

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works / Transportation and Asset Division / Programming

**DATE:** February 16, 2016

**REQUESTED ACTION:** Approval of the Federal-Aid Project Prospectus and Local Agency Agreement for the Highway 99 Pedestrian/Bicycle Improvements Project, CRP #351322.

Consent     Hearing     County Manager

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### **PUBLIC WORKS GOALS:**

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

### **BACKGROUND**

Clark County has been notified by the Regional Transportation Council (RTC) that this project has been awarded Surface Transportation Program grant funding. The attached Federal Aid Project Prospectus and Local Agency Agreements will start the process of receiving the grant funds for design.

The Highway 99 Pedestrian/Bicycle Improvements Project will replace deteriorated sidewalk along the west side of Highway 99 between NE 63<sup>rd</sup> Street and NE 78<sup>th</sup> Street, creating a smooth, attractive and ADA-compliant walkway. A mid-block crossing with pedestrian refuge island and High-intensity Activated CrossWalk (HAWK) signal will be added near 78<sup>th</sup> Street. ADA ramps and bicycle lane striping will be upgraded. A street-side bicycle repair station will also be installed.

### **COUNCIL POLICY IMPLICATIONS**

None. This project is included in the 2016-2021 Transportation Improvement Program (TIP), 2016 Annual Construction Program (ACP) and 2016 Budget.

### **ADMINISTRATIVE POLICY IMPLICATIONS**

None.

### **COMMUNITY OUTREACH**

This project is included in the 2016-2021 Transportation Improvement Program (TIP). TIP development public involvement includes SEPA, public hearings and an internet web site.



*ngr  
OK  
N*

PW 16 - 016

**BUDGET IMPLICATIONS**

YES	NO	
✓		Action falls within existing budget capacity.
	✓	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	✓	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

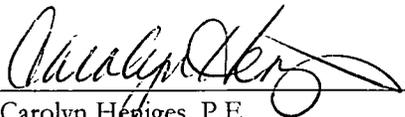
**BUDGET DETAILS**

Local Fund Dollar Amount	\$ 251,000
Grants/Loans/Partnerships	\$ 1,525,000
Account	1012 Road Fund

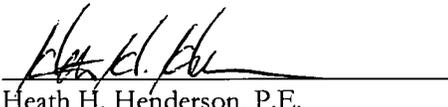
**DISTRIBUTION:**

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Please return to Department of Public Works Transportation Programming, attention Michael Derleth, the following: a copy of the approved staff report, indicating the Board's action for the project, two (2) originally-signed copies of the Federal-Aid Project Prospectus, and two (2) originally-signed Local Agency Agreements. This department will then forward both originals of the Local Agency Agreement to WSDOT for processing and execution. Upon receipt of a fully- executed, originally-signed copy of the Local Agency Agreement, a copy will be provided to the Board for its records.



Carolyn Heniges, P.E.  
Transportation & Asset Division Manager



Heath H. Henderson, P.E.  
Public Works Director/County Engineer

APPROVED:   
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: FEB. 16, 2016

SR# SR 03416



APPROVED: \_\_\_\_\_  
Mark McCauley, Acting County Manager

DATE: \_\_\_\_\_

**ATTACHMENTS:**

- Local Agency Agreement (2)
- Project Prospectus (2)
- Vicinity Map

c: Susan Wilson, Programming Manager  
PW Files



Prefix	Route	( )
Federal Aid Project Number	STP-	
Local Agency Project Number	351322	(WSDOT Use Only)

Date	2/3/2016
DUNS Number	030783757
Federal Employer Tax ID Number	91-6001299

Agency Clark County	CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other
Project Title Highway 99 Pedestrian/Bicycle Improvements (STP-Funds)		Start Latitude N 45.668 End Latitude N 45.678
Project Termini From - To NE 63rd Street NE 78th Street		Start Longitude W -122.663 End Longitude W -122.668
Nearest City Name Vancouver		Project Zip Code (+ 4) 98665-8872
Begin Mile Post 3.16	End Mile Post 3.91	Length of Project 0.75 Miles
Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad		
Route ID	Begin Mile Point	End Mile Point
	City Number NA	County Number 6
County Name Clark	WSDOT Region Southwest Region	Legislative District(s) 49
Congressional District(s) 3	Urban Area Number 3	

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date Month Year
P.E.	\$350,000	\$250,000	\$100,000	8/2015
RW	\$390,000	\$390,000	\$0	1/2017
Const.	\$1,036,000	\$836,000	\$200,000	6/2018
Total	\$1,776,000	\$1,476,000	\$300,000	

**Description of Existing Facility (Existing Design and Present Condition)**

Roadway Width Sidewalk: 4-5 feet	Number of Lanes NA
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Current sidewalk is severely deteriorated with cracked, broken and heaving pavement. Utility poles in the center of the walkway reduce the width of the sidewalk restricting access. Many curb ramps are missing or not ADA compliant.

