

RESOLUTION NO. 2012 - 41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK  
AUTHORIZING CITY MANAGER TO EXECUTE PROGRAM SUPPLEMENT  
AGREEMENT NO. 011-N TO ADMINISTERING AGENCY-STATE  
AGREEMENT NO. 04-5379R FOR FEDERAL FUNDING FOR THE  
ARLEN DRIVE AND EAST COTATI AVENUE OVERLAYS PROJECT  
(Federal Project # RPSTPLE-5379(019) / City Project #2010-07)**

WHEREAS, the State of California Department of Transportation (Caltrans) and FHWA has obligated \$563,000 in Federal Surface Transportation Program funds for the construction phase of the Arlen Drive and East Cotati Avenue Overlays Project;

WHEREAS, Caltrans has provided Program Supplement Agreement No. 011-N in accordance with Administering Agency – State Agreement for Federal Aid, 04-5379R (“Master Agreement”), which, upon full execution, enables the City to request and receive Federal-aid funds for the project;

WHEREAS, Caltrans has requested a certified enabling resolution identifying the project receiving funding through Program Supplement Agreement No. 011-N and the official authorized to execute the Program Supplement Agreement.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Rohnert Park that the City Manager is hereby authorized and directed to take all actions for and on behalf of the City of Rohnert Park, including execution, if necessary, to effectuate the Program Supplement Agreement 011-N, in substantially similar form to the agreement attached hereto as **Exhibit “A”** and incorporated by this reference, subject to minor modifications by the City Manager or City Attorney, which authorizes Federal-aid Funding for the Arlen Drive and East Cotati Avenue Overlays Project in accordance with the existing Master Agreement for Federal-Aid between City and Caltrans, dated July 19, 2007.

**DULY AND REGULARLY ADOPTED** this 8<sup>th</sup> day of May, 2012.

CITY OF ROHNERT PARK

ATTEST:



Interim Deputy City Clerk



AHANOTU: AYE BELFORTE: AYE CALLINAN: AYE STAFFORD: AYE MACKENZIE: AYE  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**DEPARTMENT OF TRANSPORTATION**

Division of Local Assistance  
1120 N STREET  
P.O. BOX 942874, MS# 1  
Sacramento, CA 94274-0001  
TTY 711  
(916) 654-3151  
Fax (916) 653-7621



File : 04-SON-0-RNPK  
STPL-5379(019)  
Arlen Drive and East Cotati Avenue

April 5, 2012

Ms. Eydie Tacata  
Management Analyst  
City of Rohnert Park  
130 Avram Ave.  
Rohnert Park, CA 94928

RECEIVED

APR 10 2012

CITY OF ROHNERT PARK  
ENGINEERING

Dear Ms. Tacata:

Enclosed are two originals of the Program Supplement Agreement No. 011-N to Administering Agency-State Agreement No. 04-5379R.

**Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.**

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

  
BILL SANDOVAL, Chief  
Office of Project Implementation - North  
Division of Local Assistance

Enclosure

c: DLA AE Project Files  
(04) DLAE - Sylvia Fung

PROGRAM SUPPLEMENT NO. N011  
to  
ADMINISTERING AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO 04-5379

Adv Project ID      Date: March 29, 2012  
0400021167      Location: 04-SON-0-RNPK  
Project Number: STPL-5379(019)  
E.A. Number:  
Locode: 5379

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 07/19/07 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:**

Arlen Drive and East Cotati Avenue

**TYPE OF WORK:** Road Rehabilitation

**LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L23E		LOCAL	OTHER
\$795,665.00	\$563,000.00		\$232,665.00	\$0.00

**CITY OF ROHNERT PARK**

**STATE OF CALIFORNIA**  
Department of Transportation

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

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 *Rita Stone*

Date 4/4/12 \$563,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT



SPECIAL COVENANTS OR REMARKS

1. 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).
2. 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.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. 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.

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 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

SPECIAL COVENANTS OR REMARKS

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. 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.).
7. 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).