

1 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 (ARRA)]

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

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8 WHEREAS, The Department of Public Works (DPW) has submitted an application to
9 the Metropolitan Transportation Commission (MTC) for up to \$13.03 million in funding from
10 the federal American Recovery and Reinvestment Act of 2009 (ARRA) for Local Street and
11 Road (LS&R) rehabilitation projects eligible for the MTC Regional ARRA Program (MTC
12 Resolution No. 3885); and

13 WHEREAS, The Tier 1 programming of \$11.35 million shall include the following
14 projects: Jones Street Pavement Renovation; Turk Street Pavement Renovation; Divisadero
15 Street Pavement Renovation; 7th Avenue and Laguna Honda Boulevard Pavement
16 Renovation; and Geary Boulevard Intersections Paving; and

17 WHEREAS, The Tier 2 programming of \$1.68 million shall include the following project:
18 Bush Street Pavement Renovation; and

19 WHEREAS, Should additional programming capacity become available, DPW has a
20 contingency list of STP-eligible projects that could meet the obligations/award deadlines for
21 the MTC Regional ARRA Program; and

22 WHEREAS, The MTC Regional ARRA timely use of funds deadlines require that

1 agencies obligate funds by May 31, 2009 and award contracts by September 30, 2009; and

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

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

8 WHEREAS, DPW submitted a list of Tier 1, Tier 2 and Contingency projects to the San
9 Francisco County Transportation Authority; and

10 WHEREAS, The San Francisco County Transportation Authority, on behalf of the City
11 and County of San Francisco, submitted a list of recommended projects to MTC for a request
12 totaling \$13.03 million in Regional ARRA funds; and

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

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

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

20 WHEREAS, MTC requires a resolution adopted by the responsible implementing
21 agency; and

22 WHEREAS, DPW understands that the ARRA funding is fixed at the programmed

1 amount, and therefore any cost increase cannot be expected to be funded with additional
2 ARRA or other MTC-programmed funds; and

3 WHEREAS, The projects will comply with the procedures specified in MTC's Regional
4 Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-
5 specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No.
6 3885); and projects as described in the application, and if approved, as included in MTC's
7 TIP; and

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

11 RESOLVED, That DPW is authorized to execute and file an application for funding
12 under the American Recovery and Reinvestment Act of 2009 for LS&R rehabilitation projects
13 that shall include Jones Street Pavement Renovation; Turk Street Pavement Renovation;
14 Divisadero Street Pavement Renovation; 7th Avenue and Laguna Honda Boulevard Pavement
15 Renovation; Geary Boulevard Intersections Paving; Bush Street Pavement Renovation; or
16 other STP-eligible contingency projects that meet the obligations/award deadlines for the MTC
17 Regional ARRA Program; and be it

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

22 FURTHER RESOLVED, That DPW understands the funding deadlines associated with

1 these funds and will comply with the applicable provisions and requirements of the Regional
2 ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy
3 (MTC Resolution No. 3606, as revised); and be it

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

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

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

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

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

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

19 FURTHER RESOLVED, That this Board of Supervisors does hereby authorize the
20 Director of Public Works to accept and expend up to \$13.03 million in funding from the federal
21 American Recovery and Reinvestment Act of 2009 (ARRA); and be it

22 FURTHER RESOLVED, That a copy of this resolution will be transmitted to the MTC in

1 conjunction with the filing of the application; and be it

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

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6 Recommended: Approved _____

7 Mayor

8 _____

9 Edward Reiskin Approved _____

10 Director of Public Works Controller