

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION RATIFYING THE EXECUTION OF VARIOUS PROGRAM SUPPLEMENTS TO “MASTER AGREEMENT, ADMINISTERING AGENCY - STATE AGREEMENT FOR STATE FUNDED PROJECTS, AGREEMENT NO. 00322S” WITH THE STATE OF CALIFORNIA

The following resolution is now offered and read:

WHEREAS, the California Transportation Commission (CTC) makes funds available for County roads construction projects and said funds are administered by the State of California Department of Transportation (Caltrans); and

WHEREAS, the County is required to enter into a master agreement with Caltrans entitled “Master Agreement, Administering Agency – State Agreement for State Funded Projects, Agreement No. 00322S” (Master Agreement) as a prerequisite to receiving CTC funds; and

WHEREAS, on October 8, 2013, your Board approved Master Agreement authorizing the Director of Public Works and the Deputy Director of Public Works to accept and sign all program supplement agreements to the Master Agreement; and

WHEREAS, State funding for each eligible project is administered by a program supplement to the Master Agreement; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

That the following attached program supplements are hereby ratified:

- a. Program Supplement No. H17 for the Willow Rd Extended Rehab, State Project No. SLPP-5949(121).
- b. Program Supplement No. K50 for Crocker Street Project, State Project No. SR2SL-5949(145).

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: November 8, 2013

L:\TRANS\NOV13\BOS\Supplement Agreement No. 0322S rsl.GD:mac

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

PROGRAM SUPPLEMENT NO. H17
 to
 ADMINISTERING AGENCY-STATE AGREEMENT
 FOR STATE FUNDED PROJECTS NO. 00322S

Date: May 03, 2010
 Location: 05-SLO-0-CR
 Project Number: SLPP-5949(121)
 E.A. Number: 05-930249
 Locode: 5949

This PROGRAM SUPPLEMENT, effective 1/13/10, hereby incorporates into the Administering Agency - State Agreement No. 00322S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 1/13/10 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. 2003-182 approved by the ADMINISTERING AGENCY on 05/21/03 (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 encumbered to this project, it accepts and will comply with the Special Covenants and Remarks set forth on the following pages.

PROJECT LOCATION:

Nipomo, extend and rehab Willow Road

TYPE OF WORK: Road Extension

Estimated Cost	State Funds		Matching Funds		
	STATE		LOCAL		OTHER
\$6,500,000.00	\$1,000,000.00		\$5,500,000.00	\$0.00	\$0.00

SAN LUIS OBISPO COUNTY

STATE OF CALIFORNIA
 Department of Transportation

By [Signature]

By [Signature]

Date 6/3/2010

Chief, Office of Project Implementation
 Division of Local Assistance

Date 9/3/10

Title Director of Public Works

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

Accounting Officer [Signature] Date 5/10/10 \$1,000,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
268	2008	2660-120-060	2008-2009	20.30.210.200	C	258010	060-B	1,000,000.00

SPECIAL COVENANTS OR REMARKS

1. This PROJECT is programmed to receive State Proposition 1B Bond funds from the State and Local Partnership Program (SLPP). This PROJECT will be administered in accordance with the California Transportation Commission (CTC) approved/adopted SLPP Guidelines, and this Program Supplement Agreement.

ADMINISTERING AGENCY agrees to use eligible local matching funds of the type identified in its project application/nomination, for the required dollar for dollar minimum local match to the SLPP funds.

ADMINISTERING AGENCY agrees to submit invoices for PROJECT costs in accordance with the Local Assistance Procedures Manual (LAPM).

