



BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

Award Contract Grant

Requested Board Meeting Date: August 6, 2019

* = Mandatory, information must be provided

or Procurement Director Award

***Contractor/Vendor Name/Grantor (DBA):**
State of Arizona, Department of Transportation

***Project Title/Description:**
Certification Acceptance Agreement

***Purpose:**
Provide County Full Certification Acceptance Status from the State. ADOT delegates to County the management of projects funded through the Federal-aid Highway Program (FAHP)

***Procurement Method:**
Not Applicable

***Program Goals/Predicted Outcomes:**
County will manage the design and construction of projects funded with FAHP grants for transportation projects.

***Public Benefit:**
Allows for local control of the delivery of local road projects.

***Metrics Available to Measure Performance:**
Standard performance measures (schedule and budget, quality control testing, material submittal, etc.)

***Retroactive:**
No

To: COB- 7.16.19
Ver. - 1
Pgs - 6

Contract / Award InformationDocument Type: CTN Department Code: TR Contract Number (i.e., 15-123): 20-008Effective Date: 8/6/2019 Termination Date: 8/5/2024 Prior Contract Number (Synergen/CMS): _____ **Expense Amount:** \$* _____ Revenue Amount: \$ 0 _____***Funding Source(s) required:** N/AFunding from General Fund? Yes No If Yes \$ _____ % _____Contract is fully or partially funded with Federal Funds? Yes No**If Yes, is the Contract to a vendor or subrecipient?** _____Were insurance or indemnity clauses modified? Yes No*If Yes, attach Risk's approval.*Vendor is using a Social Security Number? Yes No*If Yes, attach the required form per Administrative Procedure 22-73.***Amendment / Revised Award Information**

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____

Amendment No.: _____ AMS Version No.: _____

Effective Date: _____ New Termination Date: _____

Prior Contract No. (Synergen/CMS): _____

 Expense or Revenue Increase Decrease Amount This Amendment: \$ _____Is there revenue included? Yes No If Yes \$ _____***Funding Source(s) required:** _____Funding from General Fund? Yes No If Yes \$ _____ % _____**Grant/Amendment Information** (for grants acceptance and awards) Award Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Effective Date: _____ Termination Date: _____ Amendment Number: _____

 Match Amount: \$ _____ Revenue Amount: \$ _____***All Funding Source(s) required:** _____***Match funding from General Fund?** Yes No If Yes \$ _____ % _____***Match funding from other sources?** Yes No If Yes \$ _____ % _____***Funding Source:** _____***If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?** _____Contact: Mandley Rust (Please return contracts to Michelle Guardado, 724-2663)Department: Transportation Telephone: 724-9982Department Director Signature/Date: Kathy Fries 7/12/19Deputy County Administrator Signature/Date: C. J. Schubert 7/15/19County Administrator Signature/Date: C. J. Schubert 7/15/19
(Required for Board Agenda/Addendum Items)

CERTIFICATION ACCEPTANCE AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
PIMA COUNTY

THIS AGREEMENT ("Agreement") is entered into by and between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION ("State"), and PIMA COUNTY ("County"). The State and County are collectively referred to as "Parties" or individually as "Party." Both the State and County are government agencies.

I. RECITALS

1. The Parties recognize the importance of a balanced, integrated, intermodal transportation system for the State of Arizona and understand the need for maximum flexibility in the use of federal funds to address the needs of all transportation modes.
2. The Parties acknowledge that transportation infrastructure projects play an essential role in the State's transportation system and preservation and maintenance of the transportation infrastructure protects the investments of the past and allows for economic development in the future.
3. The Parties recognize that stewardship is the efficient and effective management of public funds that have been entrusted to the Federal Highway Administration (FHWA) and oversight is the act of ensuring the Federal-aid Highway Program (FAHP) is delivered in accordance with applicable laws and regulations.
4. Title 23, Code of Federal Regulation (C.F.R.), Sections 1.11 and 635.105 allow a State to delegate certain activities, under supervision, to qualified local public agencies for FAHP projects under Certification Acceptance. Delegation is a privilege with responsibilities for both Parties and requires the Parties work in partnership.
5. According to 23 C.F.R. §§ 1.11 and 635.105, the State, as the supervising agency, maintains accountability to FHWA for FAHP projects under Certification Acceptance and is responsible for oversight that ensures projects are completed in compliance with federal and state laws and regulations and conformance with approved plans and specifications.
6. Full Certification Acceptance status includes the delegation of contract administration, development and design, construction administration, project inspection, and internal program evaluation to the County.
7. Partial Certification Acceptance status excludes the delegation of procurement of an engineering or design-related services consultant from Full Certification Acceptance status activities listed above.
8. The State retains responsibility for disadvantaged business enterprises, equal employment opportunity, on the job training, environmental processes, approval of final certification of right-of-way, proprietary item determinations, and project final acceptance.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. REQUIREMENTS