**Description of Proposed Work**

Description of Proposed Work (Attach additional sheet(s) if necessary)

Construct and widen sidewalk, remove or adjust utilities, ADA and APS upgrades, add midblock pedestrian crossing and HAWK signal, enhance bike lane striping, transit stop relocations or upgrades. Add bicycle repair station within area of impact.

Local Agency Contact Person Michael Derleth	Title Capital Program Specialist II	Phone 360-397-6118 x5794
Mailing Address 1300 Franklin St., P.O. Box 9810	City Vancouver	State WA
		Zip Code 98666-9810

By  Approving Authority

Project Prospectus Approval Title Director Public Works / County Engineer Date 2/3/16

Agency Clark County	Project Title Highway 99 Pedestrian/Bicycle Improvements	Date 2/3/2016
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Type of Proposed Work			Roadway Width	Number of Lanes
Project Type (Check all that Apply)			4-5	NA
<input type="checkbox"/> New Construction	<input type="checkbox"/> Path / Trail	<input type="checkbox"/> 3-R		
<input type="checkbox"/> Reconstruction	<input checked="" type="checkbox"/> Pedestrian / Facilities	<input type="checkbox"/> 2-R		
<input type="checkbox"/> Railroad	<input type="checkbox"/> Parking	<input type="checkbox"/> Other		
<input type="checkbox"/> Bridge				

Geometric Design Data		
Description	Through Route	Crossroad
<b>Federal Functional Classification</b>	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS
	<input checked="" type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access	<input type="checkbox"/> Principal Arterial <input checked="" type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access
Terrain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	40 mph	35 mph
Design Speed	45 mph	40 mph
Existing ADT	22426	25135
Design Year ADT	unknown	unknown
Design Year	unknown	unknown
Design Hourly Volume (DHV)	1092	1322

Performance of Work		
Preliminary Engineering Will Be Performed By Agency	Others 95 %	Agency 5 %
Construction Will Be Performed By Contractor	Contract 95 %	Agency 5 %

Environmental Classification	
<input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Class II - Categorically Excluded (CE) <input type="checkbox"/> Projects Requiring Documentation (Documented CE)
<input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	

Environmental Considerations None
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Agency Clark County	Project Title Highway 99 Pedestrian/Bicycle Improvements	Date 2/3/2016
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**Right of Way**

<input type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the existing right of way.	<input checked="" type="checkbox"/> Right of Way Needed <input checked="" type="checkbox"/> No Relocation	<input type="checkbox"/> Relocation Required
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<b>Utilities</b> <input type="checkbox"/> No utility work required <input checked="" type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input checked="" type="checkbox"/> All utility work will be completed in coordination with the construction contract	<b>Railroad</b> <input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All railroad work will be completed in coordination with the construction contract
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Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

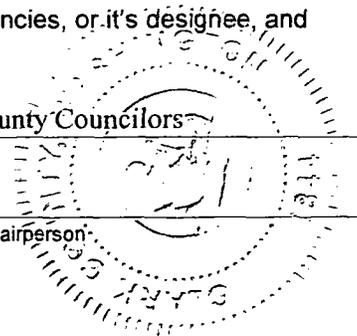
Adjustment of utilities may be required (for example, relocating valve box or utility pole from center of sidewalk.) Timing of utility work (prior or during contract, by utility or by contractor) will be determined as design progresses.

