



Monterey County

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Board Report

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Authorize the Resource Management Agency Director and/or Resource Management Agency Deputy Director of Public Works and Facilities, to execute Federal Master Agreement No. 05-5944F15 and related Program Supplemental Agreements with the California Department of Transportation.

RECOMMENDATION:

It is recommended that the Board of Supervisors authorize the Resource Management Agency (RMA) Director, and/or Resource Management Agency Deputy Director of Public Works and Facilities, to execute the Master Agreement Administering Agency-State Agreement for Federal-Aid Projects (Federal Master Agreement No. 05-5944F15) and related Program Supplemental Agreements with the California Department of Transportation (Caltrans).

SUMMARY/DISCUSSION:

Federal Master Agreement No. 05-5944R, effective June 18, 2007, is an existing agreement between Caltrans and the County of Monterey (Attachment 1) to administer programs which include but are not limited to, the Regional Surface Transportation Program (RSTP), the Surface Transportation Program (STP) the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the Transportation Enhancement Program (TEP), the Highway Bridge Replacement Program (HBP), the State Transportation Improvement Program (STIP), Active Transportation Program (ATP), Emergency Response (ER) and the Highway Safety Improvement Program (HSIP). The Master Agreement includes standard provisions relating to project administration, management and maintenance, as well as fiscal and special provisions common to all projects.

Caltrans has revised the federal Master Agreement to reflect recent changes created by the "Supercircular," otherwise known as 2 Code of Federal Regulations Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200) to keep up with the changing landscape of Federal-aid regulation. It has been ten (10) years since the last federal Master Agreement revision by Caltrans. When 2 CFR 200 was published by the Office of the Federal Register effective on or about January 1, 2014, it consolidated some Office of Management and Budget (OMB) directives and did away with a few other regulations. Caltrans has revised the Master Agreement to bring it into compliance with 2 CFR 200 and remove references to obsolete federal regulations. Specifically, changes were made to Article V, Audits, Third Party Contracting, Records Retention and Reports, Sections 4, 5, 6, and 7 (Attachment 2). Caltrans issued this new Federal Master Agreement No. 05-5944F15 to the County which is required for the County to seek reimbursement for existing projects such as the Castroville Bicycle/Pedestrian Path and Railroad Crossing and seven (7) emergency projects due to the December 2014 Winter Storms (i.e. Elkhorn Road, Castroville

Boulevard, River road Metz Road, Russel Road, Abbott Street, and Fort Romie Road), to request TE, STIP, ATP and ER funding authorization and for future new projects (i.e. first authorization sequence) and, for additional funds for the next phase of work.

Caltrans prepares project specific Program Supplemental Agreements, or a supplement to the Federal Master Agreement, which formalize the financial responsibilities and provisions for a specific federal-aid funded project. Program Supplemental Agreements identify the types and amounts of federal, state and local funds used to finance the locally sponsored project. Program Supplemental Agreements provide the contractual basis for the state to pay the local agency for work done. Special covenants or clauses in the Program Supplemental Agreement define the local agency's specific responsibilities in implementing and maintaining the project. No reimbursement payments can be made to a local agency by Caltrans until the Program Supplement Agreement has been fully executed.

Program Supplemental Agreements must be accepted and signed on behalf of the County by an authorized official approved by the Board of Supervisors. In the past, the Director of Public Works or the Director's designee were authorized to execute Federal Master Agreements and related Program Supplemental Agreements between the County and Caltrans.

Ordinance No. 5271 amending Chapters 2.27, 2.28, 2.29, 2.30 and 2.36 of the Monterey County Code (MCC) relating to the structure and functions of the RMA and appointment of the County Surveyor was passed and adopted by the Board of Supervisors on July 26, 2016, and is effective on August 26, 2016, the 31st day following its adoption.

Said Ordinance, at MCC Section 2.28.010, effective August 26, 2016, provides that,

References in the MCC to the Public Works Director or Director of Public Works shall be understood to refer to the Deputy Director of Public Works and Facilities, except for references to the Road Commissioner and County Surveyor.

MCC Section 2.28.040, effective August 26, 2016, provides that,

The office of the Road Commissioner is abolished and the duties of the road commissioner are transferred to the County Director of Transportation, who is the Director of the RMA.

Therefore, the RMA seeks Board authorization to designate the County Director of Transportation, who is the Director of the RMA and/or the Deputy Director of Public Works and Facilities to execute the subject Federal Master Agreement No. 05-5944F15 and related Program Supplemental Agreements with Caltrans.

RMA - Public Works pursues Federal and State funding for several projects during each fiscal year, and therefore requests that the RMA Director and/or the Deputy Director of Public Works and Facilities be the official, duly authorized by the Board to approve and sign the attached Federal Master Agreement No. 05-5944F15 and related Program Supplemental Agreements on behalf of the County for any existing and future projects that fall under this Federal Master Agreement.

The RMA will return to the Board prior to the submittal of grant applications and acceptance of any grant award between the County and Caltrans.

OTHER AGENCY INVOLVEMENT:

Caltrans approves the proposed designation of the RMA Director and/or Deputy Director of Public Works and Facilities as the authorized County official to accept and sign the proposed Federal Master Agreement and related Program Supplemental Agreements on behalf of the County. Other counties currently use a similar funding acceptance procedure.

FINANCING:

Federal funding provided through the Federal Master Agreement and related Program Supplemental Agreements are for County Roads, Bridges, and related construction projects. Revenue received pursuant to Program Supplemental Agreements is deposited into the Road Fund toward reimbursement of project expenditures,

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Reviewed by: Benny J. Young, Interim RMA Deputy Director of Public Works and Facilities

Approved by: Carl P. Holm AICP, RMA Director

Dated: August 22, 2016

Attachments:

- Attachment A - Federal Master Agreement No. 05-5944R
- Attachment B - Summary of Changes to Master Agreement
- Attachment C - Federal Master Agreement No. 05-5944F15
(Attachments on file with the Clerk of the Board)