1. The County will:

- a. Accept the delegated authority for Full Certification Acceptance status from the State for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
- b. Adhere to federal and state laws and regulations, responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
- c. Perform delegated activities as outlined in the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements).
- d. Cooperate with the State in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
- e. Have a compliant project development and delivery program, accounting controls, and a project inspection and internal program evaluation process in place for FAHP projects.
- f. Ensure that the County's Designated Approval Authority reviews and approves FAHP projects.
- g. Ensure a full-time employee of the County is in responsible charge of FAHP projects or obtain approval from the State before hiring a consultant to act in a management role for the County.
- h. Assign to each FAHP project, a professional engineer registered in the State of Arizona, either on staff as a public employee or a contract employee designated as the County's Engineer.
- i. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
- j. Obtain any required State and FHWA reviews, concurrences, and approvals on FAHP projects.
- k. Obtain, keep, and maintain all books, papers, records, files, accounts, reports, bid documents with backup data, including electronic data, and all other materials relating to the FAHP contract and project.
- l. Ensure all FAHP contract and project documents are retained and made available for inspection by the State and FHWA during the plan development and construction stages and at least five years after the FHWA final voucher has

been recorded. This requirement will survive the termination or expiration of this Agreement or any individual agreement under this Agreement.

2. The State will:

- a. Delegate authority, and does delegate authority by this Agreement, for Full Certification Acceptance status to the County for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
- b. Communicate with FHWA regarding all aspects of the Certification Acceptance program and FAHP projects.
- c. Adhere to federal and state laws and regulations and the responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
- d. Maintain and update the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) and provide ongoing guidance to the County through the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements), training, periodic reviews, and other related tools.
- e. Cooperate with the County in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
- f. Have a Certification Acceptance program, accounting controls, and an oversight process in place for FAHP projects.
- g. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
- h. Provide any required State reviews, concurrences, and approvals and submit any requests to FHWA for required authorizations, reviews, concurrences, and approvals on FAHP projects.
- i. Conduct continuous oversight on the County's federal-aid programs and projects to ensure compliance with federal and state laws and regulations and conformance with approved plans and specifications.

III. MISCELLANEOUS PROVISIONS

1. This Agreement supersedes and replaces the 2016 Certification Acceptance Agreement and any subsequent amendments between the State and County.
2. This Agreement takes effect on the signature date of the FHWA Arizona Division Administrator, who signs this Agreement last.
3. The terms, conditions, and provisions of this Agreement will remain in full force and effect for five years.

4. This Agreement will govern all program- and project-specific agreements between the State and County.
5. If a conflict exists between the terms, conditions, and provisions of this Agreement and any other agreement between the State and the County, this Agreement will govern and control.
6. Any modification to this Agreement will occur only with the mutual consent of both Parties.
7. This Agreement may be cancelled at any time upon 30 days written notice to the other Party.
8. The State may terminate this Agreement upon the County's request or if in the opinion of the Arizona Department of Transportation Director the County lacks adequate staffing or performance. The rescission may be applied to all or part of the program or projects under the Certification Acceptance program.
9. In case of termination of this Agreement for any reason, the County will have a continuing obligation to comply with the terms of this Agreement until all requirements under this Agreement are completed.

**“THIS CONTRACT IS SUBJECT TO
THE PROVISIONS OF A.R.S. §38-511”**

IN WITNESS WHEREOF, the Parties, by execution of this Agreement, acknowledge that their signing representatives have read, understand, and agree to be bound by the terms, conditions, and provisions of this Agreement.

PIMA COUNTY

By _____

Chair, Board of Supervisors

STATE OF ARIZONA
Department of Transportation

By _____

Dallas Hammit, P.E.
Deputy Director for Transportation/
State Engineer

By _____
County Clerk

CONCUR:
FEDERAL HIGHWAY ADMINISTRATION
Arizona Division

By _____
Karla S. Petty
Division Administrator

Date _____

ATTORNEY APPROVAL FOR PIMA COUNTY

I have reviewed this Agreement between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, and PIMA COUNTY pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in the proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

By Kell A
Pima County Attorney

Date 7/3/19

KELL OLSON