



City Council Staff Report

Date: July 6, 2011

CONSENT CALENDAR

Subject: APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. N035, WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY BRIDGE PROGRAM (HBP) FEDERAL-AID FUNDS FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER, CITY PROJECT NO. 10-10, FEDERAL-AID PROJECT NO. BR-NBIL (513)

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

Approval of Program Supplement Agreement No. N035 will formally authorize the reimbursement of up to \$885,300 in federal-aid funds for the Preliminary Engineering (PE) phase of the Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, (City Project 10-10), Federal Aid Project No. BR-NBIL (513).

RECOMMENDATION:

- 1) Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N035 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$885,300, FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER, CITY PROJECT NO. 10-10, FEDERAL-AID PROJECT NO. BR-NBIL (513), 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:

For many years, the Public Works & Engineering Department has pursued federal funding from the state of California Department of Transportation ("Caltrans") through its Highway Bridge Program ("HBP") to design and construct a new bridge on Vista Chino

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across the Whitewater River. The City has three "at-grade" crossings of the Whitewater River on Indian Canyon Dr., Gene Autry Trail, and Vista Chino. Anytime there is a storm event, the City is generally required to close one, two or all three of these critical arterials into and out of the City, severely disrupting access in the western Coachella Valley, especially emergency access to Desert Regional Medical Center.

The Coachella Valley Association of Governments ("CVAG") recently adopted the 2010 Update to the Transportation Project Prioritization Study ("TPPS"). The TPPS identifies the estimated costs to construct all-weather bridge crossings in Palm Springs as follows:

| | |
|----------------------|---------------|
| Indian Canyon Drive: | \$166,270,000 |
| Gene Autry Trail: | \$225,682,800 |
| Vista Chino: | \$68,638,500 |

As the cost implications to the City and CVAG are in excess of \$450 Million to construct all-weather bridge crossings at these locations, staff have primarily focused on securing federal funding for construction of a new bridge on Vista Chino, which has the shortest length (1/2 mile) across the Whitewater River.

After many years of effort, the Public Works & Engineering Department has been successful in having Caltrans program \$1,000,000 in the HBP for the Preliminary Engineering ("PE") Phase to initiate environmental studies and preliminary design for a new Vista Chino bridge.

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.

In light of the City's authorization to proceed with the PE phase of this project using federal HBP funds, Caltrans has submitted to the City for approval Program Supplement Agreement No. N035, which will facilitate the City's use of federal funds for this project.

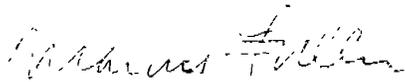
FISCAL IMPACT:

Approval of Program Supplement Agreement No. N035 with Caltrans will formally authorize the disbursement and use of up to \$885,300 in federal-aid funds for the PE phase of the Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, (City Project 10-10), Federal Aid Project No. BR-NBIL (513).

SUBMITTED:

Prepared by:

Recommended by:



Marcus L. Fuller
Assistant Director of Public Works

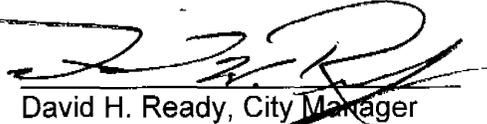


David J. Barakian
Director of Public Works/City Engineer

Approved by:



Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. Program Supplement Agreement No. N035
2. Resolution

PROGRAM SUPPLEMENT NO. N035
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 08-5282R

Date: June 6, 2011
Location: 08-RIV-0-PSP
Project Number: BR-NBIL(513)
E-A-Number: 08-5282R-452
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:

Vista Chino Road, east of Gene Autry Trail, at Whitewater River

TYPE OF WORK: Replace 4-lane low water crossing with a 4-lane bridge **LENGTH:** 0.0(MILES)

| Estimated Cost | Federal Funds | | Matching Funds | |
|----------------|---------------|--|----------------|--------|
| | L1CE | | LOCAL | OTHER |
| \$1,000,000.00 | \$885,300.00 | | \$114,700.00 | \$0.00 |

CITY OF PALM SPRINGS

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

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 Manuela Lee Date 6/6/11 \$885,300.00

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

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. 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).
3. 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.

4. 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.).
5. As a condition for receiving federal-aid highway funds for the PROJECT, the

SPECIAL COVENANTS OR REMARKS

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).

6. 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.

7. 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.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N035 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$885,300, FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER, CITY PROJECT NO. 10-10, FEDERAL-AID PROJECT NO. BR-NBIL (513), 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 Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, (City Project 10-10), requiring obligation of \$885,300 of Highway Bridge Program ("HBP") federal-aid funds; and

WHEREAS, the California Department of Transportation has prepared Program Supplement Agreement No. N035 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$885,300 of HBP federal-aid funds for the Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, (City Project 10-10), Federal Aid Project No. BR-NBIL (513).

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

SECTION 1. Program Supplement Agreement No. N035 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$885,300 of HBP federal-aid funds for the Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, (City Project 10-10), Federal Aid Project No. BR-NBIL (513), is approved.

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

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ADOPTED THIS 6th day of July, 2011.

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 July 6, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California