CITY OF GAUTIER
MEMORANDUM

To: Samantha Abell, City Manager

From: Patty Huffman, Grants & Projects Manager

Through: Chandra Nicholson, Economic Development and Planning Director

Date: February 10, 2014

Subject: Approval for MDOT Replacement Memorandum of Understanding for College Park Elementary Safe Routes to School Project SRSP-0494-00(010)LPA/106702-401000

REQUEST:
The Economic Development and Planning Department requests City Council approval of a Replacement Memorandum of Understanding (MOU) with the Mississippi Department of Transportation (MDOT) for the Safe Routes to School grant funded project for the College Park Elementary School area.

BACKGROUND:
The City of Gautier was originally awarded $100,000 in federal Safe Routes to School funding for infrastructure improvements around College Park Elementary School to make it safer and more accessible for children to walk and ride bicycles to school. The City had applied for $248,125 in Safe Routes to School funding but was only awarded $100,000. The Gulf Regional Planning Commission has now allocated an additional $106,000 in Transportation Alternatives funding to the project.

DISCUSSION:
The attached Replacement Memorandum of Understanding with MDOT outlines responsibilities and funding as required by the MDOT Project Development Manual for federal funds. The City will now receive a total of $206,000 in federal funding. A 20% local match based on the total project cost in the amount of $51,500 is required. (Total project cost of $257,500 x 20% = $51,500.) The City has already received $15,000 from the Jackson County Board of Supervisors toward the required match. The federal funds will expire if not obligated on or before June 30, 2015.

RECOMMENDATION:
City staff recommends that City Council approve the Replacement MDOT Memorandum of Understanding for the College Park Elementary Safe Routes to School Project as presented.

City Council may:

1. Approve entering into the Replacement Memorandum of Understanding as presented; or
2. Decline to approve the Replacement Memorandum of Understanding.

ATTACHMENT(S):
MDOT Cover Letter
GRPC Allocation Letter
Replacement MOU for SRSP-0494-00(010)LPA/106702-401000

Mark C. McConnell
Deputy Executive Director/
Chief Engineer

Lisa M. Hancock
Deputy Executive Director/
Administration

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Melinda L. McGrath
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District 6 Engineer

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District 7 Engineer

P. O. Box 551 / Hattiesburg, MS 39403-0055 / Telephone (601) 544-6511 / FAX (601) 544-0227 / GoMDOT.com

16499-B Highway 49, Saucier, Mississippi 39574-9740

February 10, 2014

Ms. Samantha Abell
City Manager
City of Gautier
3330 Highway 90
Gautier, MS 39553

RE: Memorandum of Understanding, MOU
College Park Elementary Safe Routes to School Project

Dear Ms. Abell,

Attached are the duplicate copies of the replacement Memorandum of Understanding, MOU, for the above referenced project for your review and processing. The updated MOU is being provided to include additional funding provided by the Gulf Coast MPO. Please execute the MOU in duplicate and return with governing council or board minutes signifying approval. Please mail to:

Mississippi Department of Transportation
Attn: David Seyfarth
16499-B Highway 49
Saucier, MS 39574-9740

In accordance with the MOU, please remember to include the MDOT in any public relations activities or press release for this project. The MDOT public relations liaison for District VI is Layla Essary, telephone number 601-466-1881. Should you need additional information, contact my office at 228-832-0682.

Sincerely,

David Seyfarth

David H. Seyfarth, PE, PS
Special Projects Engineer

cc: Project File 16-10 w/ attachments

Gulf Regional Planning Commission

Serving the Governments of the Mississippi Gulf Coast

January 30, 2014

Ms. Samantha Abell, City Manager
City of Gautier
3330 Hwy 90
Gautier, MS 39553

Re: MPO allocation of federal Transportation Alternatives Program funds to supplement Gautier's Safe Routes to School project funding

Dear Ms. Abell:

We are pleased to inform you that the MPO has allocated $106,000 in Transportation Alternatives Program (TAP) funding to supplement the funding recently allocated by MDOT to the Gautier Safe Routes to School project. With this allocation of additional federal funding, the City is committed to provide an additional $26,500 in local matching funds for the project.

