

# BOARD OF SUPERVISORS AGENDA ITEM REPORT CONTRACTS / AWARDS / GRANTS

$\cap$	Award	<ul><li>Contract</li></ul>	$\overline{}$	Grant

Requested Board Meeting Date: September 19, 2017

\* = Mandatory, information must be provided

or Procurement Director Award

# \*Contractor/Vendor Name/Grantor (DBA):

Federal Highway Administration/Central Federal Lands Highway Division (CFLHD)

### \*Project Title/Description:

Design and Construction of Improvements as part of the project known as King Canyon Trail Head.

### \*Purpose:

Memorandum of Agreement with Central Federal Lands Highway Division to provide project funding.

#### \*Procurement Method:

Non-Procurement Contract as identified in BOS D29.4

### \*Program Goals/Predicted Outcomes:

Paving and increasing the capacity of the trail head parking lot and providing safer access to and from Kinney Rd.

#### \*Public Benefit:

Improved access to recreational facilities in Pima County.

#### \*Metrics Available to Measure Performance:

Standard engineering design performance measures (scope, budget and schedule, quality/stakeholder reviews, etc.) Standard construction performance measures (schedule and budget, quality control testing, material submittals, etc.)

### \*Retroactive:

No

To: COB 8-29-17 (2)

055:13

Contract / Award Information	<u></u>		
Document Type: CT	Department Code: TR	Contract Number (i.e.,15-1	23): 18*58
Effective Date: <u>09/19/2017</u> T	ermination Date: 11/30/2018	_ Prior Contract Number (Synergen/	CMS):
⊠ Expense Amount: \$* 41,0	000.00 12/15/202	P Revenue Amount: \$	
*Funding Source(s) required:	: Pima County HURF Bond Fund	s - \$41,000.00	
Funding from General Fund?	CYes ♠ No If Yes \$	%_	
Contract is fully or partially fund *Is the Contract to a vendor of		☐ Yes ⊠ No	
Were insurance or indemnity cl	auses modified?	☐ Yes ⊠ No	
If Yes, attach Risk's approval	,		
Vendor is using a Social Securi	ity Number?	☐ Yes ⊠ No	·
If Yes, attach the required form	n per Administrative Procedure	22-73.	
Annual Paris of Arrayd	1		
Amendment / Revised Award	· · · · · · · · · · · · · · · · · · ·	O	201
		Contract Number (i.e.,15-12	
		AMS Version No.:	
Ellective pate.		New Termination Date:	
© Expense or © Revenue	C Increase C Decrease	Prior Contract No. (Synergen/CMS)	
Is there revenue included?		Amount This Amendment: \$	
*Funding Source(s) required:		'es\$	
r unumg Source(s) required.			
Funding from General Fund?	Yes (No If)	'es\$%	
Funding from General Fund?  Grant/Amendment Informatio			
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Grant/Amendment Information Document Type:  Effective Date:  Match Amount: \$  *All Funding Source(s) require  *Match funding from General  *Match funding from other so  *Funding Source:  *If Federal funds are received Federal government or passe  Contact: Stephen Wilson Department: Transportation Department Director Signature	n (for grants acceptance and Department Code: Termination Date:  ed:  Fund? Yes No If Yer No If Yer Yes No If Yer Yes No If Yer Yes No If Yer Yes	awards)	endment

Page 2 of 2

Project / Facility Name: AZ FLAP 62(1) King Canyon Trailhead

Project Route: King Canyon Traill	nead	•
State: Arizona		•
County: Pima		•
Owner of Federal Lands to which	the Project Provides Access	ss: Saguaro National Park
Entity with Title or Maintenance l	Responsibility for Facility:	Pima County
Гуре of Work:		
permits Right of Way: Acquire all no Construction/Construction Construction	ecessary right of way and eas	sements needed for the project onstruction contractor to perform work in
	Administration of the constru	
	er, this Agreement sets forth	f Federal funds nor does it commit the the respective responsibilities as the
Parties to this Agreement: FHWA- National Park, and Pima County.	Central Federal Lands Highv	way Division (CFLHD), Saguaro
The Program Decision Committee	annroyed this project on	4/18/17
The Trogram Beekstein Committee	approved and project on	Date
AGREED:		
MCKEED.		
	:	
Chair, Pima County Board of Super	visors	Date
ATTEST:		
<del></del>		
	-	
Clerk of the Board		Date
•		
Judy Salomonson Chief of Business Operations		Date
FHWA-CFLHD	Andread No. ATTO	P-18-058 Amendment No.

AZ FLAP 62(1) King Canyon Trail Parking Lot

This number must appear on all correspondence and documents pertaining to this contract

Approved as to Form and within the Powers and Authority Granted Pima County by Law:

Deputy County Attorney

**TOBIN ROSEN** 

# A. PURPOSE OF THIS AGREEMENT

This Agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and future maintenance of the subject project. The purpose of the Agreement is to identify and assign responsibilities for the environmental analysis, design, right-of-way, utilities, acquisition and construction as appropriate for this programmed project, and to ensure maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors, such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

If Federal Lands Access Program funds are used for the development or construction of this project, Pima County agrees to provide a matching share equal 5.7% of the total cost of the project, as detailed more fully in Sections J and K below.

# B. <u>AUTHORITY</u>

This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204.

# C. JURISDICTION AND MAINTENANCE COMMITMENT

The Pima County has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

# D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION

The Pima County has coordinated project development with the Saguaro National Park (NPS). The NPS support of the project is documented in the Arizona Federal Lands Access Program Project Application for this project submitted by Pima County to FHWA-CFLHD. Each party to this agreement who has a primary role in NEPA, design, or construction shall coordinate their activities with the NPS.

# E. PROJECT BACKGROUND/SCOPE

#### General Project Description.

The purpose of this project is to improve the King Canyon Trailhead parking lot and access to Kinney Road. The proposed improvements will make it safer to enter and exit the parking lot. The project will serve recreational users of the King Canyon Trail which provides access to hiking trails within Saguaro National Park for approximately 54,750 visitors each year. The demand for recreational hiking is anticipated to more than double over the next 20 years as the population increases.

Improvements include enhancing the intersection sight distances from the parking lot to Kinney Road, which include cutting back the existing slope on the north side of Kinney Road west of the parking lot entrance. To optimize sight distance, and improve the vertical profile entering the parking lot, the

entrance to the parking lot would be moved approximately 25' east to the crest of the existing Kinney Road profile grade.

The size of the King Canyon Trailhead parking lot will need to be increased to a desired 30 parking spaces, with the desire for at least one truck-horse trailer space. The parking lot would be paved with concrete curb in select locations.

The project would also replace/upgrade the existing guard rail along Kinney Road for the wash crossing just west of the parking lot access.

# Highway Design and Safety.

The existing approach to the King Canyon Trailhead is skewed at approximately 45 degrees. Sight distance on Kinney Road is also limited due to horizontal and vertical curvature and overgrown vegetation. Proposed improvements would relocate the approach closer to the top of the crest vertical curve and reduce the existing skew. Proposed clearing and widening of North Kinney Road would also improve sight distance.

A future project will likely add a left turn lane into this parking lot. As the barriers to the west of the parking lot are to be improved to current MASH standards, the plan is to install the new barrier perhaps to the ultimate roadway width, providing a gravel shoulder in front of the new barrier. The added offset from the roadway will improve the available sight distance as well.

#### Pavement.

The existing parking lot is a gravel surface. The proposed parking surface is 3-inches AC over 6-inches AB.

# Bridge.

While there are no bridges on this project, there is an existing box culvert just west of the proposed project. As indicated in the application, improving sight distance would include extending the existing roadway bench closer to the box culvert inlet. However, no improvements are planned for the structure itself.

#### ROW.

The existing right of way on Kinney Road is 60 feet and owned by Pima County. The adjacent land on which the parking lot is located is owned by Pima County. All of the parking lot expansion would remain within Pima County rights of way. No new right of way agreements or easements are anticipated.

