



City Council Staff Report

Date: September 2, 2009 CONSENT CALENDAR

Subject: APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 031-N, WITH THE STATE OF CALIFORNIA FOR USE OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL-AID FUNDS FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT, CITY PROJECT NO. 08-04, FEDERAL-AID PROJECT NO. CML-5282(031)

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

Approval of Program Supplement Agreement No. 031-N will formally authorize the reimbursement of up to \$199,000 in federal-aid funds for the preliminary engineering phase of the Traffic Management Center and Citywide Traffic Signal Interconnect Project (City Project 08-04), Federal Aid Project No. CML-5282(031).

RECOMMENDATION:

- 1) Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 031-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$225,000 (\$199,000 CMAQ FEDERAL FUNDS / \$26,000 GAS TAX FUNDS), FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT, CITY PROJECT NO. 08-04, FEDERAL-AID PROJECT NO. CML-5282(031), 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 30, 2007, the Coachella Valley Association of Governments ("CVAG") Executive Committee approved a Call for Projects for CVAG and its member jurisdictions using CVAG's allocation of Congestion Mitigation and Air Quality ("CMAQ") funds made available through the current highway funding bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

In July 2007, the Public Works and Engineering Department responded to CVAG's Call for Projects for CMAQ funding, requesting consideration of funding to analyze all of the City's arterial corridors to upgrade the traffic signal interconnect systems with current technology, and to create a modern traffic management center at City Hall. The purpose of the City's request is to repair and improve all of the existing traffic signal interconnect systems with modern systems that are capable of being remotely monitored and have greater reliability. Associated with the project is traffic engineering analysis to obtain existing traffic volume turning counts at key major intersections along the interconnected corridors from which new updated traffic signal interconnect timing plans can be prepared and implemented.

The Public Works Department's request to CVAG was for \$1,843,000 in CMAQ federal funds for an estimated \$2,082,000 project, consistent with the CMAQ federal program reimbursement rate of 88.53% of project costs.

CVAG received 28 requests for CMAQ funding from its member jurisdictions, requesting a total of \$30,610,112 in funding. The requests were evaluated by a Review Panel, and the City's request was ranked in 8th place of the 28 requests received. The CVAG Executive Committee subsequently approved the list of projects to receive CMAQ funding, and the projects were later added to the Regional Transportation Improvement Plan.

The Traffic Management Center and Citywide Traffic Signal Interconnect Project requires the services of a professional traffic engineering firm to provide the analysis required to upgrade the traffic signal interconnect systems and create a modern traffic management center. The project budget estimated a design phase cost of \$225,000 of which the CMAQ funds will cover \$199,000. Staff submitted a request for authorization to proceed with the preliminary engineering phase to Caltrans who administers the federal aid funds awarded to the City. The City's request was approved July 23, 2009.

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.

In light of the City's authorization to proceed with the preliminary engineering phase of this project using CMAQ federal funds, Caltrans has submitted to the City for approval Program Supplement Agreement No. 031-N, which will facilitate the City's use of federal funds for this project.

FISCAL IMPACT:

Approval of Program Supplement Agreement No. 031-N with Caltrans will formally authorize the disbursement and use of up to \$199,000 in federal-aid funds for the design phase of the Traffic Management Center and Citywide Traffic Signal Interconnect Project (City Project 08-04), Federal Aid Project No. CML-5282(031).

Submitted:

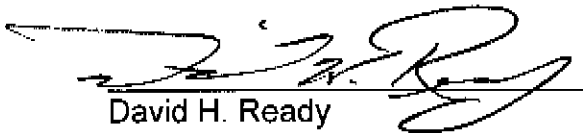


David J. Barakian
Director of Public Works/City Engineer



Thomas J. Wilson
Assistant City Manager

Approved:



David H. Ready
City Manager

ATTACHMENTS:

1. Program Supplement Agreement No. 031-N
2. Resolution

ATTACHMENT 1
PROGRAM SUPPLEMENT AGREEMENT NO. 031-N

PROGRAM SUPPLEMENT NO. N028
 to
 ADMINISTERING AGENCY-STATE AGREEMENT
 FOR FEDERAL-AID PROJECTS NO. 08-5282R

Date: July 13, 2009
 Location: 08-RIV-0-PSP
 Project Number: CML-5282(031)
 E.A. Number: 08-925113

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. _____, approved by the Administering Agency on _____ (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:
 Throughout Palm Springs

TYPE OF WORK: Interconnect signals and new traffic management center at City Hall LENGTH: 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	L400	\$199,000.00	LOCAL		OTHER
\$225,000.00			\$26,000.00	\$0.00	\$0.00

CITY OF PALM SPRINGS

STATE OF CALIFORNIA
 Department of Transportation

By _____
 Date _____
 Attest _____
 Title _____

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 *J. Gray* Date 7/14/09 \$199,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
268	2008	2660-102-890	2008-2009	20.30.010.820	C	262040	892-F	199,000.00

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 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

SPECIAL COVENANTS OR REMARKS

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.

6. 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).
7. 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.).

ATTACHMENT 2

RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 031-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$225,000 (\$199,000 CMAQ FEDERAL FUNDS / \$26,000 GAS TAX FUNDS), FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT, CITY PROJECT NO. 08-04, FEDERAL-AID PROJECT NO. CML-5282(031), 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 Traffic Management Center and Citywide Traffic Signal Interconnect Project, requiring obligation of \$199,000 of CMAQ federal-aid funds; and

WHEREAS, the California Department of Transportation has prepared Program Supplement Agreement No. 031-N, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$199,000 of Congestion Mitigation and Air Quality ("CMAQ") federal-aid funds for the Traffic Management Center and Citywide Traffic Signal Interconnect Project (City Project 08-04), Federal Aid Project No. CML-5282(031).

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

SECTION 1. Program Supplement Agreement No. 031-N, an amendment to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$199,000 of CMAQ federal-aid funds for the Traffic Management Center and Citywide Traffic Signal Interconnect Project (City Project 08-04), Federal Aid Project No. CML-5282(031), 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 2nd day of September, 2009.

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 September 2, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California