



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 12/15/98
AGENDA ITEM 7
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Authorize the City Manager to Execute Program Supplements with the State of California for Federal Aid Projects

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing the City Manager to execute Program Supplements with the State of California to receive payment of Federal Funds.

BACKGROUND:

The Administering Agency--State Agreement between the City and the State of California covers the procedures and conditions for the design, construction and maintenance of federal-aid projects. The City's agreement was first executed in 1977 and revised in May 1997. Execution of a separate program supplement is required for each project before federal funds can be released. In the past, it was necessary to obtain a separate Council resolution for each program supplement that added an additional federally funded project. Staff has now received the latest such program supplement (Exhibit A) for the recently advertised Bridge Seismic Retrofit project. It has also been determined that Caltrans will now accept a one-time resolution that authorizes a City representative to execute program supplements that are for projects clearly documented in the City's Capital Improvement Program Budget.

The attached resolution would authorize the City Manager to execute the attached program supplement and each subsequent supplement with the State, whenever the Council has previously approved and funded a project within the Capital Improvement Program Budget.

Prepared by:



Robert A. Bauman, Deputy Director of Public Works

Recommended by:



Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachment A: Program Supplement Agreement No. 003-M

PROGRAM SUPPLEMENT NO. M003
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 04-5050

Date: November 05, 1998
Location: 04-ALA-0-HAY
Project Number: STPLZ-5050(007)
E.A. Number: 04-928225

This Program Supplement is hereby incorporated into the Agency-State Agreement for Federal Aid which was entered into between the Agency and the State on 05/30/97 and is subject to all the terms and conditions thereof. This Program Supplement is adopted in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Agency on _____ (See copy attached).

The Agency further stipulates that as a condition to payment of funds obligated to this project, it accepts and will comply with the covenants or remarks setforth on the following pages.

PROJECT TERMINI:
WINTON AVE OH 33C-0093

TYPE OF WORK: seismic retrofit LENGTH: 0 (MILES)

PROJECT CLASSIFICATION OR PHASE (S) OF WORK

Preliminary Engineering Right-Of-Way Construction
 Construction Engineering

Estimated Cost	Federal Funds		Matching Funds		
	BMS		LOCAL	STATE	OTHER
\$817,108.00		\$705,679.00	\$0.00	\$111,429.00	\$0.00

CITY OF HAYWARD

STATE OF CALIFORNIA
Department of Transportation

By _____

By _____

Date _____

Chief, Office of Local Programs
Project Implementation

Attest _____

Date _____

Title _____

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

Accounting Officer: [Signature] Date: 11.5.98 \$817,108.00

Chapter	Statutes	Item	Year	Program	BC	Fund Source	AMOUNT
282	1997	2660-125-042	97-98	20.30.010.690	C	224060 042-T	111,429.00
282	1997	2660-101-890	97-98	20.30.010.690	C	224060 892-F	705,679.00

Exhibit A

STPLZ-5050(007)

SPECIAL COVENANTS OR REMARKS

1. All maintenance, involving the physical condition and the operation of the improvements, referred to in Article III MAINTENANCE of the aforementioned Master Agreement will be the responsibility of the Local Agency and shall be performed at regular intervals or as required for efficient operation of the completed improvements.
2. The Local Agency will reimburse the State for their share of costs for work requested to be performed by the State.
3. The Local Agency agrees the payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration in the Federal-Aid Project Agreement (PR-2)/Detail Estimate, or its modification (PR-2A) or the FNM-76, and accepts any increases in Local Agency Funds as shown on the Finance or Bid Letter or its modification as prepared by the Office of Local Programs Project Implementation.
4. The Local Agency will advertise, award and administer this project in accordance with the current Local Program Procedures or the new Local Programs Manual, when issued.
5. The Local Agency agrees to advertise the project no later than six (6) months after receipt of the structural plans, specifications and estimates from the State.
6. The Local Agency agrees to use local funds to match that portion of the work not eligible for match under The State Seismic Program.
7. State Seismic funds will provide the match to Federal Funds, as well as Local Agency overhead costs, relating to seismic project development.
8. Whenever the local agency uses a consultant on a cost plus basis, the local agency is required to submit a post audit report covering the allowability of cost payments for each individual consultant or sub-contractor incurring over \$25,000 on the project. The audit report must state the applicable cost principles utilized by the auditor in determining allowable costs as referenced in CFR 49, part 18, Subpart C - 22, Allowable Costs.

PM 12-11-98

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PROGRAM SUPPLEMENTS FOR FEDERAL AID PROJECTS

WHEREAS, the Administering Agency-State Agreement No. 04-5050 between the City of Hayward and the State of California, first executed in 1977, covers the procedures and conditions for the design, construction and maintenance of federal aid projects; and

WHEREAS, execution of a separate program supplement is required for a project before federal funds can be released making it necessary to obtain a separate Council Resolution for each additional project; and

WHEREAS, the City of Hayward has been asked to execute Program Supplement No. 003-M to the Agency State Agreement No. 04-5050 for the Winton Avenue Seismic Retrofit Project; and

WHEREAS, Caltrans will now accept a one time resolution authorizing a City representative to execute all subsequent program supplements that are clearly documented in the City's Capital Improvement Program Budget.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward hereby authorizes the City Manager to execute all program supplements with the State of California to receive payment of federal funds whenever the Council has approved and funded a project within the Capital Improvement Program Budget.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward