



Folsom City Council Staff Report

MEETING DATE:	6/14/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10869 - A Resolution Authorizing the City Manager to Adopt Local Assistance Procedures Manual Chapter 10, Consultant Selection, Policies and Procedures for Federal and State-only Funded Projects
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 10869 - A Resolution Authorizing the City Manager to adopt Local Assistance Procedures Manual Chapter 10, Consultant Selection, Policies and Procedures for Federal and State-only funded projects.

BACKGROUND / ISSUE

The City has received Federal-Aid funding approval for the Intelligent Transportation System Implementation Project. As of January 1, 2019, Caltrans is requiring that all agencies utilizing federal and state reimbursement funds have a written procedure adopted by resolution and approved by Caltrans. Although the Master Service Agreement references many similar procedures, Caltrans is requiring each agency to provide a written procedure approved by Caltrans and adopted by the agency's governing body, which describes the consultant selection and procurement procedures for design and construction management contracts.

From Division of Local Assistance Office Bulletin 21-05:

Title 23 Code of Federal Regulations Part 172 (23 CFR 172) allows Caltrans Division of Local Assistance (DLA) to prescribe the policies and procedures for engineering and design related services, also known as Architectural and Engineering (A&E). Local Public Agencies (LPAs) are responsible for adopting the written policies and procedures prescribed by the awarding State Transportation Agency (STA).

FHWA's expectation is to achieve a 100% compliance rate in this area. Past process review findings by DLA showed a significant lack of, or incomplete A&E procurement policies and procedures as one of the most common findings. A non-compliance of this matter can result in a loss of funds and/or other sanctions.

This action only applies to consultant contracts awarded using Federal-Aid / FHWA funding. The City will continue to use existing procedures for City-funded projects and will utilize other procedures as required by alternate project funding sources.

POLICY / RULE

Adoption of contract policies and procedures requires City Council approval.

ANALYSIS

In order for the City to be reimbursed for transportation projects funded by state only funding sources, the City must adopt Local Assistance Procedures Manual (LAPM) Chapter 10, Consultant Selection, policies and procedures. A completed Exhibit 10-C for new or amended federal and/or state funded consultant contracts must be accepted by Caltrans prior to award. Items not completed in the Exhibit 10-C checklist may jeopardize federal and/or state funding.

FINANCIAL IMPACT

The adoption of LAPM Chapter 10 will likely not have an impact on the cost of professional services. It will increase the number of staff hours spent on contract procurement and project administration tasks.

ENVIRONMENTAL REVIEW

Environmental review is not required for adoption of this resolution. Each project will evaluate environmental impacts on a project-by-project basis.

ATTACHMENT

Resolution No. 10869 - A Resolution Authorizing the City Manager to adopt Local Assistance Procedures Manual Chapter 10, Consultant Selection, Policies and Procedures for Federal and State-only Funded Projects

Submitted,



Mark Rackovan, Public Works Director

RESOLUTION NO. 10869

**RESOLUTION AUTHORIZING THE CITY MANAGER TO
ADOPT LOCAL ASSISTANCE PROCEDURES MANUAL CHAPTER 10, CONSULTANT
SELECTION, POLICIES AND PROCEDURES
FOR FEDERAL AND STATE-ONLY FUNDED PROJECTS**

WHEREAS, the City of Folsom through the Department of Public Works is responsible for the execution of federal and state funded project(s); and

WHEREAS, the provision of 23 CFR 172.5(b), subrecipients shall develop and sustain organizational capacity and provide the resources necessary for the procurement, management, and administration of engineering and design related consultant services, reimbursed in whole or in part with Federal-Aid Highway Program funding as specified in 23 U.S.C. 106(g)(4)(A); and

WHEREAS, 23 CFR 172.5(b)(1) requires subrecipients to adopt written policies and procedures prescribed by the awarding State Transportation Agency for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws and regulations; and

WHEREAS, the State of California Department of Transportation (Caltrans) has developed the Local Assistance Procedures Manual (LAPM), Chapter 10, Consultant Selection, which sets forth policies and procedures for procurements and management of contracts for engineering and design related consultant services contracts on federal and state funded transportation projects to ensure compliance with applicable Federal and State laws and regulations; and

WHEREAS, LAPM Chapter 10, Consultant Selection, describes the consultant selection and procurement process local agencies must follow to maintain eligibility for federal and state reimbursement; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom adopts Caltrans Local Assistance Procedures Manual, Chapter 10, Consultant Selection, and any updates thereto, in the procurement of architectural and engineering services for federal and state-only funded projects.

PASSED AND ADOPTED this 14th day of June 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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