



CITY OF CARSON

Legislation Text

File #: 2020-468, Version: 1

Report to Mayor and City Council

Tuesday, July 07, 2020

Consent

SUBJECT:

CONSIDERATION OF RESOLUTION NO. 20-102 AUTHORIZING THE EXECUTION OF ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 00562S FOR STATE-FUNDED PROJECTS (CITY COUNCIL)

I. SUMMARY

The City of Carson routinely applies for state grants through the Los Angeles County Metropolitan Transportation Authority (Metro) and the California Department of Transportation (Caltrans) for certain capital improvement projects. One requirement of the City's eligibility to receive such state funding is the City's execution of a Master Agreement with the State providing the terms applicable to City's receipt of such funds.

Recent changes in State funding laws and policies have resulted in an updated version of the Master Agreement that the State requires local agencies to execute in order to be eligible to receive state funds. The proposed Administering Agency-State Master Agreement No. 00562S (Exhibit No. 2) reflects the recent changes, and the City must approve and execute the agreement pursuant to authority of a Council resolution prior to receiving further state funds for such projects (Exhibit No. 1).

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 20-102, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AUTHORIZING THE EXECUTION OF THE ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 00562S FOR STATE-FUNDED PROJECTS."

III. ALTERNATIVES

1. DO NOT ADOPT Resolution No. 20-102. However, if the City does not execute the Master Agreement, it would not be eligible to receive State funds for State-funded projects.

IV. BACKGROUND

The Legislature of the State of California has enacted legislation by which certain State funds are made available to use on local transportation-related projects of public entities qualified to act as recipients of State funds (an Administering Agency). Prior to State funds becoming available for a specific program or project, the Administering Agency is required to enter into a Master Agreement with the State to establish the terms and conditions applicable to the Administering Agency when receiving State funds for a designated project facility and to the subsequent operation and maintenance of that completed facility.

The City of Carson has been administering State-funded projects using the previous Master Agreement No. 000401 (Exhibit No. 3) between the City of Carson and the State of California since the year 2000. Recent changes to the funding programs and eligibility requirements of local agencies for receiving State funds resulted in revisions to the current Master Agreement. The proposed Administering Agency-State Master Agreement No. 00562S reflects the latest changes in regulations and policies and is required to be executed by the City and the State.

Key changes between the previous Master Agreement and the proposed Master Agreement include the following:

- A new requirement has been added providing that no contracts for the construction of a State-funded project shall be awarded until all necessary rights-of-way have been secured. Prior to advertising for construction, the Administering Agency must certify that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract (Article II, Section 1);
- Indemnification in favor of the State has been added for liability resulting from a right-of-way needed for a State-funded project being found to contain hazardous materials requiring remediation (Article II, Section 3);
- A new 2%/\$40,000 withholding provision has been added, whereby the State will withhold the greater of these amounts until the Administering Agency submits the final report of expenditures for each completed program supplement project (Article IV, Section 9); and
- A requirement has been added that prohibits award of construction contracts over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work without the prior written approval of the State (Article V, Section 6).

The language changes in the proposed agreement are intended to capture updates in applicable laws and grant requirements. As noted, the City is obligated to execute the proposed agreement in order to obtain reimbursement for state-funded projects, and this is

a form agreement that all Administering Agencies are required to execute.

Execution of the Administering Agency-State Master Agreement No. 00562S, followed by a project-specific supplemental agreement, will allow the City to receive State reimbursements for State-funded projects.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Resolution No. 20-102 (pgs. 4-5).
2. Proposed Master Agreement No. 00562S (pgs. 6-21).
3. Previous Master Agreement No. 000401 (pgs. 22-32).

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