



RESOLUTION No. 14-197

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

PROGRAM SUPPLEMENT NUMBER N049 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS NUMBER 03-5917R – BEAR RIVER AT DOG BAR ROAD BRIDGE REPLACEMENT PROJECT

WHEREAS, Federal Highway Bridge Program (HBP) Funds are available for the Preliminary Engineering phase of the Bear River at Dog Bar Road Bridge Replacement Project; and

WHEREAS, State Exchange funds are available for non-reimbursable expenses; and

WHEREAS, in order to obtain these funds, Program Supplement Number N049 must be approved and executed; and

WHEREAS, the funds shall be deposited in fund 1114-30154-702-3000/446370.

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

1. Approves Program Supplement Number N049 to Administering Agency-State Agreement for Federal Aid Projects, Number 03-5917R in the amount of \$525,000 for the Preliminary Engineering phase of the Bear River at Dog Bar Road Bridge Replacement Project.
2. Authorizes the Chair of the Board of Supervisors to execute the original two documents on behalf of the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27th day of May, 2014, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Hank Weston and Richard Anderson.

Noes: Terry Lamphier.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI
Clerk of the Board of Supervisors

By: _____

Donna Landi

Nathan H. Beason, Chair

05/27/2014 cc: DPW*
AC*(hold)

06/16/2014 cc: DPW*
AC*(release)

SC:DG:lb

PROGRAM SUPPLEMENT NO. N049
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 03-5917R

Adv Project ID Date: April 16, 2014
0314000112 Location: 03-NEV-0-CR
Project Number: BRLO-5917(084)
E.A. Number:
Locode: 5917

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 06/29/07 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. 14-197 approved by the Administering Agency on 5/27/2014 (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:

Dog Bar Road at Bear River ~0.5 miles South East of Magnolia Road at the Nevada-Placer County Line.

TYPE OF WORK: Bridge Replacement

LENGTH: 0.1(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	M233	\$525,000.00	LOCAL	OTHER
\$525,000.00			\$0.00	\$0.00

COUNTY OF NEVADA

By [Signature]
Title Chair
Date 5/27/14
Attest Donna Landi

STATE OF CALIFORNIA
Department of Transportation

By [Signature]
for Chief, Office of Project Implementation
Division of Local Assistance
Date 06/03/14

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

Accounting Officer [Signature] Date 4/16/14 \$525,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

Page ____ of ____

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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 Exclusion List. Exclusions can be found at www.sam.gov.
8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.



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Ayes: Supervisors Nathan H. Beason, Edward Scofield, Hank Weston and Richard Anderson.

Noes: Terry Lamphier.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI

Clerk of the Board of Supervisors

By:

Donna Landi

The foregoing instrument is a correct
copy of the original on file in this office. Nathan H. Beason, Chair

Res 14-197

05/27/2014 cc: DPW*
AC*(hold)

ATTEST: May 28, 2014
DONNA LANDI, Clerk of the Board
County of Nevada

pv.

BRN

SC:DG:lb