

**AGREEMENT BETWEEN THE
EL DORADO COUNTY TRANSPORTATION COMMISSION
AND EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION
FOR FY 2021/22 SURFACE TRANSPORTATION BLOCK GRANT PROGRAM
EXCHANGE FUNDS**

This agreement is made on June 2, 2022 by and between the El Dorado County Transportation Commission, hereinafter referred to as "EDCTC," and El Dorado County Department of Transportation, hereinafter referred to as "STBGP Exchange Recipient."

WHEREAS, as authorized by section 182.6(g) of the Streets and Highways Code, EDCTC has entered into agreement X22-6157(078) with the State of California, through the Department of Transportation (Caltrans), to assign a defined portion of its annual Surface Transportation Block Grant Program (STBGP) apportionment to Caltrans in exchange for fiscal year (FY) 2021/22 nonfederal State Highway Account funds; and

WHEREAS, EDCTC is authorized to use these exchanged funds (hereinafter STBGP Exchange Funds) to assist local agencies to promote projects which otherwise qualify for STBGP funds; and

WHEREAS, EDCTC is required to execute formal written agreements between EDCTC and STBGP Exchange Recipients and provide oversight of the program funds; and

WHEREAS, the FY 2021/22 STBGP Exchange funds will be paid to El Dorado County Department of Transportation per the formula based distribution policy adopted by EDCTC on February 3, 2011 after approval by the El Dorado County Transportation Commission and execution of this agreement; and

WHEREAS, EDCTC is implementing this agreement and Exhibit A to perform contract management and oversight of the STBGP Exchange Funds; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The STBGP Exchange Recipient agrees to use the funds only for the STBGP Exchange eligible project(s) described in Exhibit A.
2. The projects described in Exhibit A, and the amounts allocated therefore, may be amended from time to time without changing the rest of this Agreement, by means of approval by the EDCTC Board of a revised Exhibit A, which shall be designated by a date and number (e.g., "Exhibit A-1 (DATE)").
3. The STBGP Exchange Recipient agrees to mention EDCTC's role in funding the project in any press release or media event held by the STBGP Exchange Recipient to promote a STBGP funded project.
4. EDCTC agrees to allocate all of these Funds only for those projects implemented by cities, counties, and other STBGP Eligible agencies as are authorized under Article XIX of the

California State Constitution, in accordance with the requirements of Section 182.6(d)(1) of the Streets and Highways Code.

5. The STBGP Exchange Recipient agrees to submit a status report to EDCTC by April 30 each year with the details of the STBGP funding by project listed on Exhibit A.
6. STBGP Exchange Recipient agrees to establish a special account within its Road Fund for the purpose of depositing therein all payments received from EDCTC pursuant to this agreement.
7. The STBGP Exchange Recipient agrees to have an approved budget appropriation of the STBGP Exchange project(s) within three years. The expiration date of these funds will be five years from the date funds were allocated by the El Dorado County Transportation Commission. Failure to complete the STBGP Exchange project(s) within the five years shall allow EDCTC to request repayment from the STBGP Exchange Recipient and reprogram such Exchange Funds for other purposes.

8. COST PRINCIPLES

- A. EDCTC and STBGP Exchange Recipient agree to comply with Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR, Subtitle A, Chapter II, Part 200 and in particular subpart E, Cost Principles, and appendices V and VII.
- B. STBGP Exchange Recipients will be obligated to agree that (A) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, Et Seq., shall be used to determine whether individual project cost items are allowable and (B) STBGP Exchange Recipients shall comply with Federal Administrative Procedures in accordance with 2 CFR 200 Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Every subrecipient receiving funds as a contractor or sub-contractor under this agreement shall comply with Federal administrative procedures in accordance with 2 CFR 200 Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- C. Any Fund expenditures for costs which STBGP Exchange Recipient has received payment or credit that are determined by subsequent audit to be unallowable under Office of Management and Budget, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200, Subtitle A, Chapter II, Part 200 and in particular subpart E, Cost Principles, and appendices V and VII.

9. THIRD PARTY CONTRACTING

- A. STBGP Exchange Recipient shall not award a construction contract over \$10,000 or other contracts over \$25,000 on the basis of a noncompetitive negotiation for work to be performed using Funds without the prior written approval of Caltrans. This provision shall not apply to professional service contracts of the type which are required to be procured in accordance with Government Code Sections 4525 (d), (e), and (f).
- B. STBGP Exchange Recipient agrees that any subcontract or agreement entered into by

STBGP Exchange Recipient using Funds received pursuant to this Agreement shall contain all of the fiscal provisions of this Agreement; and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as project costs only after those costs are incurred and paid for by the subcontractors and only if consistent with Paragraph 12, below.

- C. In addition to the above, the pre-award requirements of third party contractor/ consultants with STBGP Exchange Recipient shall be consistent with Local Program Procedures as published by Caltrans.

10. ACCOUNTING SYSTEM

STBGP Exchange Recipient, its contractors and subcontractors, shall establish and maintain an accounting system and records that properly accumulate and segregate Fund expenditures by line item. The accounting system of STBGP Exchange Recipient, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for project payments.

11. RIGHT TO AUDIT

For the purpose of determining compliance with this Agreement and other matters connected with the performance of STBGP Exchange Recipient's contracts with third parties, EDCTC, STBGP Exchange Recipient, STBGP Exchange Recipient's contractors and subcontractors and Caltrans shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times for five years from the date of payment of Funds to STBGP Exchange Recipient. Caltrans, the California State Auditor, or any duly authorized representative of Caltrans or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent for audits, examinations, excerpts, and transactions, and STBGP Exchange Recipient shall furnish copies thereof if requested.