# Utilities.

There are underground and overhead utilities in the vicinity of King Canyon Trailhead. However, all improvements should be able to made without disturbance to existing utilities. It will be necessary to positively locate the electrical lines as they are buried within the existing parking lot limits. No future utility improvements are planned.

# Survey.

A ground survey of the new parking area, the adjacent lands, and approximately 600 feet of the western approach to the parking lot along Kinney Road is anticipated.

# Geotechnical.

The existing parking lot and the expansion area is located on, or nearly on, rock. A geotechnical investigation will be needed to identify the hardness of the rock, and the effort required to excavate the parking lot limits. A minimum 3-inch hot mix asphalt on 6 inches of aggregate base is assumed for the Trailhead parking area. A State approved hot asphalt mix design is anticipated.

# Hydrology/Hydraulics.

There is a minor ditch / swale that currently drains from the trailhead along the east side of the parking lot, and discharges to a swale heading east before reaching Kinney Road. Minor drainage improvements include conveying surface flows thru a series of three pipe culverts is anticipated to maintain existing drainage patterns within the parking area.

# **Environment and Permits.**

A Categorical Exclusion prepared and led by FHWA-CFLHD, will be required. A Class III pedestrian survey, waters of the U.S. delineation, and general habitat survey are required. No protocol-level surveys are anticipated at this time.

The project has the potential for a Section 4(f) use due to its location within Tucson Mountain Park. With Pima County as the project sponsor and project owner, as well as the project intent to benefit recreational uses, a de minimis impact finding or a Nationwide Programmatic evaluation will be sufficient for Section 4(f) clearance. In addition, Tucson Mountain Park may be a Section 6(f) property due to Land and Water Conservation funds used to expand the park in the 1970s. Expansion of the parking lot is not anticipated to be a conversion of use because it will be an increased benefit to outdoor public recreational use. Coordination with the National Park Service and/or Arizona State Parks should be completed and a public facility request may be required. However, given the National Park Service's support of the parking lot expansion, no concerns are anticipated.

An ephemeral drainage, located parallel to Kinney Road, may be impacted by the proposed project. Given the small amount of impact anticipated, a non-notify Nationwide Permit memo to the project file should be sufficient. Additionally, the project is located in Pima County's MS4 permit area. Given the increase in impervious surface, post-construction BMPs are anticipated, and may include revegetation or stormwater detention.

# **Design and Construction Options Identified During Scoping**

Per the County's application, this project was limited to a new, larger parking lot and some minor sight distance and guardrail improvements on Kinney Road.

During the Scoping Meeting, the County suggested that the project include a left-turn entrance into the parking lot. The desire was to keep the improvements north of the southern edge of the existing ROW. If additional ROW was required, it would be pushed to the north on lands owned by the County.

It was discussed that since the majority of the users of this facility approach from the east, a new WB left-turn lane would only serve a fraction of the users. Also, there are several access points along this narrow corridor that do not have left-turn lanes. The route is heavily used by cyclists, joggers, and visitors, with limited sight distance, an undulating profile, with no shoulders (not even gravel shoulders). As such, no formal left turn lane is proposed as part of these improvements, but the barrier being installed to the west of the new entrance will be offset to provide for the future left-turn lane and the shoulder improvements. This offset will greatly improve the sight distance to the parking lot entrance.

# F. PROJECT BUDGET

Item	Estimated Cost	Comments
Preliminary Engineering (PE) and Environmental Compliance	\$75,000	Includes Scoping
ROW Acquisition & Utility Relocation	\$0	No ROW acquisition or utility relocations anticipated
Construction Contract (CN)	\$452,000	
Construction Engineering (CE)	\$96,000	
Contingency	\$124,600	20% Contingency
Total	\$800,000	

# G. ROLES AND RESPONSIBILITIES

Responsible Party	Product/Service/Role Comments
FHWA-CFLHD	Develop and sign this Memorandum of Agreement
	Manage project development schedule and preliminary engineering costs
,	Lead agency for all environmental compliance
	Prepare and approve environmental documents and make project decisions based on the NEPA documents
	Preliminary engineering towards the development of a PS&E construction contract package
	Obtain permits required for Federally constructed projects
	Advertise and award the contract (Bids will not be solicited by FHWA-CFLHD until maintaining agency has concurred with the plans and specifications)
	Construction engineering/administration of the construction contract
	Potentially enter into a formal partnering work session and agreement with all parties involved in the construction contract

Responsible Party	Product/Service/Role	Comments
	Provide Project Engineer on site for construction administration	
	Determine the need for any proposed changes to contract documents, evaluate change impacts, coordinate technical reviews as needed, and ensure that the construction meets the requirements intended in the PS&E	
	Ensure that the contractor will bear all expense of maintaining traffic, other than snow removal and normal state, county, and city maintenance work	
	<ul> <li>Verify adherence to environmental documents</li> <li>Set up and lead final inspection upon completion of construction</li> </ul>	
Pima County	Review and sign this Memorandum of Agreement     Attend reviews and meetings	
	Provide in a timely manner available data including but not limited to traffic, accidents, material sources, construction costs, agreements, other technical data	
	Review and provide comments within two weeks the environmental documents, plans, estimate, and specifications at each phase of design and provide project development support	
	Coordinate with FHWA-CFLHD on NEPA related issues	÷ .
-	In coordination with the FHWA-CFLHD project manager, ensure that completed plans, specifications, and estimates (PS&E) are consistent with the intended outcome	
	Acquire any required state permits prior to advertisement of the project	
	Provide ROW and utility information and coordination	
	Acquire ROW and TCEs if necessary. No private property acquisition is anticipated.	
	Letter of consent/Highway Easement Deed prior to construction	
	Complete all ROW activities prior to advertisement of the project	

	Product/Service/Role	Description of the second of t
Responsible Party	Sign CFLHD Right of Way Certification certifying that all rights on private property necessary to construct, operate, and maintain the road have been obtained.	Comments
	Obtain all rights necessary to construct, operate, and maintain the facility	
	<ul> <li>Provide overall direction regarding agency policy and administration for the project and concur with the final plans and specifications</li> </ul>	
	<ul> <li>Coordinate utility relocations if necessary per scope described above</li> </ul>	
	Sign CFLHD Utility Certification	
	<ul> <li>Develop a public information plan in coordination with CFLHD and the FLMA</li> </ul>	
	<ul> <li>If required, enter into a formal partnering work session and agreement with all parties involved in the construction contract</li> </ul>	
	<ul> <li>Designate a representative who will be the primary contact for FHWA's construction staff during construction</li> </ul>	
	<ul> <li>Consider proposed design changes, evaluate change impacts, and provide construction oversight as needed, ensuring that requests meet the requirements intended in the PS&amp;E</li> </ul>	ı
	<ul> <li>Attend a final inspection and approve and provide final acceptance upon completion of construction</li> </ul>	
	<ul> <li>Assume responsibility of the NPDES permit until the Notice of Termination is filed and accepted</li> </ul>	
	<ul> <li>Provide long term maintenance and operation of the project upon completion</li> </ul>	

# H. ROLES AND RESPONSIBILITIES—SCHEDULE

Responsible Lead	Product/Service/Role	Schedule Einish	Comments
FHWA-CFLHD	Preliminary Design	Fall 2017	
FHWA-CFLHD	Environmental Compliance	Spring 2018	Development and completion of NEPA Document
FHWA-CFLHD	Final Design	Spring 2018	Development of PS&E
FHWA-CFLHD	Advertise, Award and NTP	Spring 2018 or Fall 2018	

Responsible Lead	Product/Service/Role	Schedule Finish	Comments
FHWA-CFLHD	Administer Construction Contract	Spring 2018 or Fall 2018	Construction Engineering

### I. PROPOSED DESIGN STANDARDS

Final design standards will be determined through the NEPA process.

Criteria .		Comments Comments
Standard	AASHTO	
Functional Classification	N/A	Parking Lot
Surface Type	Pavement	
Design Volume	N/A	30 Spaces

# J. FUNDING

Funding Source	PROJECT FUNDI Estimated Funding	NG % of Total Project	Comments
Federal Lands Access Program	\$754,000	94.3%	
Pima County	\$46,000	5.7%	Pima County will provide a fixed amount of \$46,000 or 5.7% of the total FLAP eligible project costs, whichever is greater.
Total	\$800,000		

Total amounts for FLAP and Pima County includes funds previously transferred for scoping efforts under DTFH6817E00001 (\$5,000.00). The remaining Pima County match portion will be transferred as outlined in the Funds Transfer Agreement No. DTFH68-17-E-00046.

# K. MATCHING SHARE REQUIREMENTS

Pima County will provide 5.7% of the total Federal Lands Access Program eligible project costs required for the project through construction contract completion, closeout, and resolution of any disputes, in an amount not to exceed that provided in separate funding agreements.

Matching or cost sharing requirements will be satisfied following the obligation of funds to the project as detailed above in Section J.

# L. PROJECT TEAM MEMBERS—POINTS OF CONTACT

The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each party's role and responsibility for this agreement.

Steve M. Wilson, Safety Civil Engineer	Pima County	(520) 724-5912 stephen.wilson@pima.gov	
Jeremy Curtis, Chief of Maintenance	Saguaro National Park	(520) 733-5140 Jeremy_Curtis@nps.gov	
Micah Leadford Project Manager	FHWA-CFLHD	720-963-3498 Micah.Leadford@dot.gov	

### M. CHANGES/AMENDMENTS/ADDENDUMS

The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; changes that alter the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in the composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notification to their management in order to avoid project delivery delays.

# N. ISSUE RESOLUTION PROCEDURES MATRIX

Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by any party. When an issue is resolved, the decision will be communicated to all levels below.

PHYA	Pima County	NPS: 1	Time
Micah Leadford,	Steve M. Wilson, Safety Civil Jeremy Curtis, Chief of		30 days
Project Manager	Engineer	Maintenance	30 days
Gary Strike,	Seth Chalmers, Traffic	TBD	
Project Management Branch	Engineering Division		60 days
_Chief	Manager		
Curtis Scott,	Priscilla Cornelio, Director	TBD	-
Chief of Engineering	Pima County Department of		90 days
Chief of Englieering	Transportation		

#### O. TERMINATION

This agreement may be terminated by mutual written consent of all parties. This agreement may also be terminated if either the NEPA process or funding availability requires a change and the parties are not able to agree to the change. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. If Federal Access funds have been expended prior to termination, the party responsible for the match agrees to provide a match in the applicable percentage of the total amount expended on the project prior to the termination.

# **FUNDS TRANSFER AGREEMENT**

FEDERAL LANDS HIGHWAY - FEDERAL HIGHWAY ADMINISTRATION

FHWA Agreement No.: DTFH68-17-E-00046 AZ FLAP 62(1) King Canyon Trailhead August 17, 2017

Agency providing funding: Pima County

Agreement amount: \$41,000.00

Period of Performance: From (date of signature below) to December 15, 2020.

Agency receiving funding: Central Federal Lands Highway Division (CFLHD)

This Funds Transfer Agreement (FTA) is to confirm that Pima County has committed to provide, through electronic funds transfer, a fixed amount of \$41,000.00 to CFLHD for the AZ FLAP 62(1) King Canyon Trailhead project to meet the matching requirements as set forth in the Memorandum of Agreement dated July 17, 2017. This FTA is subject to all conditions set forth in the attached MOA and any future modifications made to the MOA.

FUNDS TRANSFER SUMMARY						
Phase	FY	Amount	Due	Received	Amendment #	Comment
PE	2017	\$5,000	9/1/12017			Full Scope
CE & CN	2018	\$36,000	4/1/2018			Full Scope
Total:		\$41,000				

	AGENCY FINANCIAL AND CONTACT I	NFORMATION
	Pima County	CFLHD
DUNS#	074477969	126-129-936
	Financial Contact Informat	tion
Name	Michael Schaeffer	Suzanne Schmidt
Phone	520-724-7709	(720) 963-3356
E-mail	Michael.Schaeffer@pima.gov	suzanne.schmidt@dot.gov
Address	Pima County Department of	12300 W. Dakota Ave.
	Transportation	Suite 380
	1313 S. Mission Road, Building #9	Lakewood, CO 80228
	Tucson, AZ 85713	
	Project Contact Informati	on
Name	Steve M. Wilson	Micah Leadford
Phone	(520) 724-5912	(720) 963-3498
E-mail	stephen.wilson@pima.gov	micah.leadford@dot.gov

Regardless of the estimated costs stated in the MOA, Pima County will provide a 5.7% of the total Federal Lands Access Program cost required for the project, or \$46,000.00, whichever is greater, through the construction, closeout, and resolution of any disputes. Total amounts for FLAP and Pima County includes funds previously transferred for scoping efforts under DTFH6817E00001.

CFLHD shall not incur costs which result in matching funds exceeding \$46,000.00 without authorization in the form of a written modification to the attached MOA signed by both agencies.

**Sharon Bronson** 

Date

Joe Wilson, Contracting Officer

Date

Chair, Pima County Board of Supervisors

Pima CourAPPROVED AS TO FORM

TERMIN County Attorney

Central Federal Lands Highway Division

# **FUNDS TRANSFER AGREEMENT**

### FEDERAL LANDS HIGHWAY - FEDERAL HIGHWAY ADMINISTRATION

FHWA Agreement No.: DTFH68-17-E-00046 AZ FLAP 62(1) King Canyon Trailhead August 17, 2017

CFLHD requests that these payments be made through the US Treasury's website <a href="https://pay.gov">https://pay.gov</a>. Pay.gov can be used to make secure electronic payments to any Federal Government Agencies via credit card or direct debit.

Payment shall be submitted referencing the FHWA/CFLHD-ID Agreement Number: DTFH68-17-E-00046.

# Option 1 (Preferred Method)

- Plastic card or Automatic Clearing House Payment (ACH Direct Debit)
- Go to Treasury's website https://pay.gov
- Search for Agency Name (Transportation Department)
- Select the appropriate Transportation Agency (Federal Highway Administration)
- Follow the form instructions to make your payment. Note, if making an ACH payment from your bank account, please select ACH Direct Debit as the payment type.

#### Option 2

 Mail check payment to the following address for Paper Check Conversion (PCC) processing:

# Make Check Payable To:

**DOT FHWA** 

# **Mailing Address:**

Enterprise Service Center Federal Aviation Administration ATTN: AMZ-324/HQ Room 181 6500 S. MacArthur Blvd. Oklahoma City, OK 73169

- o Notice to customers making payment by check:
  - When you provide a check as payment you authorize us either to use information from your check to make a one-time electronic

# **FUNDS TRANSFER AGREEMENT**

FEDERAL LANDS HIGHWAY - FEDERAL HIGHWAY ADMINISTRATION

FHWA Agreement No.: DTFH68-17-E-00046 AZ FLAP 62(1) King Canyon Trailhead August 17, 2017

fund transfer from your account or to process the payment as a check transaction.

When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment and you will not receive your check back from your financial institution.

Please notify Amy Serafin at 720-963-3568 or <a href="mailto:amy.serafin@dot.gov">amy.serafin@dot.gov</a> if mailing a check. When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

Privacy Act- A Privacy Act Statement required by 5 U.S.C. § 552a(e)(3) stating our authority for soliciting and collecting the information from your check, and explaining the purposes and routine uses which will be made of your check information, is available on our internet site at (PCCOTC.GOV), or call toll free;: at (1-800-624-1373) to obtain a copy by mail. Furnishing the check information is voluntary, but a decision not to do so may require you to make payment by some other method.