FAA Involvement  
 Is any airport located within 3.2 kilometers (2 miles) of the proposed project?     Yes     No

Remarks  
 NA

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency Clark County - Board of County Councilors  
 Date Feb. 16, 2016 By [Signature]  
 Mayor/Chairperson



Prefix	Route	( )	Date	2/3/2016
Federal Aid Project Number	STP-		DUNS Number	030783757
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Project Prospectus Approval

By  Approving Authority

Title Director Public Works / County Engineer Date 2/3/16

Agency Clark County	Project Title Highway 99 Pedestrian/Bicycle Improvements	Date 2/3/2016
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Environmental Considerations None
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Agency Clark County	Project Title Highway 99 Pedestrian/Bicycle Improvements	Date 2/3/2016
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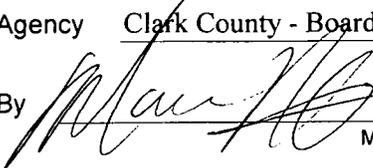
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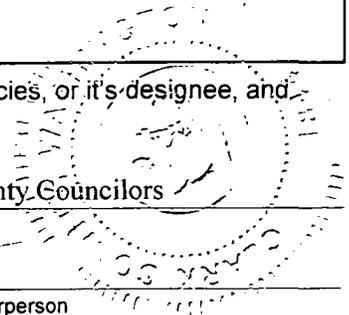
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 Is any airport located within 3.2 kilometers (2 miles) of the proposed project?     Yes     No

Remarks  
 NA

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency Clark County - Board of County Councilors

Date Feb 16, 2016      By  Mayor/Chairperson



# Local Agency Agreement

**Agency** Clark County  
**Address** 1300 Franklin St  
P.O. Box 9810  
Vancouver, WA 98666-9810

<b>CFDA No. 20.205</b> (Catalog of Federal Domestic Assistance) <b>Project No.</b> _____ <b>Agreement No.</b> _____ For OSC WSDOT Use Only
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The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) 2 CFR Part 200, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

### Project Description

Name Highway 99 Pedestrian/Bicycle Improvements Length 0.75 miles  
 Termini NE 63rd Street - NE 78th Street

### Description of Work

Construct and widen sidewalk, remove or adjust utilities, ADA and APS upgrades, add midblock pedestrian crossing and HAWK signal, enhance bike lane striping, transit stop relocations or upgrades. Add bicycle repair station within area of project impact.

Project Agreement End Date: 12/2019  
 Proposed Advertisement Date: \_\_\_\_\_

<b>Claiming Indirect Cost Rate</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
<b>PE</b>			
86.5 % a. Agency	115,610.00	15,610.00	100,000.00
b. Other Eligible Non-Federal	154,390.00	154,390.00	
c. Other TAP Grant & TIB Sidewalk Gr	80,000.00	80,000.00	
d. State	5,000.00	5,000.00	
e. Total PE Cost Estimate (a+b+c+d)	355,000.00	255,000.00	100,000.00
<b>Right of Way</b>			
% f. Agency			
g. Other			
h. Other			
i. State			
j. Total R/W Cost Estimate (f+g+h+i)			
<b>Construction</b>			
k. Contract			
l. Other			
m. Other			
n. Other			
o. Agency			
p. State			
q. Total CN Cost Estimate (k+l+m+n+o+p)			
r. Total Project Cost Estimate (e+j+q)	355,000.00	255,000.00	100,000.00

**Agency Official**  
 By: [Signature]  
 Title Chair, Board of County Councilors  
Feb. 16, 2016  
SW

**Washington State Department of Transportation**  
 By: \_\_\_\_\_  
 Director, Local Programs  
 Date Executed \_\_\_\_\_

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

## **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).

### **1. Project Construction Costs**

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

**Method A** – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency's share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

**Method B** – The Agency's share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

**Method C** – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project.

The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (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 (see Section IX).

## **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.

## **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 of 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.

#### **XIV. Termination for Public Convenience**

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

- (1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
- (2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
- (3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
- (4) The Secretary is notified by the Federal Highway Administration that the project is inactive.
- (5) The Secretary determines that such termination is in the best interests of the State.

