



## City Council Staff Report

November 5, 2014

CONSENT CALENDAR

Subject: APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 021-R1, WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY BRIDGE PROGRAM (HBP) FEDERAL-AID FUNDS FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLS-5282 (026)

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

Approval of Program Supplement Agreement No. 021-R1 will formally authorize the disbursement and use of up to \$3,672,391.00 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLS-5282 (026).

### RECOMMENDATION:

- 1) Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 021-R1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$3,672,391, FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLS-5282 (026), 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:

The Public Works and Engineering Department applied for funding through the Highway Bridge Program (HBP) for widening and rehabilitation of the existing Bogert Trail bridge over the Palm Canyon Wash. The existing bridge has been identified by Caltrans as functionally obsolete, and its widening and repairs are eligible for funding through the HBP. This project will retrofit and repair the existing bridge, and widen the bridge deck

ITEM NO. 85

to match the existing roadway width on either side of the bridge, including new sidewalks and accommodating for future bike lanes.

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 funds on City projects. The Master Agreement is amended by each successive use of federal funds on a project, and upon the first "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.

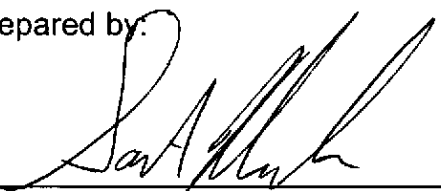
The City previously approved a Program Supplement Agreement (PSA) No. 021-N on April 18, 2007. A revised PSA Agreement No. 021-R1 (Rev. 1) includes additional HBP federal funds, slight modifications to the contract language, and emphasis on the Disadvantaged Business Enterprise program.

FISCAL IMPACT:

Approval of Program Supplement Agreement No. 021-R1 with Caltrans will formally authorize the disbursement and use of up to \$3,672,391.00 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLS-5282 (026).

SUBMITTED:

Prepared by:



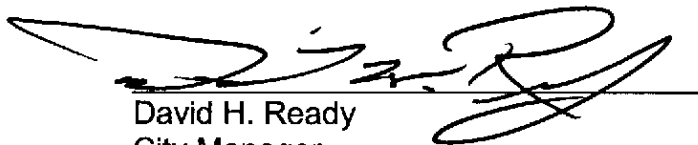
Savat Khamphou  
Assistant Director of Public Works

Recommended by:



David J. Barakian  
Director of Public Works/City Engineer

Approved:



David H. Ready  
City Manager

ATTACHMENTS:

1. Program Supplement Agreement No. 021-R1
2. Resolution
3. Approved Program Supplement Agreement No. 021-N

**PROGRAM SUPPLEMENT NO. N021 Rev. 1**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 08-5282R**

**Adv Project ID**                      **Date:** October 14, 2014  
0800000891                      **Location:** 08-RIV-0-PSP  
**Project Number:** BHLS-5282(026)  
**E.A. Number:** 08-924970  
**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 Bogert Trail over Palm Canyon Wash east of Andreas Palms Drive, Br. No. 56C-0311

**TYPE OF WORK:** Bridge rehabilitation

**LENGTH:** 0.1(MILES)

Estimated Cost	Federal Funds		Matching Funds		
			LOCAL		OTHER
\$5,023,938.00	M240	\$3,672,391.00			
	H1C0	\$119,516.00			
	L110	\$655,786.00	\$576,245.00		\$0.00

**CITY OF PALM SPRINGS**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_

By \_\_\_\_\_  
**Chief, Office of Project Implementation**  
**Division of Local Assistance**

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Attest \_\_\_\_\_

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

Accounting Officer

*Jessica Chang*

Date

10/14/14

\$4,447,693.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

TO: <b>STATE CONTROLLER'S OFFICE</b> Claims Audits 3301 "C" Street, Rm 404 Sacramento, CA 95816	DATE PREPARED: 10/14/2014	PROJECT NUMBER: 0800000891
	REQUISITION NUMBER / CONTRACT NUMBER: CT 085282021N	

FROM: Department of Transportation

SUBJECT: Encumbrance Document

VENDOR / LOCAL AGENCY:  
City of Palm Springs

**\$3,672,391.00**

PROCUREMENT TYPE:  
Local Assistance

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
20	2013	2660-102-890	2013-2014	20.30.010.300	2240 / 0600	\$3,672,391.00
<b>TOTAL CONTRACT AMOUNT</b>						<b>\$3,672,391.00</b>

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

**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](http://www.sam.gov).

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 021-R1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$3,672,391.00, FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLS-5282 (026), 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 Construction (CON) Phase for the Bogert Trail Bridge Rehabilitation, requiring encumbrance of \$3,672,391 of HBP federal-aid funds; and

WHEREAS, the California Department of Transportation has prepared Program Supplement Agreement No. 021-R1, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, encumbering \$3,672,391.00 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLS-5282 (026).

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

SECTION 1. Program Supplement Agreement No. 021-R1, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, encumbering \$3,672,391.00 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLS-5282 (026), is approved.

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

ADOPTED THIS 5th day of November 2014.

\_\_\_\_\_  
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 5, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California



PROGRAM SUPPLEMENT NO. N021  
 to  
 ADMINISTERING AGENCY-STATE AGREEMENT  
 FOR FEDERAL-AID PROJECTS NO. 08-5282R

RETURN TO:  
**CITY CLERK**  
 CITY OF PALM SPRINGS  
 BOX 2745  
 PALM SPRINGS, CA 92260

Date: March 14, 2007  
 Location: 08-RIV-0-PSP  
 Project Number: BHLO-5282(026)  
 E.A. Number: 08-924970

This Program Supplement hereby 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. 21869, approved by the Administering Agency on 4-18-07 (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by 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 Bogert Trail over Palm Canyon Wash east of Andreas Palms Drive

**TYPE OF WORK:** Bridge rehabilitation

**LENGTH:** 0.1 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	LI10		LOCAL		OTHER
\$740,750.00		\$655,786.00	\$84,964.00	\$0.00	\$0.00

CITY OF PALM SPRINGS

STATE OF CALIFORNIA

Department of Transportation

-By [Signature]  
 Date CITY MANAGER 04/19/07

By [Signature]  
 for Chief, Office of Project Implementation  
 Division of Local Assistance

Attest: [Signature]  
 Title CITY CLERK 04/19/07

Date April 25, 2007

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

Accounting Officer <u>[Signature]</u>							Date <u>3/15/07</u>	\$655,786.00
Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
47	2006	2660-102-890	2006-2007	20.30.010.300	C	224060	892-F	655,786.00

APPROVED BY CITY COUNCIL  
04/19/2007 RES 21869  
A5467

BHLO-5282(026)

## SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:  
Department of Transportation

Division of Accounting  
Local Programs Accounting Branch, MS #33  
P. O. Box 942874  
Sacramento, CA 94274-0001.

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.

3. 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).
4. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund

## SPECIAL COVENANTS OR REMARKS

reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

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, and invoice payments for any on-going or future federal-aid 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.

RESOLUTION NO. 21869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 021-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$740,750 (\$655,786 HBP FEDERAL FUNDS / \$84,964 MEASURE A FUNDS), FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLO-5282(026), 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 (PE) Phase for the Bogert Trail Bridge Rehabilitation, requiring obligation of \$655,786 of HBP federal-aid funds; and


WHEREAS, the California Department of Transportation has prepared Program Supplement Agreement No. 021-N, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$655,786 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLO-5282(026).

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

SECTION 1. Program Supplement Agreement No. 021-N, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$655,786 in federal-aid funds for the Bogert Trail Bridge Rehabilitation, City Project No. 07-03, Federal Aid Project No. BHLO-5282(026), is approved.

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

ADOPTED THIS 18th day of April, 2007.

  
David H. Ready, City Manager

ATTEST:

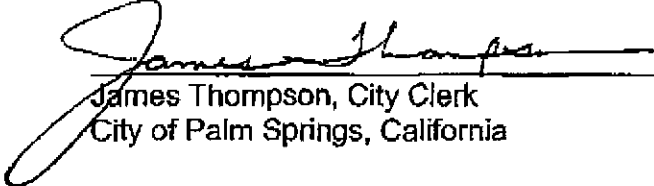
  
James Thompson, City Clerk

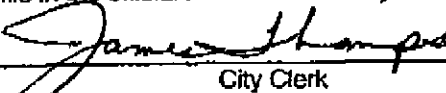
CERTIFICATION

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. 21869 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 the 18<sup>th</sup> day of April, 2007, by the following vote:

AYES: Councilmember Foat, Councilmember McCulloch, Councilmember Mills,  
Mayor Pro Tem Pougnet, and Mayor Oden.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

  
James Thompson, City Clerk  
City of Palm Springs, California

<b>CERTIFIED COPY</b>
I certify that this is a true and correct copy of the document on file in the official records of the City of Palm Springs.
 City Clerk
This certification must appear in blue with an original signature.