AGENDA REQUEST AND STAFF REPORT

For Board Business Meeting of: March 30, 2016

DATE: March 23, 2016

FROM: Chris Doty Road Department Phone: 541.322.7105

TITLE OF AGENDA ITEM:
Consideration for Board approval of Document No. 2016-207, the Federal Lands Access Program Match Agreement (DC# 2016-207) to fund 50% of a chip seal project on South Century Drive.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:
In January of 2016, Deschutes County was notified that the Federal Lands Access Program (FLAP) agreed to fund approximately 50% of a chip seal project on a 10.8-mile section of South Century Drive (Maxwell Bridge to Burgess Road). The attached match agreement with FHWA – Western Federal Lands – identifies the fiscal contributions from each agency to develop the project. The estimated cost of the project is $727,819 of which FLAP will fund up to $363,910. Deschutes County will self-perform the work and will be reimbursed upon conclusion of the project. Additional scope related agreements will follow this agreement prior to authorization to proceed with the project – which will occur in July/August 2017.

FISCAL IMPLICATIONS:
Funds for this project will be included in the Asphalt and Aggregate line item of the Road Department budget (Fund #325) for the appropriate budget year.

RECOMMENDATION AND ACTION REQUESTED:
Move Chair signature of the Match Agreement with Western Federal Lands Highway Division.

ATTENDANCE: Chris Doty

DISTRIBUTION OF DOCUMENTS: Return signed documents to Chris Doty.
DESCHUTES COUNTY DOCUMENT SUMMARY

(Date: 03/23/16  Department: Road)

Contractor/Supplier/Consultant Name: FHWA - Western Federal Lands
Contractor Contact: N Christensen  Contractor Phone #: 360.619.7780

Type of Document: Match Agreement, DC# 2016-207

Goods and/or Services: Self-performed chip seal to be reimbursed (50%) by FHWA.

Background & History: This is a Federal Lands Access Program standard match agreement. The project was previously authorized by the BOCC (grant submittal approval) in 2015.

Agreement Starting Date: 03/23/2016  Ending Date: 12/31/2017

Annual Value or Total Payment: 363,000

☐ Insurance Certificate Received (check box)
Insurance Expiration Date: 

Check all that apply:
☐ RFP, Solicitation or Bid Process
☐ Informal quotes (<$150K)
☐ Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget?  ☑ Yes  ☐ No

If No, has budget amendment been submitted? ☐ Yes  ☐ No

Is this a Grant Agreement providing revenue to the County?  ☑ Yes  ☐ No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter: ☐ Yes  ☐ No

3/23/2016
Contact information for the person responsible for grant compliance: Name: Chris Doty
Phone #: 541.322.7105

Departmental Contact and Title: Chris Doty, Director
541.322.7105

Department Director Approval: [Signature]
Date: 03/27/16

Distribution of Document: Chris Doty, Road Department (x7105)

Official Review:

County Signature Required (check one): □ BOCC □ Department Director (if <$25K)
□ Administrator (if >$25K but <$150K; if >$150K, BOCC Order No. ________)

Legal Review ______________________ Date ______________

Document Number ____________________

3/23/2016
State: Oregon

Project Number/Name: OR DESCHUTES 42(1), South Century Drive Chip Seal

Parties to this Agreement:

U.S. Department of Transportation
Federal Highway Administration

and

Western Federal Lands Highway Division, FHWA

Deschutes County

Purpose of Agreement:

The purpose of this agreement is to document the intent of Deschutes County to meet its match requirement for the subject project as authorized under the Moving Ahead for Progress in the 21st Century Act (MAP-21), Title 23 U.S.C 120(b). With this agreement, Western Federal Lands Highway Division, FHWA authorizes this project as eligible for federal participation. The purpose of this project is to the application of a 3/8" - #8 chip seal surface to the existing roadway surface from Maxwell Bridge to intersection with Burgess Road including striping of the new surfacing, installation of new shoulder material and replacement of damaged signs and signals. This agreement does not commit the parties to complete the project, but, rather sets forth the respective responsibilities as the project proceeds. Any subsequent decisions to complete final design and to construct the project will depend on authorizing legislation, NEPA analysis, availability of appropriations, and matching funds at the time of obligation.

The authority for FHWA to enter into this agreement is under Title 23 U.S.C. Section 204.

Funding:

The Federal Lands Access Program of the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorizes FHWA to provide funding for specific projects. The Program Decision Committee (PDC), consisting of FHWA, the State of Oregon, and an organization representing the local agencies of the state, is designated to jointly decide upon projects funded in the state. The PDC has decided to provide funding for the development of this project and to program the project for construction in FY 2018 under the Oregon State Federal Lands Access Program.