#### **XV. Venue for Claims and/or Causes of Action**

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

#### **XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying**

The approving authority certifies, to the best of his or her knowledge and belief, that:

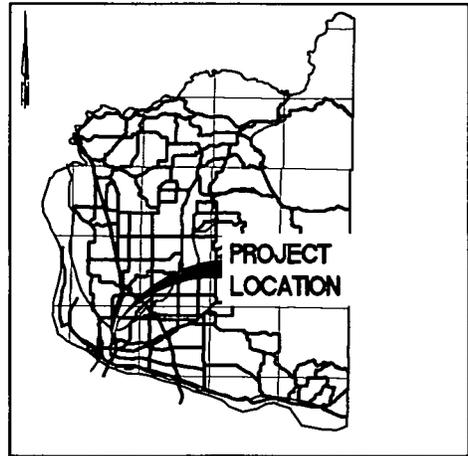
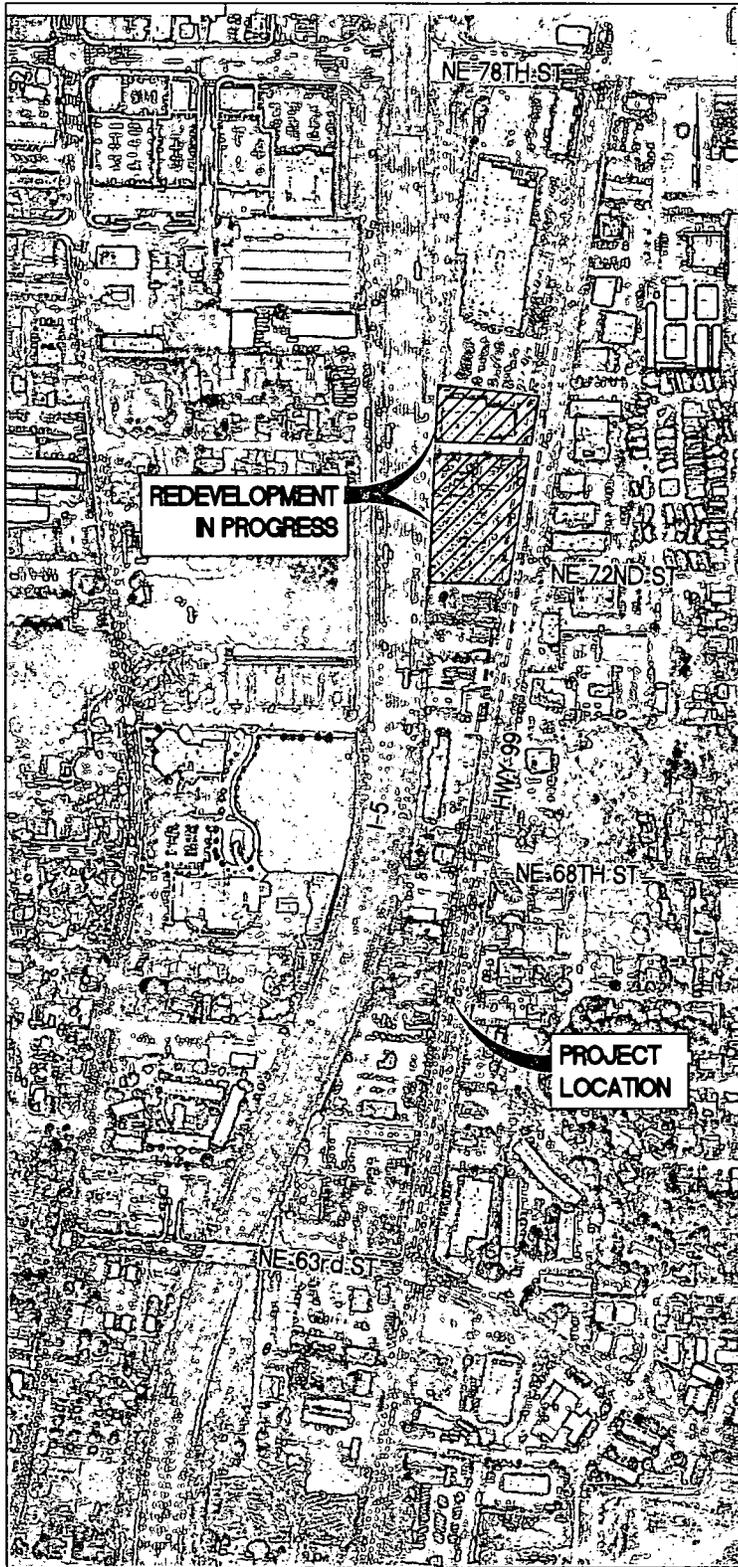
- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **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).

### **Additional Provisions**



# HWY 99 PED/BIKE IMPROVEMENTS - VICINITY MAP



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