

PROGRAM SUPPLEMENT NO. N111  
to  
ADMINISTERING AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO. 06-5060R

Date: January 22, 2009  
Location: 06-FRE-0-FRE  
Project Number: BHLS-5060(159)  
E.A. Number: 06-928205

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/27/07 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. 2007-29, approved by the Administering Agency on 1-30-07 (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by 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:**

Jensen Avenue Overpass Btwn, Golden State Blvd. and Pullman Avenue

**TYPE OF WORK:** Bridge Rehabilitation

**LENGTH:** 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	LICO		LOCAL		OTHER
\$293,000.00		\$259,392.00	\$33,608.00	\$0.00	\$0.00

CITY OF FRESNO

STATE OF CALIFORNIA  
Department of Transportation

By Scott L. Mozier  
Scott L. Mozier City Engineer  
Date 3-20-09

By Zakaria Hajer  
Zakaria Hajer Chief, Office of Project Implementation  
Division of Local Assistance  
Date 3/26/09

Attest Sherrin S. Baderbrother  
Title Deputy City Clerk 3/20/09

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

Accounting Officer Ann D. Mars Date 1/26/09 \$259,392.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
268	2008	2660-102-890	2008-2009	20.30.010.300	C	224060	892-F	259,392.00

## SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation  
Division of Accounting  
Local Programs Accounting Branch, MS #33  
P. O. Box 942874  
Sacramento, CA 94274-0001.

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.

3. 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).
4. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund

## SPECIAL COVENANTS OR REMARKS

reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

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, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if 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

BHLS-5060(159)

## SPECIAL COVENANTS OR REMARKS

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.).

RESOLUTION NO. 2007-29

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, APPROVING MASTER AGREEMENT FOR FEDERAL-AID LOCAL TRANSPORTATION PROJECTS BETWEEN THE CITY OF FRESNO AND THE STATE OF CALIFORNIA, ACTING THROUGH ITS DEPARTMENT OF TRANSPORTATION (CALTRANS) AND AUTHORIZING EXECUTION OF DOCUMENTS

WHEREAS, the City is eligible to receive through Caltrans federal and/or state funding for certain local transportation projects; and

WHEREAS, procedures established by Caltrans require that the City's governing body certify by resolution approval of a Master Agreement for federal-aid assisted projects including related program supplemental agreements, fund exchange agreements and/or fund transfer agreements (collectively "Master Agreement") to be executed with Caltrans before such funds may be provided to City projects; and

WHEREAS, the City wishes to approve such Caltrans Master Agreement and delegate authorization to the Director of Public Works/designee(s) thereof and each of them to execute the Master Agreement and any amendments thereto with Caltrans, consistent with constitutional and local law requirements.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FRESNO HEREBY:

SECTION 1. Approves the Master Agreement and participation thereunder for local transportation related projects, consistent with constitutional and local law requirements and this resolution; and

SECTION 2. Appoints and authorizes the Director of the Department of Public Works/designees thereof and each of them, as agent for the City of Fresno to conduct all negotiations, execute and submit the Master Agreement and documents required thereunder which may be necessary for federal-aid project participation and completion, subject to prior approval as to form by the City Attorney's Office.

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Adopted	1/30/07
Approved	2/12/07
Effective	2/12/07

2007-29



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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 30th day of January, 2007.

AYES : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: N/A, 2007

Mayor Approval/No Return: February 12, 2007

Mayor Veto: N/A, 2007

Council Override Veto: N/A, 2007

REBECCA E. KLISCH  
City Clerk

BY Rebecca E. Klisch  
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By [Signature]  
Deputy

January 31, 2007

Council Adoption: 1/30/07  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ALAN AUTRY  
FROM: REBECCA E. KLISCH, CMC  
City Clerk



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/30/07, Council adopted the attached Resolution No. 2007-29, entitled **Appvg Master Agrmnt for Federal-aid local transp projects acting through Caltrans**, Item No. 1F, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 12, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Alan Autry, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :

**DEPARTMENT OF TRANSPORTATION**

Division of Local Assistance  
1120 N STREET  
P.O. BOX 942874, MS# 1  
Sacramento, CA 94274-0001  
TTY 711  
(916) 654-3151  
Fax (916) 653-7621

PW00427  
Bell



RECEIVED  
2009 APR -3 PM 1:49  
STATE OF CALIFORNIA  
PUBLIC WORKS DEPT

File : 06-FRE-0-FRE  
BHLS-5060(159)  
Jensen Avenue Overpass Btwn.  
Golden State Blvd. and Pullman  
Avenue

March 30, 2009

Mr. Patrick Wiemiller  
Director of Public Works  
City of Fresno  
2600 Fresno Street, 4th Floor  
Fresno, CA 93721-3623

Attn: Mr. Steven Son

Dear Mr. Wiemiller:

Enclosed is your fully executed copy of Program Supplement Agreement No. 111-N to Administering Agency-State Agreement No. 06-5060R .

Sincerely,

*Zakaria Hajer*  
*for* BILL SANDOVAL, Chief  
Office of Project Implementation - North  
Division of Local Assistance

Enclosure

c: DLA AE Project Files  
(06) DLAE - James Perrault

*19*