



City Council Staff Report

Date: November 20, 2013

CONSENT CALENDAR

Subject: APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. N039, WITH THE STATE OF CALIFORNIA FOR USE OF HBP FEDERAL-AID FUNDS FOR THE EAST PALM CANYON BRIDGE REHABILITATION OVER PALM CANYON WASH (BRIDGE NO. 56C-0409), CITY PROJECT NO. 12-04, FEDERAL-AID PROJECT NO. BHLS-5282 (041)

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

Approval of Program Supplement Agreement No. N039 will formally authorize the reimbursement of up to \$787,917.00 in federal-aid funds for the Preliminary Engineering (PE) phase of the East Palm Canyon Bridge Rehabilitation over Palm Canyon Wash, (City Project 12-04), Federal Aid Project No. BHLS-5282 (041).

RECOMMENDATION:

- 1) Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N039 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$787,917.00, FOR THE EAST PALM CANYON BRIDGE REHABILITATION OVER PALM CANYON WASH, CITY PROJECT NO. 12-04, FEDERAL-AID PROJECT NO. BHLS-5282 (041), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and
- 2) Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

On April 24, 2012, the City approved a professional services agreement with CNS Engineers, Inc., to develop a bridge advance planning study, and Highway Bridge Program ("HBP") funding application for rehabilitation/widening of the existing East Palm Canyon Drive Bridge (Bridge 56C0409) at Palm Canyon Wash. CNS

ITEM NO. 20

subsequently completed the study and the funding application, requesting almost \$6 Million in federal Highway Bridge Program ("HBP") funds for the project. The existing E. Palm Canyon Drive Bridge (Bridge 56C0409) is eligible for funding under the HBP, which is administered by the state of California Department of Transportation ("Caltrans"). The HBP federal funds cover 88.53% of eligible project costs, requiring an 11.47% local match.

The E. Palm Canyon Drive Bridge, constructed in 1956 and widened in 1963, is listed in the Federal Eligible Bridge List (EBL). Since the bridge is rated with an SR lower than 80 (53.6), the bridge is eligible for major rehabilitation in accordance with the HBP guidelines.

East Palm Canyon Drive is classified as a 4-lane divided major thoroughfare in the City's General Plan. This project will improve traffic circulation, and a widened bridge will include a 10' median, two 5' bike lanes/shoulders and an 8' wide pedestrian sidewalk on the south side of the bridge to provide continuity of the existing sidewalk which terminates at the westerly bridge approach.

The E. Palm Canyon Drive Bridge rehabilitation project was included in the 2010/11 – 2015/16 Highway Bridge Program with a total of \$5,973,000 for all phases. On September 18, 2013, Caltrans authorized the City to proceed with the Preliminary Engineering ("PE") Phase of this project.

The City operates under a "Master Agreement" with the state of California, identified as the "Administering Agency – State Agreement No. 08-5282R" for use of federal-aid funds on City projects. The Master Agreement is amended by each successive use of federal funds on a project, and upon authorization or obligation of the use of federal funds on a project, the City is provided with a "Program Supplement Agreement", or amendment, to the Master Agreement.

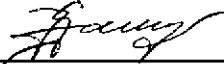
With the City's authorization to proceed on the PE phase of this project using federal HBP funds, Caltrans has submitted to the City for approval Program Supplement Agreement No. N039, which will facilitate the City's use of federal funds for this project.

FISCAL IMPACT:

Approval of Program Supplement Agreement No. N039 with Caltrans will formally authorize the disbursement and use of up to \$787,917.00 in federal-aid funds for the PE phase of the East Palm Canyon Bridge Rehabilitation over Palm Canyon Wash (City Project 12-04), Federal Aid Project No. BHLS-5282 (041). The City share of \$102,083.00 (11.47%) for this Fiscal Year is available from RCTC approved Local Measure A funds.

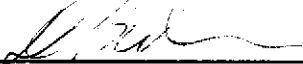
SUBMITTED:

Prepared by:



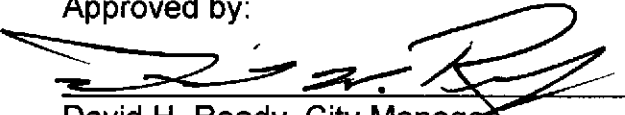
George F. Farago
Associate Civil Engineer

Recommended by:



David J. Barakian
Director of Public Works/City Engineer

Approved by:



David H. Ready, City Manager

ATTACHMENTS: 1. Program Supplement Agreement No. N039,
 2. Resolution

ATTACHMENT 1

PROGRAM SUPPLEMENT AGREEMENT NO. N039

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
 1120 N STREET
 P.O. BOX 942874, MS# 1
 Sacramento, CA 94274-0001
 TTY 711
 (916) 654-3151
 Fax (916) 653-7621



October 24, 2013

RECEIVED

File : 08-RIV-0-PSP

BHLS-5282(041)

East Palm Canyon Drive over Palm
 Canyon Wash, Br. No. 56C-0409

Mr. David Barakian
 Director of Public Works/City Engineer
 City of Palm Springs
 3200 E Tahquitz Canyon Way
 Palm Springs, CA 92263

OCT 28 2013

OFFICE OF PROJECT IMPLEMENTATION
 DIVISION OF LOCAL ASSISTANCE

Attn: Savat Khamphou

Dear Mr. Barakian:

Enclosed are two originals of the Program Supplement Agreement No. 039-N to Administering Agency-State Agreement No. 08-5282R.


Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. ATTACH YOUR LOCAL AGENCY'S CERTIFIED AUTHORIZING RESOLUTION THAT CLEARLY IDENTIFIES THE PROJECT AND THE OFFICIAL AUTHORIZED TO EXECUTE THE AGREEMENT. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,


 JOHN HOOLE, Chief
 Office of Project Implementation
 Division of Local Assistance

Enclosure

c: DLA AE Project Files
 (08) DLAE - Sean Yeung (Acting)

PROGRAM SUPPLEMENT NO. N039
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 08-5282R

Adv Project ID **Date:** October 9, 2013
0813000143 **Location:** 08-RIV-0-PSP
Project Number: BHLS-5282(041)
E.A. Number:
Locode: 5282

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 02/07/07 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:

East Palm Canyon Drive over Palm Canyon Wash, Br. No. 56C-0409

TYPE OF WORK: Bridge rehabilitation

LENGTH: 0.0(MILES)

| Estimated Cost | Federal Funds | | Matching Funds | |
|----------------|---------------|-------------|----------------|--------|
| | M240 | H240 | LOCAL | OTHER |
| \$890,000.00 | \$767,677.00 | \$20,240.00 | \$102,083.00 | \$0.00 |

CITY OF PALM SPRINGS

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 10/14/13 \$787,917.00

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|------|------|---------|----|----------|-------------|--------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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).
8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

ATTACHMENT 2
RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N039 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$787,917.00, FOR THE EAST PALM CANYON BRIDGE REPLACEMENT OVER TAHQUITZ CREEK (BRIDGE NO. 56C-0409), CITY PROJECT NO. 12-04, FEDERAL-AID PROJECT NO. BHLS-5282 (041), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS

WHEREAS, the City of Palm Springs has submitted to the California Department of Transportation a request for authorization to proceed with the Preliminary Engineering phase of the EAST Palm Canyon Bridge Replacement over Tahquitz Creek, (City Project 12-04), Federal Aid Project No. BHLS-5282 (041), requiring obligation of \$787,917.00 of Highway Bridge Program ("HBP") federal-aid funds; and

WHEREAS, the California Department of Transportation has prepared Program Supplement Agreement No. N039 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$787,917.00 of federal-aid funds for the EAST Palm Canyon Bridge Replacement over Tahquitz Creek, (City Project 12-04), Federal Aid Project No. BHLS-5282 (041).

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Program Supplement Agreement No. N039 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$787,917.00 of federal-aid funds for the EAST Palm Canyon Bridge Replacement over Tahquitz Creek (City Project 12-04), Federal Aid Project No. BHLS-5282 (041), is approved.

SECTION 2. The City Manager is authorized to execute and administer the Program Supplement Agreement as may be necessary.

Resolution No.

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ADOPTED THIS 20th day of November, 2013.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on November 20, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California