



CITY OF
HAYWARD
HEART OF THE BAY

10

DATE: June 16, 2009
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Authorization to Submit an Application for State American Recovery and Reinvestment Act of 2009 (ARRA) Funding and Authorization for the Public Works Director to Advertise and Award the Project to Meet State Deadline

RECOMMENDATION

That Council adopts the attached resolutions that:

1. Authorize the filing of an application for the State American Recovery and Reinvestment Act of 2009 (ARRA) funding; and
2. Authorize the Director of Public Works to advertise and award the project.

BACKGROUND

On March 17, 2009, Council adopted the resolution that authorized the submittal of the application for funding of projects from the Regional American Recovery and Reinvestment Act of 2009 (ARRA). Cypress Avenue, portions of Huntwood Avenue, Clawiter Road, and D Street were submitted as qualifying for pavement rehabilitation as part of that application. The Metropolitan Transportation Commission (MTC) has recently notified staff that additional State ARRA funding is available and asked if the City would want to submit additional street as a second application. In response, Industrial Boulevard has been identified as an additional street for pavement rehabilitation. Similar to the original application, the MTC is requiring local agencies to expedite processing of contracts to meet obligation deadlines.

DISCUSSION

The MTC recently programmed to Alameda County \$24.64 million of Regional ARRA funding to Local Streets and Roads (LSR) projects. The City of Hayward will receive \$2.037 million from this funding. The MTC has proposed another installment of ARRA for LSR funding through a portion of the overall ARRA funding that is being administered by the State. The amount of State ARRA funding available for Alameda County LSR projects is \$4.740 million, from which the City of Hayward expects to receive \$475,000. The City's share was to be approximately \$375,000, but was increased by \$100,000 to assist smaller cities in Alameda County that cannot meet the expected

schedule and to ensure all allocated funds are obligated. The additional \$100,000 will be deducted from the City's future share of federal funds for Local Streets and Roads.

Similar to the Regional ARRA-funded project, the State ARRA-funded project will undergo an expedited Caltrans Local Assistance process, which is focused on ensuring that the projects will meet environmental clearance, right-of-way certification, and construction contract requirements. Furthermore, local agencies will need to satisfy all federal funding requirements and meet the obligation deadline of September 30, 2009, in order to receive this State ARRA funding.

To meet this deadline, staff recommends the pavement rehabilitation of portions of Industrial Boulevard, from I-880 to State Route 92 (see Exhibit A). This project was already included in the FY 2009 Capital Improvement Program with construction planned for FY 2010. Staff has already begun the design, which will make it possible to meet the State ARRA deadline. Similar to the Regional ARRA-funded project, staff is requesting that Council authorize the Director of Public Works to advertise and award the project once Caltrans issues its funding approval document, in order to meet the required timeline and to have the construction occur before the rainy season.

As this project is federally funded, the federal Disadvantaged Business Enterprise (DBE) Program applies. In response to concerns raised by the State Legislature and Small Business Council, the State has recently requested that local agencies implement the new Race Conscious (RC) DBE provisions. As previously reported to Council, these provisions require the establishment of a specific goal for every federally funded project for subcontracting participation from four minority groups that were found to be underutilized in the previous DBE program. These groups are women, Native Americans, African Americans, and Asian Pacific Americans. As this project will be approved after June 2, 2009, it must comply with those requirements. The City has already adopted a RC DBE Program for federally funded projects with a goal of 3.4 percent, and the RC DBE requirements will be incorporated into the project specifications.

PUBLIC CONTACT

Staff will post information on the City's website regarding funding from the 2009 ARRA.

FISCAL AND ECONOMIC IMPACT

Estimated Project Costs:

Construction Contract	\$ 740,000
Design and Administration	80,000
Construction Survey, Inspection and Testing	80,000
<hr/> Total	<hr/> \$ 900,000

The proposed FY10 Capital Improvement Program being considered this evening already includes \$900,000 for the project in the Street System Improvement Fund. With this application, the City expects to be reimbursed \$475,000 from the State ARRA funds

SCHEDULE

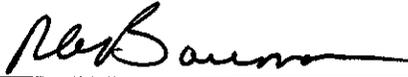
Complete Design	June 2009
Submit PS&E for Caltrans' Review	June 2009
Receive Authorization to Advertise	September 2009
Call for Bids	September 2009
Receive Bids	October 2009
Award Construction Contract	October 2009
Begin Construction	October 2009
Complete Construction	December 2009

Prepared by:



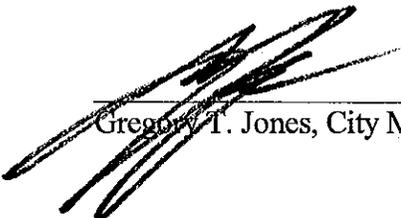
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



