



RESOLUTION No. 20-071

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING MODIFICATION 2 TO AGREEMENT DTFH68-15-E-00043 BETWEEN THE CENTRAL FEDERAL LANDS HIGHWAY DIVISION AND THE COUNTY OF NEVADA FOR THE DONNER PASS ROAD PROJECT IN THE AMOUNT OF \$630,000—DISTRICT 5

WHEREAS, on December 8, 2015, the Board of Supervisors approved Resolution 15-549, approving a Memorandum of Agreement (MOA) between the Central Federal Lands Highway Division (CFLHD) and the County of Nevada in the amount of \$10,309,000 for the Donner Pass Road Project; and

WHEREAS, the CFLHD has requested a second modification to the Reimbursement Agreement and Statement of Work to memorialize the cost sharing methodology that will be used for project delivery.

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

1. Approves the Reimbursement Agreement Modification 2 between the Central Federal Lands Highway Division (CFLHD) and the County of Nevada for the Donner Pass Road Project and authorizes the Chair of the Board of Supervisors to execute the Agreement.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of March, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair

3/10/2020 cc: DPW (2)
AC* (Hold)

6/2/2020 cc: DPW*
AC*(release)

**Federal Highway Administration
Federal Lands Highway
AGREEMENT
DTFH68-15-E-00043, Mod 002**

PARTIES TO THE AGREEMENT

Reimbursing Organization	Organization to be Reimbursed
Nevada County Department of Public Works 950 Maidu Avenue, Suite 170 Nevada City, CA 95959	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

Reimbursing Organization Finance Point of Contact	Organization to be Reimbursed Finance Point of Contact
Name: Brian Rhodes Address: 950 Maidu Avenue Nevada City, CA 95959 Phone: 530-265-1559 E-mail: brian.rhodes@co.nevada.ca.us	Name: Suzanne Schmidt Address: 12300 West Dakota Ave Lakewood, CO 802 Phone: 720-963-3356 E-mail: suzanne.schmidt@dot.gov
Reimbursing Organization Program Point of Contact	Organization to be Reimbursed Program Point of Contact
Name: Pat Perkins Address: 950 Maidu Avenue Nevada City, CA 95959 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: ~~December 1st, 2020~~ June 8, 2023

LEGAL AUTHORITY

23 U.S.C. 201 and 204

TOTAL AGREEMENT AMOUNT

TOTAL AGREEMENT AMOUNT:
Original Agreement Amount: \$10,000.00
Modification 001: \$454,228.00
Modification 002: \$165,772
Total Agreement Amount: \$630,000

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 <i>Hiedi Hall</i> Date <i>3/10/2020</i> Title <i>Chair of the Board</i>	Signature <i>[Signature]</i> Date <i>3/12/20</i> Title <i>Contracting Officer</i>

Revised 3/2010

Statement of Work

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

Agreement No.: DTFH68-15-E-00043 April 1, 2015

Modification 002 February 3, 2020

- I. **Introduction:** Nevada County, CA will provide funding for preliminary engineering (PE), construction engineering (CE), and 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. Funding in the amount of ~~\$10,000~~ ***\$464,228*** was previously provided by Nevada County for the scoping report and project delivery plan development, ***preliminary engineering, construction, and construction engineering*** under Reimbursable Agreement No. ***DTFH68-15-E-00043, Modification 001***. The Program Decision Committee approved this project on August 28, 2015.

Modification 002: Nevada County and Placer County will provide matching funds, as set forth in Section IV, for preliminary engineering, construction, and construction engineering for the CA FLAP NEV 40(1) Donner Pass Road project. The additional funding amounts were calculated for total project costs to date, including the bid opening for the construction contract on January 29, 2020.

- 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, develop contract (plans, specifications, and estimate) for the advertisement, NEPA/CEQA, permitting, and award of a construction project to complete this work. Provide contract administration and construction engineering services.

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 27th, 2015 and Project Delivery Plan (PDP) from June 2015).

This agreement documents the intent of the parties and commits the Requesting Agency to provide its share of costs. Refer to the Project Memorandum of Agreement for more information.