To satisfy the accountability requirements of the Governor's Executive Order # S-02-07, ADMINISTERING AGENCY agrees to:

- 1) Submit certified Quarterly Progress Reports on the activities, expenditures and progress made towards implementation of the PROJECT. Changes to the scope and budget from the CTC approved project application/nomination shall also be identified in these reports. The certified Quarterly Progress Reports shall be submitted to the Division of Local Assistance - Office of Project Delivery & Accountability via the Local Assistance Online Data Input System (LA-ODIS)
 - 2) Submit a certified Final Delivery Report to the CTC, within six months of the PROJECT construction contract being accepted, on the scope of the completed PROJECT, its final costs as compared to the project budget in its project application/nomination, its duration as compared to the project schedule in its application/nomination and performance outcomes derived from the PROJECT as compared to those described in the project application/nomination.
2. ADMINISTERING AGENCY agrees to submit PROJECT specific award information, using Exhibit 23-A of the LAPG, to the STATE's District Local Assistance Engineer (DLAE) immediately after award of contract. Failure to do so will delay processing invoices for the construction contract. As a minimum, the award information

SPECIAL COVENANTS OR REMARKS

should include the following information: project number, EA number, project description, date funds allocated by the CTC, date project was advertised, bid opening date, award date, award amount, and estimated completion date.

A copy of the DLAE reviewed Exhibit 23-A shall also be included with the submittal of the 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

3. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
4. 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.

SPECIAL COVENANTS OR REMARKS

5. 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 DistrictLocal 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.

PROGRAM SUPPLEMENT NO. K50
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00322S

Adv Project ID Date: January 28, 2013
0513000051 Location: 05-SLO-0-CR
Project Number: SR2SL-5949(145)
E.A. Number:
Locode: 5949

This Program Supplement, effective 12/6/12, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00322S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 01/13/10 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. 2003-182 approved by the ADMINISTERING AGENCY on 06/03/2003 (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 encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

Crocker Street, Templeton

TYPE OF WORK: Pedestrian and Bike Path

Estimated Cost	State Funds		Matching Funds	
	Safe Route		LOCAL	OTHER
\$200,600.00	\$180,300.00		\$20,300.00	\$0.00

COUNTY OF SAN LUIS OBISPO

By Revo Ogden
Title Public Works Director
Date 2/20/2013
Attest Michael Leary
Michael Leary Project Manager

STATE OF CALIFORNIA
Department of Transportation
By Walter Smith
Chief, Office of Project Implementation
Division of Local Assistance
Date 4/9/13

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

Accounting Officer [Signature] Date 1/30/13 \$180,300.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2.
 1. This PROJECT is funded with State-Only funding from the Safe Route to School (SR2S) Program.
 2. ADMINISTERING AGENCY agrees to administer PROJECT in accordance with the SR2S Program Guidelines under which the project was selected.
 3. This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which the SR2S State funds are allocated. The effective State allocation date establishes the eligibility date for the ADMINISTERING AGENCY to start reimbursable work. Any work performed prior the the effective allocation date is not eligible for reimbursement from the SR2S funds.
 4. ADMINISTERING AGENCY agrees that SR2S funds available for reimbursement will be limited to the amount allocated and encumbered by the STATE consistent with the scope of work in the STATE approved application. Funds encumbered may not be used to increase the scope of work after a project is awarded for construction unless approved by the Statewide SR2S Coordinator prior to performing work. Future allocations of SR2S funds will be encumbered by use of a STATE approved Allocation Letter and Finance Letter.
 5. ADMINISTERING AGENCY agrees to the program delivery and reporting requirements established for the applicable SR2S Program funding cycle.
 6. ADMINISTERING AGENCY agrees to provide contract award information to the State within 60 days of the award and prior to submitting the first invoice for construction of this PROJECT. The required Construction Contract Award Information is listed at the Caltrans Safe Routes to School (SR2S) Project Implementation web site:

http://www.dot.gov/hq/LocalPrograms/saferoutes/sr2s_instruct.htm
 7. The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).
 8. The ADMINISTERING AGENCY agrees to submit the "Final Report of Expenditures" to the DLAE within six (6) months of project completion in accordance with Section 17.5 of the Local Assistance Procedures Manual (LAPM).
3. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Notwithstanding the foregoing, ADMINISTERING

SPECIAL COVENANTS OR REMARKS

AGENCY shall not be required to comply with 49 CFR, Part 18.36 (i), subsections (3), (4), (5), (6), (8), (9), (12) and (13).

4. 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.