We are hopeful that this additional funding will enable the City to complete this worthwhile project and look forward to getting it underway. If you have any questions concerning the funding, please call.

Sincerely,
GULF REGIONAL PLANNING COMMISSION

David Taylor
Planning Director

Cc: Ms. Chandra Nicholson, Community Development Director
Mr. David Seyfarth, MDOT

1635 Popps Ferry Road, Suite G ✣ Biloxi, MS 39532 ✣ (228) 864-1167 ✣ Fax (228) 864-1149 ✣ Toll-Free (866) 847-7986 ✣ www.grpc.com

REPLACEMENT
Memorandum of Understanding

SRSP-0494-00(010)LPA/106702-401000
College Park Elementary Safe Routes to School Project
Gautier, MS

This Replacement Agreement is made between the Mississippi Transportation Commission, a body Corporate of the State of Mississippi (hereinafter referred to as the "COMMISSION"), acting by and through the duly authorized Executive Director of the Mississippi Department of Transportation ("MDOT") and City of Gautier, Local Public Agency "LPA" (hereinafter referred to as the "LPA"), for the purpose of establishing the agreed conditions under which the LPA may utilize Safe Routes to School funds, Transportation Alternatives funds, and subsequent acts to complete the proposed project as described below, effective as of the date of the last execution below.

WHEREAS, the LPA has announced its intentions to make pedestrian improvements including, but not limited to, sidewalk and pavement markings leading to College Park Elementary School; (hereinafter referred to as the "PROJECT"); and

WHEREAS, it is anticipated that approximately **$ 206,000.00** in federal funds ({80%} federal match and {20%} local match) (100,000.00 in SRSP Funds and 106,000.00 in TA funds) for the construction of the PROJECT, and the above mentioned federal funds will expire if they are not obligated on or before **June 30, 2015**. The above funds are subject to normal reductions and obligational limitations; and

WHEREAS, the LPA agrees that if funds from FHWA are utilized that the LPA will be bound by, and will comply with, any and all federal requirements and the MDOT operating procedures, even though the federal requirements, when coupled with MDOT procedures, specify that no retainage is to be withheld; and

WHEREAS, the LPA will be responsible for all PROJECT cost over and above the maximum amount of Federal Funds allocated to the PROJECT by the COMMISSION, and

WHEREAS, the MDOT requires the LPA to provide the local share previously stated; and

WHEREAS, the COMMISSION is hereby consenting to allow the LPA to manage the PROJECT under the terms and provisions of this Memorandum of Understanding; and

WHEREAS, the COMMISSION and the LPA desire to set forth more fully the understanding of the parties with respect to the process by which this will be accomplished, and this document supersedes all other agreements unless herein specified.

NOW, THEREFORE, for and in consideration of the premises and agreements of the parties as hereinafter contained, the LPA and the COMMISSION mutually enter into

the following Memorandum of Understanding for these and any future federal funds that may be allocated to this PROJECT

ARTICLE I. DUTIES AND RESPONSIBILITIES

A. The LPA, which is hereby designated as the Local Sponsor for the purposes herein, will:

1. Designate a full time employee of the LPA as the Project Director, who will serve as the person of responsible charge for the PROJECT and will coordinate all PROJECT activities with the MDOT District LPA Coordinator.

2. Follow the procedures set out in the latest online version of the Project Development Manual (PDM) for Local Public Agencies necessary for the PROJECT including, but not limited to, project activation, consultant selection, request and/or develop and follow all necessary permits, environmental process, preliminary design, Right of Way acquisition (if required), advertisement for and selection of a contractor, construction oversight, and project close out.

3. Submit to the MDOT four (4) complete sets of "as-built" plans in printed form and the original electronic files in a format that is compatible with Microstation prior to MDOT acceptance. Upon request, MDOT may waive this requirement for selected projects.

4. Be responsible for all maintenance of the PROJECT during and after completion.

5. Agree to be bound by any and all federal requirements and the MDOT operating procedures, even though the federal requirements, when coupled with MDOT procedures, specify that no retainage is to be withheld.

6. