



Item No. 14 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

**FROM: MICHAEL KASHIWAGI
COMMUNITY SERVICES DIRECTOR**

DATE: SEPTEMBER 17, 2014

**SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN
THE PROGRAM SUPPLEMENT AGREEMENT No. 006-N TO
ADMINISTERING AGENCY-STATE AGREEMENT No. 04-5261R
IN CONNECTION WITH ATHERTON AVENUE/FAIR OAKS
LANE/MIDDLEFIELD ROAD MAINTENANCE PROJECT**

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to sign the Program Supplement Agreement No. 006-N to administering Agency-State Agreement No. 04-5261R in connection with Atherton Avenue/Fair Oaks Lane/Middlefield Road Maintenance Project, Project No. STPL-5261(008).

BACKGROUND

The Town has been awarded a Surface Transportation Program (STP) Federally-funded One Bay Area Grant (OBAG) for the Atherton Avenue/Fair Oaks Lane/Middlefield Road Maintenance Project in the amount of \$285,000. In order to receive authorization to construct the project under this program, a resolution must be submitted to Caltrans authorizing designated personnel to execute the Program Supplement Agreement No. 006-R to Administering Agency-State Agreement in order to proceed with the project.

Submittal of the Program Supplement Agreement No. 006-R is one of many requirements defined by Caltrans in its Local Programs Manual. Caltrans requires that each administering Local Public Agency agrees to follow the Department of Transportation (Caltrans) standard administering procedures in its Local Programs Manual and any special covenant or remarks in the Program Supplement Agreement.

FISCAL IMPACT

There is no fiscal impact for this action.

Attachments: Resolution & Program Supplement No. 006N

RESOLUTION 14-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROGRAM
SUPPLEMENT AGREEMENT No. 006-N TO ADMINISTERING AGENCY-
STATE AGREEMENT No. 04-5261R IN CONNECTION WITH ATHERTON
AVENUE/FAIR OAKS LANE/MIDDLEFIELD ROAD MAINTENANCE
PROJECT, FEDERAL PROJECT No. STPL-5261 (008)**

WHEREAS, in order to obtain Federal and State assistance in connection with State and Federal funded projects, and for the State Department of Transportation to approve the project for authorization to proceed, it is necessary that the Town of Atherton execute the Program Supplement Agreement No. 006-N to Administering Agency-State Agreement for Federal-Aid Projects No. 04-5261R for the proper execution of the project will be or has been acquired; and

WHEREAS, the State of California Department of Transportation, as provided in the Local Programs Manual Volume I, will now accept Program Supplement Agreement No. 006-N signed by designated Town staff, if the Council of the City has adopted a resolution authorized such staff to sign said certifications;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that the City Manager is authorized to execute, on behalf of the Town of Atherton, the Program Supplement Agreement No. 006-N to administering Agency-State Agreement No. 04-5261R in connection with Atherton Avenue/Fair Oaks Lane/Middlefield Road Maintenance Project, Project No. STPL-5261(008), required for State and Federal funded projects, and directs that a copy of this resolution be forwarded to the appropriate office of the State of California Department of Transportation.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 15th day of October, 2014, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

Cary Wiest, MAYOR
TOWN OF ATHERTON

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

PROGRAM SUPPLEMENT NO. N006
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 04-5261R

Adv Project ID **Date:** September 22, 2014
0414000275 **Location:** 04-SM-0-ATN
Project Number: STPL-5261(008)
E.A. Number:
Locode: 5261

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 07/23/07 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:

Atherton Ave, Fair Oaks Lane, Middlefield Rd.

TYPE OF WORK: Road Rehabilitation

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M240		LOCAL	OTHER
\$441,000.00	\$285,000.00		\$156,000.00	\$0.00

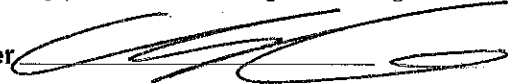
CITY OF ATHERTON

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:  Date 9/23/14 \$285,000.00

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. Please refer 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.