



# RESOLUTION No. 21-148

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION AUTHORIZING AGREEMENT NO. 6982AF-21-K-500018 WITH FEDERAL HIGHWAY ADMINISTRATION, CENTRAL FEDERAL LANDS HIGHWAY DIVISION (CFLHD), AND APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$491,970.62 (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, the County entered a memorandum of Understanding (MOU) with Federal Highway Administration, Central Federal Lands Highway Division (CFLHD), by adopting resolution 15-549; and

WHEREAS, utility conflicts on the Donner Pass Road Project are anticipated to cost \$491,970.62; and

WHEREAS, ATT, Lumen, ATT-California and Zayo were unable to efficiently and effectively relocate their facilities and are responsible for the cost of relocation efforts; and

WHEREAS, CFLHD is unable to receive funds directly from ATT, Lumen, ATT-California, Zayo; and

WHEREAS, the County agrees to accept funds from the utility companies and transfer said funds to CFLHD; and

WHEREAS, a budget amendment is necessary in 1114-30154-702-1000 / 540711 to accomplish this exchange of funds between the utility companies and CFLHD.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

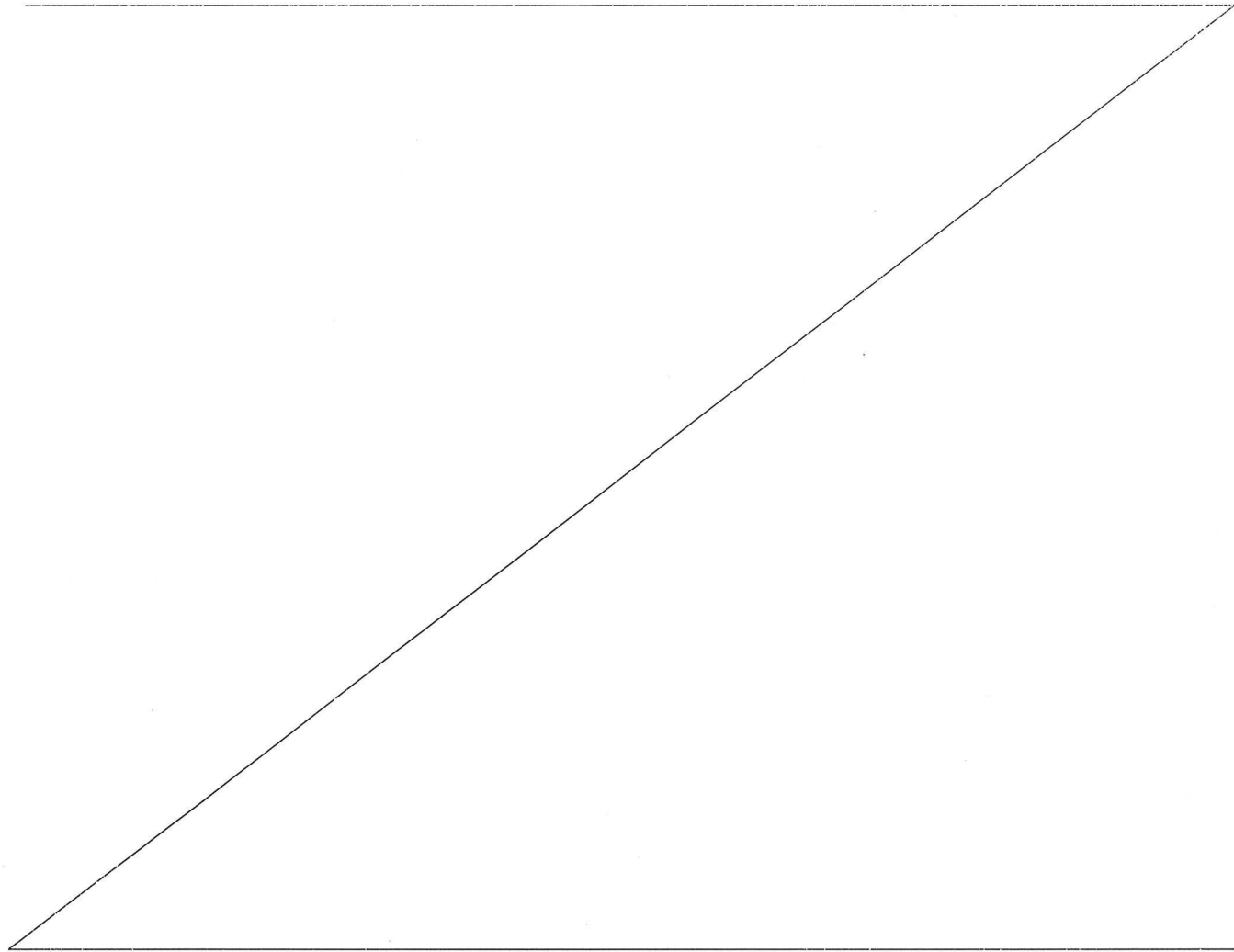
1. Approves Agreement No.: 6982AF-21-K-500018 with the CFLHD.
2. Authorizes the encumbrance of \$491,970.62 for payments to CFLHD
3. Authorizes the Auditor-Controller to execute a budget amendment as follows:

Increase:

1114-30154-702-1000 / 462400 \$491,970.62

1114-30154-702-1000 / 540711 \$491,970.62

4. Authorizes the Chair of the Board of Supervisors to execute, on behalf of the County of Nevada, the agreement between Nevada County and CFHLD



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of May, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

5/11/2021 cc: DPW(2)  
AC\* (hold)

6/22/2021 cc: DPW\*  
AC\* (Release)

**Federal Highway Administration  
Federal Lands Highway  
AGREEMENT  
6982AF-21-K-500018**

**PARTIES TO THE AGREEMENT**

<b>Reimbursing Organization</b>	<b>Organization to be Reimbursed</b>
Nevada County Department of Public Works 950 Maidu Avenue, Suite 170 P.O. Box 559002 Nevada City, CA 95959-7902	Federal Highway Administration Central Federal Lands Highway Division 12300 West Dakota Ave Lakewood, CO 80228
DUNS Number: 010979029 TIN: 94-6000526	DUNS Number 126129936

**POINTS OF CONTACT FOR THE AGREEMENT**

<b>Reimbursing Organization Finance Point of Contact</b>	<b>Organization to be Reimbursed Finance Point of Contact</b>
Name: Patti Royston Address: 950 Maidu Avenue P.O. Box 559002 Nevada City, CA 95959-7902 Phone: 530-265-1492 E-mail: Patti.Royston@co.nevada.ca.us	Name: Suzanne Schmidt Address: 12300 West Dakota Ave Lakewood, CO 802 Phone: 720-963-3356 E-mail: <a href="mailto:suzanne.schmidt@dot.gov">suzanne.schmidt@dot.gov</a>
<b>Reimbursing Organization Program Point of Contact</b>	<b>Organization to be Reimbursed Program Point of Contact</b>
Name: Pat Perkins Address: 950 Maidu Avenue P.O. Box 559002 Nevada City, CA 95959-7902 Phone: 530-265-1712 E-mail: Patrick.Perkins@co.nevada.ca.us	Name: Matt Ambroziak Address: 12300 West Dakota Ave Lakewood, CO 80228 Phone: 720-963-3619 E-mail: matthew.ambroziak@dot.gov

**PERIOD OF PERFORMANCE**

From: See date of signature below  
To: June 8, 2023

**LEGAL AUTHORITY**

23 U.S.C. 201 and 204

**TOTAL AGREEMENT AMOUNT**

TOTAL AGREEMENT AMOUNT:  
Agreement Amount: \$491,970.62  
**Total Agreement Amount: \$491,970.62**


**PAYMENT TERMS AND SCHEDULE**

EFT

**DESCRIPTION OF SUPPLIES, SERVICES, AND DELIVERABLES**

See attached SOW

**AUTHORIZED APPROVALS**

For Reimbursing Organization	For Organization to be Reimbursed
Signature:  Date: 5-11-2021	Signature: JOSEPH LOUIS WILSON Date: Digitally signed by JOSEPH LOUIS WILSON Date: 2021.05.19 12:07:48 -06'00'
Title	Title

## Statement of Work

**Project: CA FLAP NEV 40(1) Donner Pass Road**  
**Agreement No.: 6982AF-21-K-500018 February 23, 2021**

- I. Introduction: Nevada County, CA will provide funding for construction (CN) to the Federal Highway Administration, Central Federal Lands Highway Division (CFLHD) for the CA FLAP NEV 40(1) Donner Pass Road Project. Nevada County will be referred to as the Requesting Agency and the CFLHD shall be referred to as the Servicing Agency. The Program Decision Committee approved this project on August 28, 2015.

Nevada County will provide funding as set forth in Section III for construction costs for lowering 5 culverts along Donner Pass Road to avoid conflicts with existing underground utilities. The additional costs to lower the 5 cuverts were determined through the execution of a construction contract modification between CFLHD and their construction contractor.

- II. Location: Nevada County and Placer County, CA
- III. Work Required: For the CA FLAP NEV 40(1) Donner Pass Road project, as selected by the Programming Decisions Committee (PDC) in the state of California, the proposed project is to include comprehensive road rehabilitation, road widening, Class II bicycle lanes where feasible, and parking improvements for trailhead, rock climbing, and historical sightseeing access along a 6.4-mile segment of Donner Pass Road (Old Highway 40) encompassing portions of Nevada and Placer Counties. (See the California Access Program Project Application dated January 27<sup>th</sup>, 2015 and Project Delivery Plan (PDP) from June 2015).

Nevada County will provide \$491,970.62 in funds for the additional construction costs for lowering 5 culverts to avoid existing underground utilities. FHWA will not invoice Nevada County for the \$491,970.62 until after Nevada County has received reimbursement from the utility companies through a separate agreement between Nevada County and the utility companies. FHWA will send one invoice for work done in 2020 and one invoice for work done in 2021. Nevada County will notify FHWA when Nevada County has received funds from the utility companies.

