

# Agenda Summary Report (ASR)

## Franklin County Board of Commissioners

<b>DATE SUBMITTED:</b> October 24, 2022	<b>PREPARED BY:</b> Kathleen Neuman, Project Manager
<b>Meeting Date Requested:</b> November 1, 2022	<b>PRESENTED BY:</b> Craig Erdman, PE, Director/ County Engineer
<b>ITEM:</b> (Select One) <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Brought Before the Board Time needed:	
<b>SUBJECT:</b> Resolution to approve Supplement No. 2 to the Local Agency Agreement with Washington State Department of Transportation (WSDOT) for County Road Project (CRP) 629 / Muse Drive Bridge #211-0.85 Replacement project.	
<b>FISCAL IMPACT:</b> Federal Highway Administration's (FHWA) Bridge Replacement-Off System (BROS) grant program has awarded \$1,395,334 towards the construction phase of CRP 629 / Muse Drive Bridge #211-0.85 Replacement.  Supplement No 2 is requesting an additional \$82,108 for a total of \$1,477,442 of BROS funds to be used towards the construction phase of CRP 629.  The project is included in the 2022 Annual Construction & Major Equipment Purchases (Resolution 2021-270).	
<b>BACKGROUND:</b> CRP 629 / Muse Drive Bridge #211-0.85 Replacement project's scope of work is to replace a 67' long structurally deficient timber structure with a prestressed concrete decked bulb-tee girder structure.  On October 19 <sup>th</sup> , bids were opened for the construction of this project at the Public Works office. The lowest of the six (6) bids was \$1,254,442.00. Public Works reached out to WSDOT requesting additional BROS funds to be used towards the construction cost of this project. In order to secure the additional funds, the attached Local Agency Agreement Supplement No. 2 will need to be submitted to WSDOT.  At this time, Public Works ask to approve the required submittal of Supplement No. 2 to the Local Agency Agreement in order to request additional grant funds and move forward to the construction of this project.	
<b>RECOMMENDATION:</b> Approve attached Resolution and Local Agency Agreement Supplement No. 2 between Franklin County and WSDOT.	
<b>COORDINATION:</b> This agenda item was discussed with Craig Erdman, Director/County Engineer and the Duane Davidson, Interim County Administrator, whom has concurred with our recommendation.	
<b>ATTACHMENTS: (Documents you are submitting to the Board)</b> 1. Resolution 2. Local Agency Agreement Supplement No 2 - 1 original	
<b>HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf)</b> 1. Please return all original documents to Kathleen Neuman (Public Works)	

I certify the above information is accurate and complete.



Craig Erdman, PE Director/County Engineer

**FRANKLIN COUNTY RESOLUTION NO. \_\_\_\_\_**

BEFORE THE BOARD OF COMMISSIONERS  
OF FRANKLIN COUNTY, WASHINGTON

***CRP 629 – MUSE DRIVE BRIDGE #211-0.85 REPLACEMENT  
APPROVE LOCAL AGENCY AGREEMENT SUPPLEMENT NO. 2  
BETWEEN FRANKLIN COUNTY AND  
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION***

**WHEREAS**, pursuant to RCW 36.01.010 and RCW 36.32.120 the legislative authority of each county is authorized to enter into contracts on behalf of the county and have the care of county property and management of county funds and business; and

**WHEREAS**, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and desires to approve the attached agreement as being in the best interest of Franklin County.

**NOW, THEREFORE, BE IT RESOLVED** that the attached Local Agency Agreement Supplement No. 2 for CRP 629 – Muse Drive Bridge #211-0.85 Replacement between Franklin County and Washington State Department of Transportation are hereby approved by the Board; and

**BE IT FURTHER RESOLVED**, that the Chairman of the Board of Franklin County Commissioners be, and hereby is, authorized to sign a Local Agency Agreement Supplement No. 2 between Washington State Department of Transportation and Franklin County on behalf of Franklin County.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Chair Pro Tem

\_\_\_\_\_  
Member

Attest:

\_\_\_\_\_  
Clerk of the Board



Agency FRANKLIN COUNTY		Supplement Number 02
Federal Aid Project Number BROS-01AH(001)	Agreement Number LA9878	CFDA No. <b>20.205</b> - Highway Planning and Construction

All provisions in the basic agreement remain in effect except as modified by this supplement.

The Local Agency certifies that it is not excluded from receiving Federal funds by a Federal suspension or debarment (2 CFR Part 180). Additional changes to the agreement are as follows:

**Project Description**

Name MUSE DRIVE BRIDGE #211-0.85 REPLACEMENT

Length 0.10

Termini Milepost 0.80 to Milepost 0.90

**Description of Work**                      ✓ No Change

**Reason for Supplement**

Request to obligate additional Construction Funds

Are you claiming indirect cost rate? ☐ Yes    ✓ No

Project Agreement End Date 12/31/2026

Advertisement Date 09/29/2022

Type of Work		Estimate of Funding				
		(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 100 %	a. Agency	51,500.00	0.00	51,500.00	0.00	51,500.00
	b. Other Consultant	170,500.00	0.00	170,500.00	0.00	170,500.00
Federal Aid Participation Ratio for PE	c. Other			0.00		
	d. State Services	1,500.00	0.00	1,500.00	0.00	1,500.00
	e. Total PE Cost Estimate (a+b+c+d)	223,500.00	0.00	223,500.00	0.00	223,500.00
Right of Way %	f. Agency			0.00		
	g. Other			0.00		
Federal Aid Participation Ratio for RW	h. Other			0.00		
	i. State Services			0.00		
	j. Total R/W Cost Estimate (f+g+h+i)	0.00	0.00	0.00	0.00	0.00
Construction 100 %	k. Contract	1,172,334.00	82,108.00	1,254,442.00	0.00	1,254,442.00
	l. Other Consultant	78,000.00	0.00	78,000.00	0.00	78,000.00
	m. Other			0.00		
Federal Aid Participation Ratio for CN	n. Other			0.00		
	o. Agency	130,000.00	0.00	130,000.00	0.00	130,000.00
	p. State Services	15,000.00	0.00	15,000.00	0.00	15,000.00
	q. Total CN Cost Estimate (k+l+m+n+o+p)	1,395,334.00	82,108.00	1,477,442.00	0.00	1,477,442.00
	r. Total Project Cost Estimate (e+j+q)	1,618,834.00	82,108.00	1,700,942.00	0.00	1,700,942.00

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

**Agency Official**

**Washington State Department of Transportation**

By

By

Title

Director, Local Program

Agency Date

Date Executed

Agency FRANKLIN COUNTY		Supplement Number 02
Federal Aid Project Number BROS-01AH(001)	Agreement Number LA9878	CFDA No. <b>20.205</b> - Highway Planning and Construction

## **VI. Payment and Partial Reimbursement**

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

## **VII. Audit of Federal Consultant Contracts**

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

## **IX. Payment of Billing**

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

## **VIII. Single Audit Act**

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

## **XVII. Assurances**

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).