



## Legislation Text

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**File #:** 21-1350, **Version:** 1

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Department of Transportation recommending the Board authorize the Chair to sign an updated Master Agreement: Administering Agency - State Agreement for State-Funded Projects, Agreement 03-5925S21, with the State of California, acting by and through its Department of Transportation.

**FUNDING:** State-Funded Transportation Funds.

### **DEPARTMENT RECOMMENDATION**

Department of Transportation recommending the Board authorize the Chair to sign an updated Master Agreement: Administering Agency - State Agreement for State-Funded Projects, Agreement 03-5925S21, with the State of California, acting by and through its Department of Transportation.

### **DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) has received an updated Master Agreement: Administering Agency - State Agreement for State-Funded Projects, Agreement 03-5925S21 (Master Agreement) from the State of California Department of Transportation (Caltrans). The updates to the State-only Master Agreement are intended to ensure the agreement language is in accordance with current State requirements and procedures, and this language is identical to the current language of Local Agency Procedures Manual Exhibit 4-E. Caltrans notified all local agencies this year that all agencies that have state master agreements will be required to update their master agreement to match Exhibit 4-E the next time the agency submits a program supplement agreement. Before state funds will be made available for a specific program project, the County and Caltrans are required to enter into an agreement to establish the terms and conditions applicable to the County when receiving state funds for a designated project facility and for subsequent operation and maintenance of that completed facility.

The Master Agreement applies County-wide and includes, but is not limited to the Highway Safety Improvement Program (HSIP). Transportation is taking lead on this Master Agreement due to the significant number of state-funded transportation projects it manages. Approval and execution of this Master Agreement will assist the County in meeting its goal of delivering Capital Improvement Projects (CIP) utilizing state funds made available for use on local transportation-related projects of public entities qualified to act as recipients of these state funds.

It has been eleven years since the last state Master Agreement was revised. The previous Master Agreement 00314S was approved by the Board on August 10, 2010 (Legistar# 10-0382, Item 26). Caltrans has made minor changes to its Master Agreement so it lines up with current practices, and much of the agreement remains unchanged or similar to the prior agreement. The following articles have been updated or added:

1. Article I - Language relating to local agency employee in responsible charge.
2. Article II & III - Revisions to minor words in various paragraphs related to rights-of-way and maintenance and management.
3. Article IV - Revisions to language pertaining to invoice procedures, Indirect Cost Allocation

Plans/Indirect Cost Rate Proposals (ICAP/ICRP) submittal language, language pertaining to budgetary liquidation period, and administrative, cost principles and audit requirements, to conform to changes in federal and state law and Caltrans forms. Additionally, these changes will conform to current Caltrans practices regarding invoices.

4. Article V - Revisions to language relating to administrative, cost principles and audit requirements, and requirements for Architectural and Engineering (A&E) consultant contracts, to conform to changes in federal and state law and related Caltrans forms.
5. Exhibit A - Updates to the Fair Employment Practices Addendum.

Pursuant to the El Dorado County Charter, Section 210b (6), the County may enter into any contract or agreement in cases where the agreement is with or among any other governmental entities or agencies.

In addition to the Master Agreement, a project-specific Program Supplement is required that sets out special covenants as a condition for the County to receive state funds from the State for a designated project. The Program Supplement will show the state funds that have been initially encumbered for the project, along with the matching funds to be provided by the County and/or others. Execution of the Program Supplement will cause the County to adopt all of the terms of the Master Agreement.

## **ALTERNATIVES**

The Board could choose not to approve the Master Agreement. The County would not be permitted to participate and receive state funds for new projects.

## **PRIOR BOARD ACTION**

See Discussion / Background section above.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION**

Approve as recommended.

## **FINANCIAL IMPACT**

If the Master Agreement is not executed, the County will be ineligible for millions of dollars in state transportation funding that could become available. State funding for individual projects is addressed in Program Supplements that are issued in accordance with the Master Agreement, and as programmed in the County's adopted 2021 CIP.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board will have the Chair sign two (2) originals of Master Agreement: Administering Agency - State Agreement for Federal-Aid Projects Agreement 03-5925S21.
- 2) The Clerk of the Board will forward the two (2) partially-executed originals of the Agreement to the Community Development, Finance and Administration Department, for further processing.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

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Department of Transportation