



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Department of Transportation Program Supplement to Administering Agreement for Harney Lane Grade Separation Project

MEETING DATE: March 7, 2012

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Department of Transportation Program Supplement to Administering Agreement for Harney Lane grade separation project.

BACKGROUND INFORMATION: On October 5, 2011, City Council approved the contract with Mark Thomas Company, Inc., of Sacramento for the preliminary design, environmental review, right of way engineering and preparation of plans and specifications for the Harney Lane grade separation project. The funding for this contract is provided by the Regional Surface Transportation Program that is administered by the State of California Department of Transportation.

It is a requirement of the City to execute the above-mentioned Program Supplement, provided in Attachment A, in order to qualify for reimbursement of costs incurred under the contract with Mark Thomas Company, Inc. Staff recommends adoption of the resolution.

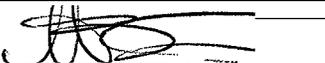
FISCAL IMPACT: Execution of the Program Supplement will enable reimbursement of consultant and staff costs.

FUNDING AVAILABLE: Not applicable.



 F. Wally Sandelin
 Public Works Director

FWS/pmf
 Attachment

APPROVED: 

 Konradt Bartlam, City Manager

PROGRAM SUPPLEMENT NO. N051
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 10-5154

Adv Project ID Date: January 27, 2012
1000020648 Location: 10-SJ-0-LOD
Project Number: STPL-5154(040)
E.A. Number:
Locode: 5154

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 10/20/09 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. _____ approved by the Administering Agency on (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:

Harner Lane and Union Pacific Railroad from Hutchins Street to Stockton Street in City of Lodi.

TYPE OF WORK: Construction of Railroad Grade Separation.

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds		
	L240	\$1,630,737.00	LOCAL		OTHER
\$1,630,737.00			\$0.00		

CITY OF LODI

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

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

Accounting Officer *Pauline Wong*

Date 1/31/12 \$1,630,737.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

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 Excluded Parties List System (EPLS).

RESOLUTION NO. 2012-15

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING STATE OF CALIFORNIA DEPARTMENT
OF TRANSPORTATION PROGRAM SUPPLEMENT
NO. 051-N TO ADMINISTERING AGENCY-STATE
AGREEMENT FOR FEDERAL-AID PROJECT
NO. 10-5154R FOR HARNEY LANE GRADE
SEPARATION PROJECT

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve State of California Department of Transportation Program Supplement No. 051-N to Administering Agency-State Agreement for Federal-Aid Project No. 10-5154R for the Harney Lane Grade Separation Project; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute agreement.

Dated: March 7, 2012

I hereby certify that Resolution No. 2012-15 was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 7, 2012, by the following vote:

- AYES: COUNCIL MEMBERS - Hansen, Johnson, Katzakian, Nakanishi,
and Mayor Mounce
- NOES: COUNCIL MEMBERS - None
- ABSENT: COUNCIL MEMBERS - None
- ABSTAIN: COUNCIL MEMBERS - None



RANDI JOHL
City Clerk