If Nevada County does not execute their agreement with the utility companies prior to July 1, 2021, CFLHD will execute a contract modification to reduce the scope of work for the construction project to cover the \$491,970.62 associated with lowering the culverts to avoid the utilities.

- IV. Period of Performance: All work associated with this agreement will be completed no later than June 8, 2023.
- V. Technical Representative: CFLHD Program Point of Contact for this Agreement is Matt Ambroziak, Project Manager. Mr. Ambroziak can be contacted at 720-963-3619 or [Matthew.Ambroziak@dot.gov](mailto:Matthew.Ambroziak@dot.gov).

Nevada County Point of Contact for this Agreement is Mr. Pat Perkins. Mr. Perkins

**Statement of Work**  
**Project: CA FLAP NEV 40(1) Donner Pass Road**  
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can be contacted at 530-265-1712 or Patrick.Perkins@co.nevada.ca.us.

VI. Roles and Responsibilities

Refer to the Project Memorandum of Agreement dated February 17, 2016 for additional Roles and Responsibilities.

A. FHWA, Central Federal Lands Highway Division will:

- 1) Manage the overall effort on this agreement regarding scope, schedule, and budget in coordination with Nevada County;

B. Nevada County will:

- 1) Provide funding as referenced in this document.

VII. Financial Administration:

A. **Total Agreement Amount:** \$491,970.62

B. **Funding Citations:** 23 U.S.C. 201 and 204.

C. **Reimbursable Payment:**

The Servicing Agency will invoice the Requesting Agency twice for funding expended for the project for progress payments made to the construction contractor. The amount for this work is estimated at **\$491,970.62**. Any remaining costs up to \$491,970.62 will be billed at the final closeout of the construction contract.

The Servicing Agency shall not incur costs which result in funds exceeding the maximum cost stated in this Agreement without authorization by the Requesting Agency in the form of written modification to this agreement.

Upon receipt of the invoice of costs incurred and authorized, the Requesting Agency will issue payment via one of the methods listed below.

D. **Method of Billing:**

The Servicing Agency shall bill the Requesting Agency, in accordance with the payment terms and schedule as agreed upon in the Agreement.

The Servicing Agency requests that these payments be made through the US Treasury's website <https://pay.gov>. Pay.gov can be used to make secure electronic payments to any Federal Government Agencies via credit card or direct debit. Payment shall be submitted referencing the FHWA/CFLHD-ID Agreement Number **6982AF-21-K-500018**.

## Statement of Work

**Project: CA FLAP NEV 40(1) Donner Pass Road**  
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### Option 1 (Preferred Method)

- Plastic card or Automatic Clearing House Payment (ACH Direct Debit)
- Go to Treasury's website – <https://pay.gov>
- Search for Agency Name (Transportation Department)
- Select the appropriate Transportation Agency (Federal Highway Administration)
- Follow the form instructions to make your payment. Note, if making an ACH payment from your bank account, please select ACH Direct Debit as the payment type.

### Option 2

- Mail check payable to DOT FHWA. Send to the following address for Paper Check Conversion (PCC) processing:

Enterprise Service Center  
Federal Aviation Administration  
ATTN: AMZ-340, Mark Richardson  
6500 S. MacArthur Blvd., HDQ Rm 285  
Oklahoma City, OK 73169

### Notice to customers making payment by check:

- Please notify Regina Monroe at 720-963-3460 or [regina.monroe@dot.gov](mailto:regina.monroe@dot.gov) if mailing a check.
- When you provide a check as payment you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.
- When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution.

*Privacy Act- A Privacy Act Statement required by 5 U.S.C. § 552a(e)(3) stating our authority for soliciting and collecting the information from your check, and explaining the purposes and routine uses which will be made of your check information, is available from our internet site at (PCCOTC.GOV), or call toll free; at (1-800-624-137 to obtain a copy by mail. Furnishing the check information is voluntary, but a decision not to do so may require you to make payment by some other method.*

VIII. Modifications: Any modifications to the Agreement must be made in writing and agreed to by both parties. Such modifications are not binding unless they are in writing and signed by personnel authorized to bind each of the agencies.

IX. Agreement Completion: When the Requesting Agency has received all deliverables, the Servicing Agency will provide a written project evaluation and final accounting of project costs to the Requesting Agency contact.

**Statement of Work**

**Project: CA FLAP NEV 40(1) Donner Pass Road**

**Agreement No.: 6982AF-21-K-500018 February 23, 2021**

- X. Termination: This agreement will terminate upon the date specified in Section IV or upon 30 calendar day prior written notification to the other party. If this agreement is terminated by the Requesting Agency its liability shall extend only to pay for for the actual and reasonable costs of the items/services rendered and the costs of any non-cancelable obligations incurred in accordance with the terms of this agreement prior to the effective date of termination. If this agreement is terminated by the Servicing Agency its liability shall extend only to the release of its work products and related materials to the Requesting Agency by the effective date of termination.