12. TRAVEL AND SUBSISTENCE

Payments to STBGP Exchange Recipient for travel and subsistence expenses of STBGP Exchange Recipient forces and/or its contractors or subcontractors, claimed for reimbursement or applied as local match credit, shall not exceed rates authorized to be paid exempt non-represented State employees under current State of California Department of Human Resources (Cal HR) rules. If the rates invoiced are in excess of those authorized Cal HR rates, then STBGP Exchange Recipient is responsible for the cost difference and any overpayments shall be reimbursed to EDCTC and Caltrans on demand.

13. PROJECT COMPLETION

STBGP Exchange Recipient agrees to provide to EDCTC a report summarizing total project costs and milestones for each project using this STBGP Exchange funding within sixty (60) days of completion.

14. TERMINATION DATE

This Agreement shall remain in effect for a period of five (5) years from the execution date

of this Agreement.

IN WITNESS WHEREOF, EDCTC and STBGP Exchange Recipient execute this Agreement as follows:

EL DORADO COUNTY TRANSPORTATION COMMISSION



Woodrow Deloria
Executive Director



Date

STBGP Exchange Recipient:
EL DORADO COUNTY



Lori Parlin, Chair
El Dorado County Board of Supervisors



Date

EXHIBIT A

FY 2021/22

El Dorado County Transportation Commission
 Agreement # X22-6157 (078)
 Surface Transportation Block Grant Program - Exchange Funds

EDCTC allocation to El Dorado County Department of Transportation approved on
6/2/2022 : \$ 603,799.00

Agency	Commission Approval Date	Fund Expiration Date	Project	Cost Estimate- STBGP Share
El Dorado County	6/2/22	6/2/27	36104015 - US 50/Camino Area Safety Project	\$41,803.00
El Dorado County	6/2/22	6/2/27	36105061 – Intersection Safety/Pedestrian Safety Improvements – Oriental, Church, Raquet & Pleasant Valley	\$121,324.00
El Dorado County	6/2/22	6/2/27	36105062 – Intersection Safety/Sight Triangle Improvement	\$136,199.00
El Dorado County	6/2/22	6/2/27	36105072 – Pleasant Valley Road Safety Improvements	\$304,473.00
			Total	\$603,799.00



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Councilmembers Representing City of Placerville: Patty Borelli, Kara Taylor, Dennis Thomas

Supervisors Representing El Dorado County: John Hidahl, Lori Parlin, Wendy Thomas, George Turnboo

RESOLUTION NO. 21/22.31

**RESOLUTION OF THE EL DORADO COUNTY TRANSPORTATION COMMISSION
APPROVING THE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM
FISCAL YEAR 2021/22 EXCHANGE APPORTIONMENT AND FUNDING AGREEMENTS
BETWEEN EDCTC AND THE CITY OF PLACERVILLE AND EDCTC AND EL DORADO COUNTY**

WHEREAS, pursuant to California Government Code, Title 7.95, Section 67950, the El Dorado County Transportation Commission (EDCTC) was created as a local planning agency to provide regional transportation planning for the western slope of El Dorado County; and

WHEREAS, California Government Code Section 29532.1(g), identifies EDCTC as the designated regional transportation planning agency for El Dorado County, exclusive of the Lake Tahoe Basin; and is responsible for the planning, allocating and/or programming of funds; and

WHEREAS, the El Dorado County Transportation Commission, as the Regional Transportation Planning Agency, distributes the STBGP funds using the formula-based distribution policy adopted on February 3, 2011, after an agreement is executed between EDCTC and the STBGP recipient; and

WHEREAS, The City of Placerville approved their 2021/22 exchange appropriation of \$200,000 for the Broadway Maintenance Project from Mosquito Road to Schnell School Road project at the City Council meeting on May 10, 2022; and

WHEREAS, El Dorado County approved their 2021/22 exchange appropriation of \$603,799 as a match to the Intersection Safety/Pedestrian Safety Improvements in El Dorado and Diamond Springs, the Pleasant Valley Road Safety Improvements, the Intersection Safety/Sight Triangle Improvement, and the US 50/Camino Area Safety Project at the Board of Supervisor's meeting on May 10, 2022.

NOW THEREFORE, BE IT RESOLVED, that the El Dorado County Transportation Commission make the following apportionment and allocation of FY 2020/21 STBGP Exchange funds:

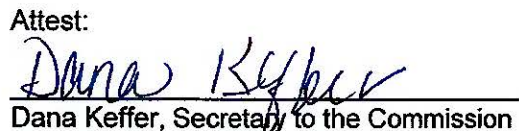
- To El Dorado County Transportation Commission in the amount of \$89,311
- To the City of Placerville in the amount of \$200,000
- To El Dorado County in the amount of \$603,799

BE IT FURTHER RESOLVED, the Executive Director is authorized to sign the Agreements between EDCTC and the City of Placerville and EDCTC and El Dorado County.

PASSED AND ADOPTED, by the El Dorado County Transportation Commission at their regular meeting on June 2, 2022, by the following vote:

- AYES: Borelli, Hidahl, Taylor, D. Thomas, W. Thomas, Turnboo
- NOES: None
- ABSTAIN: None
- ABSENT: Parlin


John Hidahl, Chairperson

Attest:

Dana Keffer, Secretary to the Commission