

321-09

FILE NO. 090862

RESOLUTION NO.

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[Accept and expend Federal grant - American Recovery and Reinvestment Act of 2009 (ARRA)]

Resolution authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds.

WHEREAS, The Department of Public Works (DPW) has submitted an application to the Metropolitan Transportation Commission (MTC) for up to \$13.54 million in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for Local Street and Road (LS&R) rehabilitation projects eligible for the MTC Regional ARRA Program (MTC Resolution No. 3885); and

WHEREAS, The Tier 1 or regional element ARRA programming of \$11.35 million included the following projects: Jones Street Pavement Renovation; Turk Street Pavement Renovation; Divisadero Street Pavement Renovation; 7th Avenue and Laguna Honda Boulevard Pavement Renovation; and Geary Boulevard Intersections Paving; and

WHEREAS, On March 2, 2009, Governor Schwarzenegger signed AB3X 20 into law redirecting \$1.6 billion in additional state element ARRA funds to the regions for programming and sending \$165.5 million to the Metropolitan Transportation Commission; and

WHEREAS, On April 22, 2009 MTC, through Resolution 3896, approved a programming strategy for the state element ARRA funds which made available an additional

MAYOR NEWSOM
BOARD OF SUPERVISORS

1 \$2.19 million for San Francisco LS&R projects; and

2 WHEREAS, San Francisco had already programmed \$1.68 million in unfunded Tier 2
3 contingency programming for the Bush Street Pavement Renovation project; and

4 WHEREAS, DPW's contingency list of STP-eligible projects included a Various
5 Locations Curb Ramp project; and

6 WHEREAS, DPW shifted the Tier 2 or state element ARRA programming strategy in
7 order fully fund the Various Locations Curb Ramp project in the amount of \$1.075 million; and

8 WHEREAS, DPW will use \$1.115 million in ARRA and \$1.685 million from other
9 sources to fully fund the Bush Street Pavement Renovation project; and

10 WHEREAS, The MTC Regional ARRA timely use of funds deadlines require that
11 agencies obligate state element ARRA funds by November 30, 2009 and award contracts by
12 June 30, 2010; and

13 WHEREAS, Pursuant to ARRA, and any regulations and/or guidance promulgated
14 thereunder, eligible project sponsors wishing to receive Regional ARRA funds for a project
15 shall submit an application first with the appropriate Metropolitan Planning Organization
16 (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

17 WHEREAS, The Metropolitan Transportation Commission (MTC) is the MPO for the
18 nine counties of the San Francisco Bay region; and

19 WHEREAS, DPW submitted project lists to the San Francisco County Transportation
20 Authority; and

21 WHEREAS, The San Francisco County Transportation Authority, on behalf of the City
22 and County of San Francisco, has submitted a list of recommended projects to MTC for a

1 request totaling \$13.54 million in regional and state element ARRA funds; and

2 WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC
3 Resolution No. 3606, revised) applicable to federal ARRA fund delivery and has adopted in
4 MTC Resolution Nos. 3885 and 3896 such additional requirements as are necessary or
5 appropriate to meet the obligations/award deadlines in the ARRA; and

6 WHEREAS, DPW is an eligible project sponsor for ARRA funds; and

7 WHEREAS, The ARRA funds will cover 100 percent of eligible costs as defined by the
8 Federal Highway Administration and administered by Caltrans; and,

9 WHEREAS, MTC requires a resolution adopted by the responsible implementing
10 agency; and

11 WHEREAS, DPW understands that the ARRA funding is fixed at the programmed
12 amount, and therefore any cost increase cannot be expected to be funded with additional
13 ARRA or other MTC-programmed funds; and

14 WHEREAS, The projects will comply with the procedures specified in MTC's Regional
15 Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-
16 specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution Nos.
17 3885 and 3896); and projects as described in the application, and if approved, as included in
18 MTC's TIP; and

19 WHEREAS, The projects will comply with all the project-specific requirements as set
20 forth in the federal ARRA and appropriate applicable regulations or guidance; now, therefore
21 be it

22 RESOLVED, That DPW is authorized to execute and file an application for funding

1 under the American Recovery and Reinvestment Act of 2009 for state element LS&R
2 rehabilitation projects that shall include Bush Street Pavement Renovation and Various
3 Locations Curb Ramps; and be it

4 FURTHER RESOLVED, That DPW understands that the ARRA funding for the project
5 is fixed at the MTC approved programmed amount, and that any cost increases must be
6 funded by DPW from other funds, and that DPW does not expect any cost increases to be
7 funded with additional ARRA or MTC-programmed funds; and be it

8 FURTHER RESOLVED, That DPW understands the funding deadlines associated with
9 these funds and will comply with the applicable provisions and requirements of the Regional
10 ARRA Program (MTC Resolution Nos. 3885 and 3896) and Regional Project Funding Delivery
11 Policy (MTC Resolution No. 3606, as revised); and be it

12 FURTHER RESOLVED, That the projects will be implemented as described in the
13 complete application and in this resolution and, if approved, for the amount programmed in
14 the MTC federal TIP; and be it

15 FURTHER RESOLVED, That the projects will comply with all the project-specific
16 requirements as set forth in the ARRA and appropriate applicable regulations or guidance;
17 and be it

18 FURTHER RESOLVED, That there is no legal impediment to DPW making applications
19 for the funds; and be it

20 FURTHER RESOLVED, That there is no pending or threatened litigation that might in
21 any way adversely affect the proposed projects, or the ability of DPW to deliver such projects;
22 and be it

1 FURTHER RESOLVED, That DPW is authorized to execute and file an application with
2 MTC for ARRA funding for the projects as referenced in this resolution; and be it

3 FURTHER RESOLVED, That the Director of Public Works or his or her designee is
4 authorized to execute all documents pertaining to the project with Caltrans; and be it

5 FURTHER RESOLVED, That this Board of Supervisors does hereby authorize the
6 Director of Public Works to accept and expend an additional \$2.19 million in state element
7 funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA); and be it

8 FURTHER RESOLVED, That a copy of this resolution will be transmitted to the MTC in
9 conjunction with the filing of the application; and be it

10 FURTHER RESOLVED, That the MTC is requested to support the application for the
11 projects described in the resolution and to include the projects, if approved, in MTC's TIP.

12
13 Recommended:

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16 Edward Reiskin

17 Director of Public Works

Approved



for

Mayor

Approved



for

Controller



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 090862

Date Passed:

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling \$13,540,000.

July 28, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090862

I hereby certify that the foregoing Resolution was ADOPTED on July 28, 2009 by the Board of Supervisors of the City and County of San Francisco.

8/6/09

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom