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

IN THE MATTER OF PROGRAM)	
SUPPLEMENT FOR FEDERAL FUNDING FOR)	Resolution No. _____
THE AVENUE 416 AT ROAD 80)	Agreement No. _____
INTERSECTION IMPROVEMENTS PROJECT)	

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 18, 2011 BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

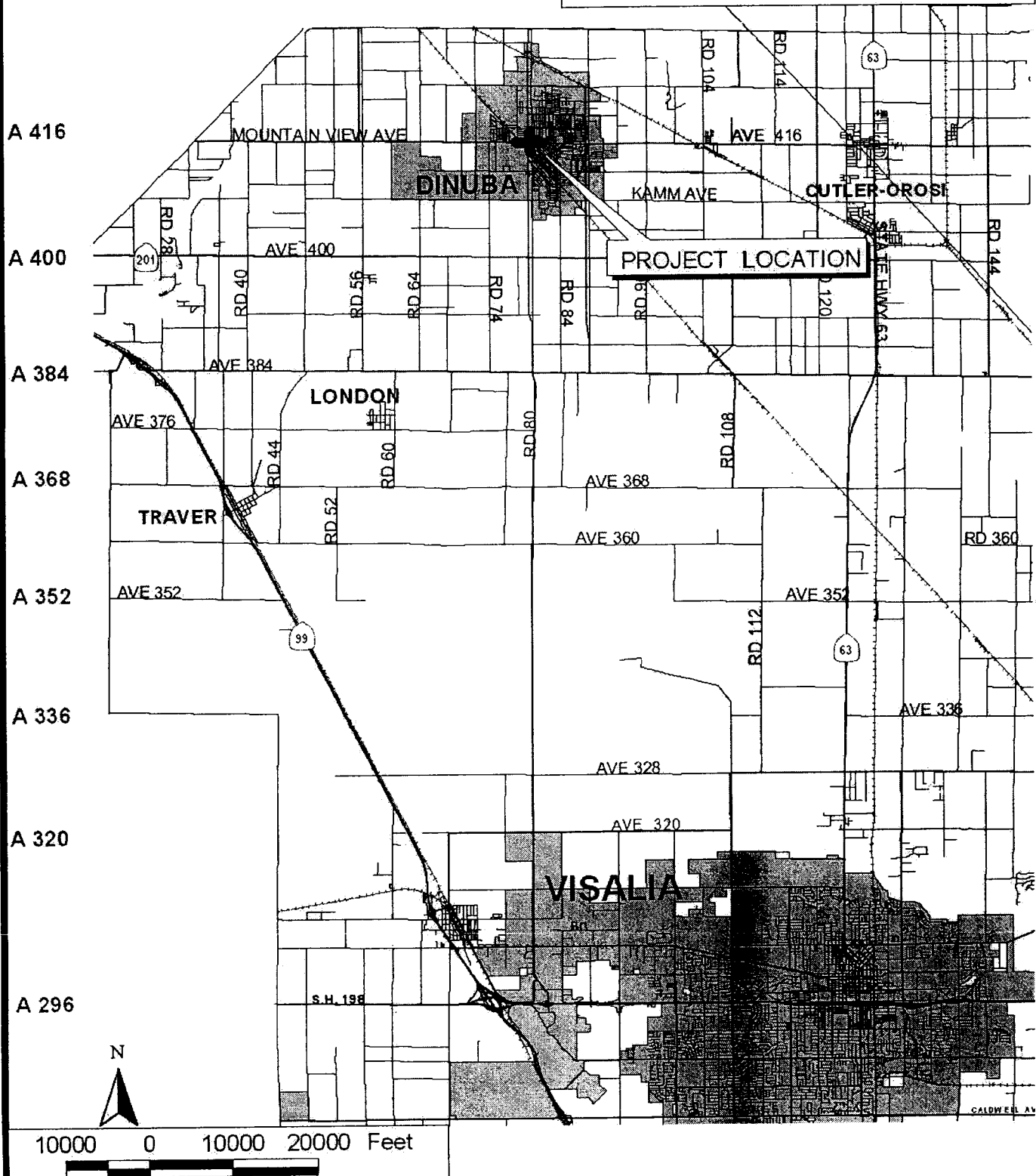
BY: _____
 Deputy Clerk

* * * * *

1. Approved Program Supplement No. N054 to Administering Agency-State Agreement for Federal-Aid Projects No. 06-5946R for funding the construction of the Avenue 416 at Road 80 Intersection Improvements project; and
2. Authorized the Chairman to sign the Program Supplement on behalf of the County of Tulare.

VICINITY MAP

AVENUE 416 AT ROAD 80 INTERSECTION IMPROVEMENTS



Attachment B

PROGRAM SUPPLEMENT NO. N054
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 06-5946

Adv Project ID 0600020634 Date: August 16, 2011
Location: 06-TUL-0-CR
Project Number: HPLUL-5946(122)
E.A. Number:
Locode: 5946

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 01/19/07 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:

Ave 416 and Rd. 80 Intersection improvements.

TYPE OF WORK: Construct left turn lanes & Improve roadway, construct Curb & Gutters & upgrade traffic Signal LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds	Matching Funds
	HY10 \$205,313.00	LOCAL
\$1,921,161.00	LY10 \$874,567.00	\$841,281.00
		OTHER \$0.00

TULARE COUNTY

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 Rupa Dore Date 8/24/11 \$1,079,880.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

AS TO FORM:
COUNTY COUNSEL

Program Supplement 06-5946-N054- ISTE A

Page 1 of 3

By Clara O. Liff 10-4-11
Deputy 2011408

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

Page ____ of ____

TO: STATE CONTROLLER'S OFFICE Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 08/23/11	PROJECT NUMBER: 0600020634
	REQUISITION NUMBER / CONTRACT NUMBER: RQS 061200000063	

FROM:

Department of Transportation

SUBJECT:

Encumbrance Document

VENDOR / LOCAL AGENCY:

TULARE COUNTY

CONTRACT AMOUNT:

\$1,079,880.00

PROCUREMENT TYPE:

Local Assistance

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS EMCUMBRANCE AND PURPOSE OF THE EXPEDNITURE STATED ABOVE.

[illegible]

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 or TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

SPECIAL COVENANTS OR REMARKS

1. 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).
2. 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.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. 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. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

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 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

SPECIAL COVENANTS OR REMARKS

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 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).