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**CLARK COUNTY
STAFF REPORT**

DEPARTMENT/DIVISION: Department of Public Works / Transportation Program

DATE: September 10, 2013

REQUEST: Approve and authorize the County Administrator to sign a Federal Lands Access Program Match Agreement with the Western Federal Lands Highway Division, FHWA, in the estimated amount of \$326,025, for the NE Sunset Falls Road Pavement Rehabilitation project, CRP 333312.

CHECK ONE: Consent Chief Administrative Officer

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems within Clark County
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a desirable quality of life
- Improve environmental stewardship and protection of natural resources
- Increase partnerships and foster an engaged, informed community
- Make Public Works a great place to work

BACKGROUND: Western Federal Lands Highway Division, FHWA (WFLHD), has selected the application for NE Sunset Falls pavement rehabilitation project under the Federal Lands Access Program to receive federal funds. The WFLHD will deliver the project by providing preliminary engineering and construction. The county will participate in the project as the owner of the facility and providing a 13.5% match estimated to be \$326,025. The Sunset Falls Road project, #333312, is scheduled for construction in 2015.

COMMUNITY OUTREACH: Application for the federal funds was supported by Congresswoman Herrera Beutler, the Town of Yacolt, Gifford Pinchot US Forest Service, and Washington Dept. of Natural Resources. Outreach for the project has been associated with the annual Transportation Improvement Program (TIP). Website postings and weekly construction notices will occur throughout the construction phase.

BUDGET AND POLICY IMPLICATIONS: There are no budget or policy implications in this request. The County share of this project is funded in the adopted 2013-2018 Transportation Improvement Program – Road Preservation Program

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED It is requested the Board of County Commissioners approve and authorize the County Administrator to sign the attached Match Agreement with the Western Federal Lands Highway Division in the estimated amount of \$326,025.

DISTRIBUTION: Please return both originally signed copies of the agreement to the Department of Public Works Transportation Programming Section, attention Linda Small. Also, please provide Public Works with a copy of the approved Staff Report indicating the Board's action.



William Wright, P.E.
Transportation Programming Manager

APPROVED: Sept. 10, 2013

CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS



Peter Capell, P.E.
Public Works Director/County Engineer

SR 181-13



FISCAL IMPACT ATTACHMENT

Part I: Narrative Explanation

I.A - Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information.

Western Federal Lands Highway Division (WFLHD), Federal Highways Division, has selected the application for NE Sunset Falls pavement rehabilitation project under the Federal Lands Access Program to receive federal funds. The WFLHD will deliver the project by providing preliminary engineering and construction. The county will participate in the project as the owner of the facility and providing a 13.5% match estimated to be \$326,025. The Sunset Falls road project, #333312, is scheduled for preliminary engineering to begin in 2013 and constructed to occur in 2015. The project will be reflected in the amended 2013 TIP; and has been budgeted.

Part II: Estimated Revenues

Fund #/Title	Current Biennium ('13-'14)		Next Biennium ('15-'16)		Second Biennium	
	Road Fund	Total	Road Fund	Total	Road Fund	Total
1012 Road Fund	\$23,625	\$23,625	\$14,850	\$14,850	\$287,550	\$287,550
Total:	\$23,625	\$23,625	\$14,850	\$14,850	\$287,550	\$287,550

II.A - Describe the type of revenue (grant, fees, etc.)

Total cost of the project is estimated to be \$2,415,000, including \$2,088,975, from Federal funds and \$326,025 from the County Road Fund. The federal funds will be administered directly by WDLHD and no federal funds will go through the County for this project.

Part III: Estimated Expenditures

III.A - Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		Road Fund	Total	Road Fund	Total	Road Fund	Total
1012 Road Fund		\$23,625	\$23,625	\$14,850	\$14,850	\$287,550	\$287,550
Total:		\$23,625	\$23,625	\$14,850	\$14,850	\$287,550	\$287,550

III.B = Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	Road Fund	Total	Road Fund	Total	Road Fund	Total
Salary/Benefits			\$0	\$0	\$0	\$0
Consultant	\$23,625	\$23,625	\$14,850	\$14,850		
Supplies						
Travel						
Other controllables						
Capital Outlays		\$0	\$0	\$0	\$287,550	\$287,550
Inter-fund Transfers						
Debt Service						
Total:	\$23,625	\$23,625	\$14,850	\$14,850	\$287,550	\$287,550



State: Washington

Project Number/Name: WA CLARK 649(1), NE Sunset Falls Road Pavement Rehabilitation

Parties to this Agreement:

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

and

Clark County

Purpose of Agreement:

The purpose of this agreement is to document the intent of Clark County to meet their 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). The purpose of this project is to lower maintenance costs, improve ride, and increase safety on NE Sunset Falls Road. 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 Washington, 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 Washington State Federal Lands Access Program.

The matching requirement under MAP-21 will be met by Clark 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 Washington, the match rate is 13.50% of the total project cost. Clark County will be responsible for meeting their match requirement for their share of costs incurred on the project after October 1, 2012; the date for implementation of the program as shown on the Funding Plan.

Budget:

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

<u>Item</u>	<u>Amount</u>
Planning	
Preliminary Engineering	\$285,000
Construction	\$1,900,000
Construction Engineering	\$130,000
Contingency for CM/Award	\$100,000
Total Estimated Cost:	\$2,415,000
Match Rate Required (23 USC 120):	13.50%
Value of Match Required*:	<u>\$326,025</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
PE	Clark Cty	Cash	9/1/2013		\$8,100	Match for PE
PE	Clark Cty	Cash	11/1/2013		\$15,525	Match for PE
PE	Clark Cty	Cash	11/1/2014		\$14,850	Match for PE
CN	Clark Cty	Cash	3/1/2015		\$419,125	Match for CN/CE/CMs
Total:					\$457,600	Total W/O Toll Credits: \$457,600

Clark 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
PE	G200	2013	\$60,000	
PE	G200	2014	\$115,000	
PE	G200	2015	\$110,000	
CN	G200	2015	\$130,000	
CN	G200	2015	\$1,442,400	
CM	G200	2015	\$100,000	Hold in reserve
Total:			\$1,957,400	



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

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.



Fund Transfers:

Western Federal Lands Highway Division, FHWA has been selected to deliver this project. Upon execution of this agreement, FHWA will forward payment requests to the Enterprise Servicing Center (ESC) at Oklahoma City, which will send invoices to Clark County in accordance with the payment schedule set forth in the Funding Plan. After receiving the invoice, Clark County can transmit the funds either through Pay.Gov (<https://pay.gov/paygov/>) or by mailing a check to ESC. The preferred method is to use Pay.Gov.

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:

Tom Erkert, Federal Lands Access Program Manager
Western Federal Lands Highway Division, FHWA
610 E. Fifth Street

Vancouver, WA 98661
(360) 619-7791
Tom.Erkert@dot.gov

Clark County

Edward Lockhart, Finance Officer

1300 Franklin Street
PO Box 9810
Vancouver, WA 98666-9810
(360) 397-2310
edward.lockhart@clark.wa.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

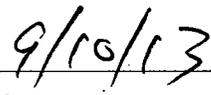
This Agreement shall be effective as of the date of the last signature:

Clark County

Approved By:



Bill Barron, County Administrator



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