



## AGENDA REPORT

**Meeting Date:** April 6, 2010  
**Item Number:** G-17  
**To:** Honorable Mayor & City Council  
**From:** Aaron Kunz, Deputy Director of Transportation *AK*  
Bijan Vaziri, Traffic Engineer *BV*  
**Subject:** APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. N005 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 07-5221R BETWEEN THE CITY OF BEVERLY HILLS AND THE STATE DEPARTMENT OF TRANSPORTATION  
**Attachments:** Supplement Agreement No. N005

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### RECOMMENDATION

Staff recommends City Council approval of Program Supplement Agreement No. N005 to Administering Agency-State Agreement for Federal-Aid Funded Projects No. 07-5221R.

### INTRODUCTION

Master Agreement No. 07-5221R covers all state and federally funded projects in the City of Beverly Hills for Urban System, Safety Road System, Safety off-system and any future grants that the City may receive through the State Department of Transportation (Caltrans).

Supplement No. N005 provides the funding for placement of CCTV Cameras at nine major intersections along Sunset, Wilshire and Olympic Boulevards to assist traffic engineering operations, including signal synchronization and smart signal programming. Caltrans allocated an amount not-to-exceed \$391,000 for this project.

### DISCUSSION

The funding request for CCTV placement at nine major intersections was approved as part of the Los Angeles County Metropolitan Transportation Authority (Metro) 1999 Call for Projects. Due to State budget deficits between 2000 and 2006, Metro de-obligated the project. During FY 2006-07 Metro reconsidered the application and re-obligated funds with a new funding source from Federal-Aid monies. During FY 07-08, Caltrans authorized design work, and the City Council approved an Agreement with Iteris, Inc. to

design and install cameras. Design and installation is complete. The approval of Supplemental Agreement No. N005 will allow the City to issue invoices to Caltrans relating to the construction phase.

**FISCAL IMPACT**

The estimated cost for the project is \$493,000. The Federal-Aid share is 80% and the City of Beverly Hills' share is 20% as follows:

Federal Aid	\$ 391,000
City of Beverly Hills	<u>\$102,000</u>
Total Project cost	\$493,000

Funding for the local match was included in the FY 2007-08 Capital Improvement Program (CIP No. 367, Install Traffic Signals) and used to pay for the design phase. No further local match is needed. With the approval of the supplement agreement between the State and the City, staff will submit invoices to Caltrans and complete the project.

  
\_\_\_\_\_  
Scott Miller  
Finance Approval

  
\_\_\_\_\_  
David Gustavson  
Approved By

PROGRAM SUPPLEMENT NO. N005  
to  
ADMINISTERING AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO. 07-5221R

Date: February 25, 2010  
Location: 07-LA-0-BVHS  
Project Number: STPL-5221(008)  
E.A. Number: 07-932961

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 10/22/09 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 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:**

Intersection of Sunset Blvd.: Foothill Rd., Crescent Dr... Wilshire Blvd.: Santa Monica Bl., Beverly., Robertson Bl., La Cienega Bl... Olympic.: Robertson, Beverly Bl., West City Lmt

**TYPE OF WORK:** Install 9 CCTV on Existing

**LENGTH:** 0 (MILES)

Estimated Cost	Federal Funds		Matching Funds		
	L230		LOCAL		OTHER
\$493,000.00		\$391,000.00	\$102,000.00	\$0.00	\$0.00

CITY OF BEVERLY HILLS

STATE OF CALIFORNIA  
Department of Transportation

By \_\_\_\_\_  
JIMMY DELSHAD, Mayor

By \_\_\_\_\_  
Chief, Office of Project Implementation  
Division of Local Assistance

Date \_\_\_\_\_

Date \_\_\_\_\_

Attest \_\_\_\_\_  
BYRON POPE  
Title City Clerk

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

Accounting Officer *Jaydeep* Date 2-26-10 \$391,000.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT
1	2009	2660-102-890	2009-2010	20.30.010.810	C	262040	892-F	391,000.00

**APPROVED AS TO FORM:**

*Sebnal Halal*  
City Attorney

## SPECIAL COVENANTS OR REMARKS

1. 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).
2. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
3. 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.

4. 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

## SPECIAL COVENANTS OR REMARKS

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.).

5. 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).
6. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

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.

7. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to

## SPECIAL COVENANTS OR REMARKS

the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the DistrictLocal Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.