Non-Federal Share of Costs: It is estimated that Federal Lands Access Program funding will be used to fund preliminary engineering (including NEPA compliance), construction, and construction engineering as follows:

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Preliminary Engineering Costs	
FLAP	\$1,188,744
Match *	\$18,256
Total	\$1,207,000
Construction Engineering Costs	
FLAP	\$590,442
Match *	\$9,558
Total	\$600,000
Projected Construction Costs	
FLAP	\$8,065,586
Match *	\$436,414
Total	\$8,502,000
Total Cost of Proposed Project	
	Seeping
FLAP	\$9,844,772
Match *	\$464,228
Total	\$10,309,000

Statement of Work
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Preliminary Engineering Costs	
FLAP	\$1,325,443
Match *	\$20,184
Total	\$1,345,627
Construction Engineering Costs	
FLAP	\$1,740,495
Match *	\$26,505
Total	\$1,767,000
Construction Costs	
FLAP	\$16,320,200
Match *	\$583,311
Total	\$16,903,511
Total Cost of Proposed Project	
FLAP	\$19,386,138
Match *	\$630,000
Total	\$20,016,138

Modification 002: Total Project Costs to date (PE/CE/CN) = \$20,016,138

*Since 13.89% of the project corridor length is located in Placer County, the 11.47% match is calculated on 13.89% of totals equaling \$154,228 ~~\$320,000~~. Nevada County will provide ~~Toll credits~~ and a total of \$310,000 in cash. ~~Local matching funds will also be provided with Toll Credits.~~

An estimated total of \$9,844,772 ~~\$19,386,138~~ will be provided in FLAP funds for PE, CE, and CN. Nevada County will provide at total of \$464,228 ~~\$630,000~~ in local match funds towards PE, CE, and CN. ~~Funding in the amount of \$10,000 was previously provided by Nevada County for the scoping report and project delivery plan development under Reimbursable Agreement No. DTFH68-15-E-00043.~~

Modification 002: Nevada County will provide all local share funds for this agreement. Placer County will enter into a separate agreement with Nevada County. Nevada County will provide \$310,000 plus \$320,000 (Placer County Share increased by \$165,772) fixed amount for this project for a total amount of \$630,000. Funds are to be non-Federal cash match.

The Requesting Agency is not required to reimburse the Servicing Agency for any costs incurred by the Servicing Agency prior to the date of this Agreement.

- IV. **Period of Performance:** All work associated with this agreement will be completed no later than ~~December 1, 2020~~ **June 8, 2023.**
- V. **Technical Representative:** CFLHD Program Point of Contact for this Agreement is

Statement of Work
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Matt Ambroziak, Project Manager. Mr. Ambroziak can be contacted at 720-963-3619 or Matthew.Ambroziak@dot.gov.

~~Nevada County Point of Contact for this Agreement is Mr. Joshua Paek. Mr. Paek can be contacted at 530-265-7059 or Joshua.Paek@co.nevada.ca.us.~~

Modification 002: Nevada County Point of Contact for this Agreement is Mr. Pat Perkins. Mr. Perkins 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: ~~Not to exceed \$464,228~~

Modification 002: Not to exceed \$630,000

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

C. Reimbursable Payment:

The Servicing Agency will invoice the Requesting Agency on a monthly basis for funding expended for the project for preliminary engineering (project development), construction engineering (administration and oversight of the construction contract) and progress payments made to the construction contractor. The local match amount for this work is estimated at ~~\$464,228~~ *\$630,000*. Any remaining balance will be billed at the final closeout of the construction contract or at the resolution of any disputes or claims.

Nevada County understands and agrees that the costs in the signed RA are based on 2015 estimated construction costs and that actual costs could increase by 2019 when the project is bid for construction, requiring a modification to the reimbursable agreement to increase the local match amount.

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

Nevada County will provide ~~\$464,228~~ **\$630,000** in local match funding requested for this project through construction contract completion, closeout, and resolution of any disputes in an amount not to exceed the amount stated in 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 will furnish a final Project Status Report detailing the funding usage on the project and calculations used to determine match funding requirements.

The Project Status Report will be provided on a quarterly basis during preliminary engineering and monthly during construction.

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 **DTFH68-15-E-00043, Mod 002.**

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

Statement of Work

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Agreement No.: DTFH68-15-E-00043 April 1, 2015

Modification 002 February 3, 2020

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 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 !Torn 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.
- X. **Termination:** This agreement will terminate upon the date specified in Section V 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 it share of 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.