All Access Program expenditures associated with this project after execution of this match agreement will need to be matched by a Non-Federal source, by other Federal funds other than those made available under Titles 23 and 49 of the United States Code, or by funds made available under 23 U.S.C. 202 and 203. The matching requirement under MAP-21 will be met by Deschutes County and other agencies that have committed to the project in subsequent agreements. The forms of match may be those consistent with the 'Federal-Aid Guidance Non-Federal Matching Requirements' (http://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.htm) as shown in the Funding Plan. In the state of Oregon, the match rate is 10.27% of the total project cost.
The following documents the expected costs of this project and the Match required:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$10,000</td>
</tr>
<tr>
<td>Preliminary Engineering</td>
<td>$727,910</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Construction Engineering</td>
<td></td>
</tr>
<tr>
<td>Contingency - Contract Mods</td>
<td></td>
</tr>
<tr>
<td>Total Estimated Cost:</td>
<td>$737,910</td>
</tr>
<tr>
<td>Match Rate Required (23 USC 120):</td>
<td>10.27%</td>
</tr>
<tr>
<td>Value of Match Required*:</td>
<td>$42,796</td>
</tr>
</tbody>
</table>

Estimated costs and fiscal year (FY) for the funding are based on the best budgeting and scheduling information known at this time. The final cash Match will be determined based on actual expenditures at the conclusion of project work. Matching cash funds in FHWA receipt may need to be supplemented, or returned, once actual expenditures are determined. As noted under Modifications, if costs increase over the amount within this agreement, the PDC will consult with the signing agency before granting approval.

The following agencies have agreed to contribute the amounts shown which will reduce the federal share by the same amount. The Funding Plan is as follows (Includes all agencies that are cooperating in the project):

**Agency Contributions:**

<table>
<thead>
<tr>
<th>Phase</th>
<th>Agency</th>
<th>Form</th>
<th>Due</th>
<th>Received</th>
<th>Value</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>CN</td>
<td>Deschutes Cty</td>
<td>Cash</td>
<td>10/1/2017</td>
<td>10/1/2017</td>
<td>$42,796</td>
<td>Min Match</td>
</tr>
<tr>
<td>CN</td>
<td>Deschutes Cty</td>
<td>Cash</td>
<td>10/1/2017</td>
<td>10/1/2017</td>
<td>$321,204</td>
<td>Cash and In-Kind above Min Match as proposed</td>
</tr>
</tbody>
</table>

Total: $364,000  Total W/O Toll Credits: $364,000

Deschutes County is ONLY responsible for their respective match as shown above.

Valuation of real property, services, materials, equipment, and use of facilities will be established at fair market value (FMV), as determined by applicable Federal grant administration regulations and Federal Cost Principles [2 CFR 200]. Final in-kind match will be determined based on actual expenditures at the conclusion of project work in order to determine the minimum match commitment has been met. The value of in-kind match may need to be supplemented in order to meet the minimum match requirement. If the value of in-kind match is in excess of the minimum match, the excess value will not be returned or reimbursed.

Records:
Costs (both cash and non-cash) along with third party in-kind contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantee or cost-type contractors. These records must show how the value placed was derived.

**Federal Highway Contributions:**

<table>
<thead>
<tr>
<th>Phase</th>
<th>Fund</th>
<th>FY</th>
<th>Amount</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE</td>
<td>G20E</td>
<td>2017</td>
<td>$5,000</td>
<td>WFL S&amp;O and NEPA</td>
</tr>
<tr>
<td>PE</td>
<td>G20E</td>
<td>2018</td>
<td>$5,000</td>
<td>WFL S&amp;O</td>
</tr>
<tr>
<td>CN</td>
<td>G20E</td>
<td>2018</td>
<td>$363,910</td>
<td></td>
</tr>
</tbody>
</table>

Total: $373,910

*Federal Lands Access Program funds are administered by FHWA and are subject to annual appropriations from Congress. This document does not commit FHWA to advance the project or provide funds for the project, but provides required matching if FHWA expends funds to advance the project.*
Modification:
This agreement may be updated periodically by mutual written consent of all parties. If project costs increase and are approved by the PDC, this funding agreement will be modified by mutual consent of all parties.

Delivery Agency and Fund Transfers:
Deschutes County has been selected to deliver this project. A Reimbursable Agreement will be set up at a future date by the Project Manager. Deschutes County will invoice for appropriate charges through their accounting system up to the amount shown in the Funding Plan for Federal Highway Contributions.

This project is authorized to use a Tapered Match. Under this approach, the non-Federal match is imposed over the entire project rather than individual progress payments. Timing of all fund transfers are specified in the Funding Plan. Tapered Match is authorized because it will result in an earlier completion date.

Funds Transaction Information:
Please contact the following individuals to set up the funds transaction:

**FHWA:**
Neal Christensen, Federal Lands Access Program Manager
Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661
(360) 619-7780
neal.christensen@dot.gov

**Deschutes County:**
Wayne Lowry, Finance Director
61150 SE 27th Street (Road Department)
1300 NW Wall Street, 2nd Floor (County Office)
Bend, OR 97702
(541) 617-4721
Wayne.Lowry@co.deschutes.or.us
This Agreement shall be effective as of the date of the last signature:

Deschutes County

Approved By:

______________________________
Alan Unger, Chair, County Commissioners

Date
U.S. Department of Transportation
Federal Highway Administration
Western Federal Lands Highway Division, FHWA

Approved By:

______________________________
Dan Donovan, Director of Program Administration

Date