



Deschutes County Board of Commissioners
1300 NW Wall Street, Suite 200, Bend OR 97701-1960
541.388.6570 – Fax 541.385.3202 – www.deschutes.org

AGENDA REQUEST AND STAFF REPORT

For Board Business Meeting of: March 11, 2015

DATE: March 5, 2015

FROM: Chris Doty Road Department Phone: 541.322.7105

TITLE OF AGENDA ITEM:

Consideration for Board approval of the Federal Lands Access Program Match Agreement (DC# 2015-140) to fund 50% of a chip seal project on Cascade Lakes Highway.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

In June of 2014, Deschutes County was notified that the Federal Lands Access Program (FLAP) agreed to fund approximately 50% of a chip seal project on a 10-mile section of Cascade Lakes Highway (Mt. Bachelor to Elk Lake). 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 \$588,642 of which FLAP will fund up to \$294,321. 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 2015.

FISCAL IMPLICATIONS:

Funds for this project are included in the Asphalt and Aggregate line item of the Road Department budget (Fund #325).

RECOMMENDATION AND ACTION REQUESTED:

Move Chair signature on 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

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections **above** the Official Review line.

Date:

Department:

Contractor/Supplier/Consultant Name:

Contractor Contact:

Contractor Phone #:

Type of Document: Match Agreement, DC# 2015-140

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 early 2014.

Agreement Starting Date:

Ending Date:

Annual Value or Total Payment:

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

Contact information for the person responsible for grant compliance: Name:

Chris Doty
Phone #: 541.322.7105

Departmental Contact and Title: Chris Doty, Director

Phone #:

Department Director Approval: _____
Signature Date

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 DC 2015-140



State: Oregon

Project Number/Name: OR DESCHUTES CLH(1), Cascade Lakes Highway Chip Seal

Parties to this Agreement:

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

and

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 apply a single application chip seal on Cascade Lakes Highway from Mount Bachelor (MP 21.98) to Elk Lake (32.32) a total of 10.34 miles , replace damaged signs and striping.. 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 2015 under the Oregon State Federal Lands Access Program.

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/fedaaid_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. Deschutes County will be responsible for meeting their match requirement for their share of costs incurred on the project after October 1, 2012; which is the date for implementation of MAP-21.

REVIEWED

LEGAL COUNSEL



**Federal Lands Access Program
 Match Agreement**

Budget:

The following documents the expected costs of this project and the Match required:

<u>Item</u>	<u>Amount</u>
Planning	
Preliminary Engineering	
Construction	\$588,642
Construction Engineering	
Contingency - Contract Mods	
<hr/>	
Total Estimated Cost:	\$588,642
Match Rate Required (23 USC 120):	10.27%
Value of Match Required*:	<u>\$60,453</u>

* Calculated by multiplying the Total Estimated Cost that is subject to match requirements by the percentage match required.



**Federal Lands Access Program
Match Agreement**

All Access Program expenditures associated with this project after October 1, 2012 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. Estimated costs are based on the best budgeting information known at this time. The final Match will be determined based on actual expenditures at the conclusion of project work. Matching 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:

Phase	Agency	Form	Due	Received	Value	Comment
CN	Deschutes Cty	Cash			\$80,000	County provided match no cash transfer needed
CN	Deschutes Cty	Cash			\$153,868	County provided match no cash transfer needed
CN	Deschutes Cty	Cash			\$60,453	County provided match no cash transfer needed
Total:					\$294,321	Total W/O Toll Credits: \$294,321

Deschutes County is ONLY responsible for their respective match as shown in the table 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 [49 CFR 18 or 19] and Federal cost principles.

Records:

Costs and 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 on third party in-kind contributions was derived. To the extent feasible, volunteer services will be supported by the same methods that the organization uses to support the allocability of regular personnel costs. 49 CFR 18.24(b)(6)

Federal Highway Contributions:

Phase	Fund	FY	Amount	Comment
CN	G20E	2015	\$294,321	
Total:			\$294,321	

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:

Sheryl Snyder, Acting Program Manger
Western Federal Lands Highway Division, FHWA
610 E. Fifth Street

Vancouver, WA 98661
(360) 619-7946
Sheryl.Snyder@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



US Department of Transportation
Federal Highway Administration

**Federal Lands Access Program
Match Agreement**

Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661

This Agreement shall be effective as of the date of the last signature:

Deschutes County

Approved By:

Anthony DeBone, Chair, County Commissioners

Date



US Department of Transportation
Federal Highway Administration

**Federal Lands Access Program
Match Agreement**

Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661

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

Approved By:

Dan Donovan, Director of Program Administration

Date