


Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Monte Reinders, P.E. 
Public Works Director/County Engineer

Agenda Date: September 23, 2013

Subject: Federal Lands Access Program Match Agreement
Upper Hoh Road

Statement of Issue: The U.S. Department of Transportation Federal Highway Administration (FHWA) is providing up to \$12 million to repair and protect the Upper Hoh Road. Projects will be designed and constructed through the Western Federal Lands Division of FHWA. The grant requires a 13.5% match of which approximately half will be provided by the National Park Service for construction phases. This Agreement documents the intent of Jefferson County to meet the remaining match requirement from a variety of potential sources and is required to proceed with additional project steps.

Analysis/Strategic Goals/Pro's & Con's: The initial match from Jefferson County will be used for a preliminary design phase. Matching funds from the Road Fund in the amount of \$110,000 have been programmed in the Transportation Improvement Program (TIP) and budget for this purpose in 2014. The Agreement acknowledges that Jefferson County will need to acquire additional matching funds from other sources in the future to proceed with final design and construction. This Agreement recognizes that final design and construction are contingent on a number of factors including the availability of matching funds at the time of obligation.

Fiscal Impact/Cost Benefit Analysis: Initially up to \$110,000 in County Road funds have been programmed. Additional matching funds are being sought from State and other sources. The County's share of match could ultimately be approximately \$1.1 million, but would be dependent upon acquiring these funds from outside sources.

Recommendation: Sign three (3) copies of the attached agreement and return all three (3) to Public Works for further processing. A fully executed original will be returned to the Board.


Department Contact:

Monte Reinders, Public Works Director/County Engineer 385-9242

Reviewed By:



Philip Morley, 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

State: Washington

Project Number/Name: WA JEFF 91420(1), Upper Hoh River Road Phase 2

Parties to this Agreement:

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

and

Jefferson County

Purpose of Agreement:

The purpose of this agreement is to document the intent of Jefferson 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 reduce risk of catastrophic road failure on the Upper Hoh River Road (County Road # 91420). 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 2016 under the Washington State Federal Lands Access Program.

The matching requirement under MAP-21 will be met by Jefferson 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. Jefferson 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	\$1,532,000
Construction	\$10,413,000
Construction Engineering	\$1,021,000
Contingency for CM/Award	\$1,000,000
Total Estimated Cost:	\$13,966,000
Match Rate Required (23 USC 120):	13.50%
Value of Match Required*:	<u>\$1,885,410</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	Jefferson Cty	Cash	8/31/2013		\$10,000	Match for PE
PE	Jefferson Cty	Cash	1/1/2014		\$75,000	Match for PE
PE	Jefferson Cty	Cash	1/1/2015		\$75,000	Match for PE
PE	Jefferson Cty	Cash	1/1/2016		\$46,820	Match for PE
CN	Jefferson Cty	RW	1/1/2016		\$100,000	
CN	Jefferson Cty	Cash	8/30/2016		\$535,885	From WA CRAB RAP funds if approved
CN	Jefferson Cty	In-Kind Service	8/30/2016		\$100,000	Utility Relocation
CN	NPS, Pac West Reg	Cash	8/30/2016		\$942,705	Per telephone conversation with NPS Regional Office. Can be FLTP funds
Total:					\$1,885,410	Total W/O Toll Credits: \$1,885,410

Jefferson 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	\$100,000	Survey and initiation
PE	G200	2014	\$500,000	
PE	G200	2015	\$500,000	
PE	G200	2016	\$225,180	
CN	G200	2016	\$8,734,410	
CM	G200	2016	\$1,000,000	Hold in reserve
CE	G200	2016	\$500,000	
CE	G200	2017	\$521,000	
Total:			\$12,080,590	



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 Jefferson County in accordance with the payment schedule set forth in the Funding Plan. After receiving the invoice, Jefferson 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

Jefferson County

Cathy Taylor, Financial Manager
Jefferson County Public Works
623 Sheridan Street

Port Townsend, WA 98368
(360) 385-9163
CTaylor@co.jefferson.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:

Jefferson County

Approved By:

John Austin, Jefferson County Commissioners Chair

Date

Approved as to form only:

David Alvarez 9/11/13

Jefferson County Prosecutor's Office
David Alvarez, Chief Civil DPA



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