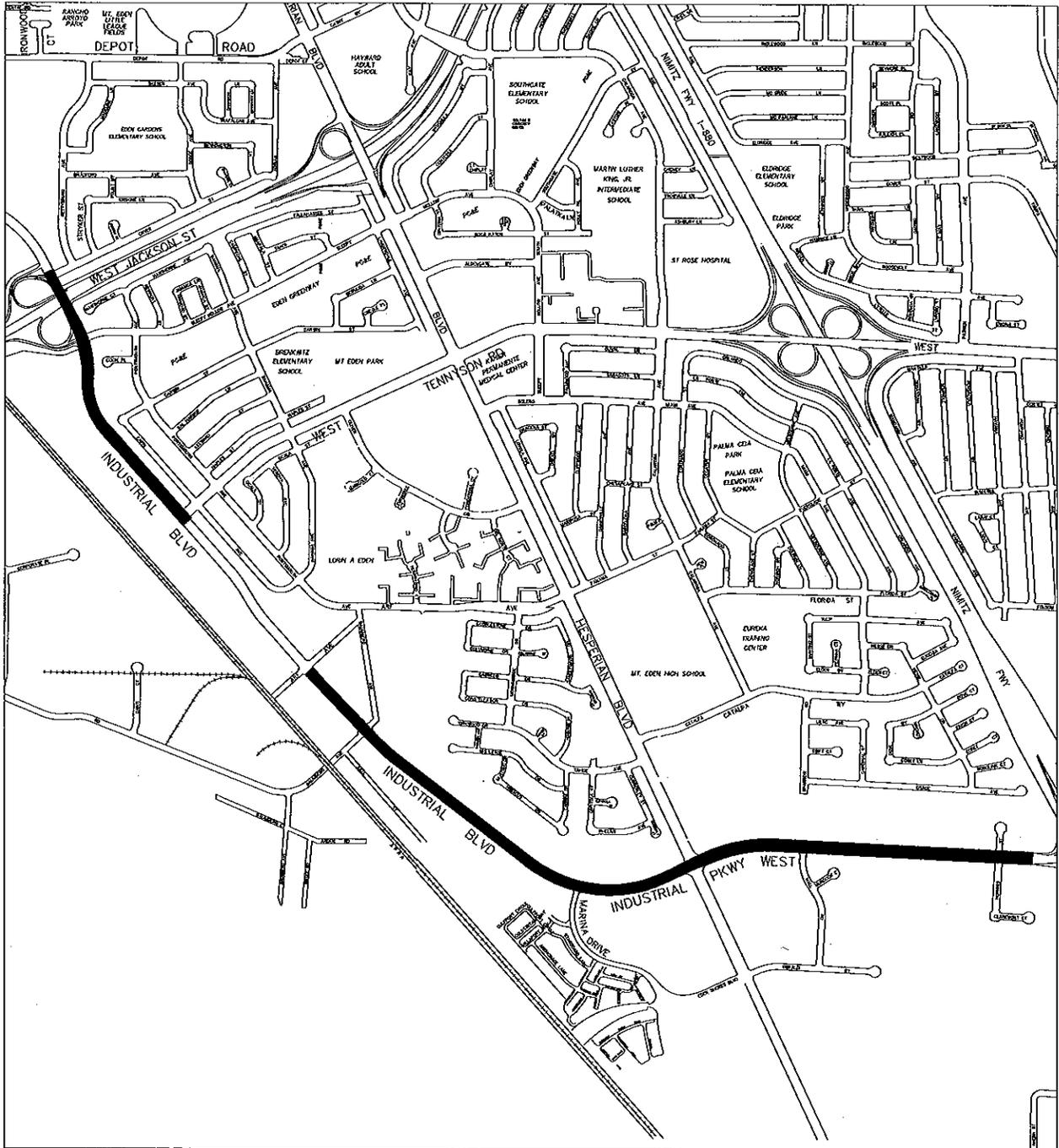
Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments: Exhibit A: Project Limits Maps
Draft Resolution



**PAVEMENT REHABILITATION FOR STATE ARRA
PROJECT LIMITS MAP**

DRAFT

NH
6/12/09

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION OF LOCAL SUPPORT FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) AND AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Hayward (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$475,000 in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for Pavement Rehabilitation of Portions of Industrial Boulevard from I-880 to Jackson Street (herein referred as PROJECT) for the MTC State ARRA Program (MTC Resolution No. 3885); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive State ARRA funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a State Project Funding Delivery Policy (MTC Resolution No. 3606, revised) applicable to federal ARRA fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

WHEREAS, as part of the application for ARRA funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and

2) that PROJECT will comply with the procedures specified in MTC's State Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's State ARRA Program (MTC Resolution No. 3885); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and

3) that PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the American Recovery and Reinvestment Act of 2009 for (PROJECT).

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1) APPLICANT understands that the ARRA funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional ARRA or MTC-programmed funds; and

2) APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the State ARRA Program (MTC Resolution No. 3885) and State Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and

3) PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance.

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for ARRA funding for the PROJECT as referenced in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-

Introduced by Council Member _____

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6/12/09

RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ADVERTISE FOR AND AWARD CONTRACTS FOR PROJECTS FUNDED THROUGH THE 2009 AMERICAN RECOVERY AND REINVESTMENT ACT

WHEREAS, the City of Hayward is submitting an application to the Metropolitan Transportation Commission (the "MTC") for approximately \$475,000 in funding from the federal American Recovery and Reinvestment Act of 2009 ("ARRA") for pavement rehabilitation for some local streets and roads through the MTC State ARRA Program; and

WHEREAS, the MTC has adopted a State Project Funding Delivery Policy applicable to federal ARRA fund delivery and has adopted, or is scheduled to adopt, such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, State ARRA-funded projects are required to be obligated September 30, 2009, and the MTC has requested that all local recipients of ARRA funds streamline their advertising and awarding processes to the maximum extent possible; and

WHEREAS, in order to meet the strict time lines for project delivery, staff is requesting that the City Council authorize the City Manager, upon Caltrans' issuance of its E-76 funding approval document, to advertise and, if appropriate, award the State ARRA-funded project and final funding amount.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that, in order to meet the time lines for ARRA-funded project delivery, the City Manager is hereby authorized to advertise and award, upon the issuance of Caltrans' E-76 funding approval document, contracts for street rehabilitation projects funded through the 2009 American Recovery and Reinvestment Act, which contracts shall be in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2009

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward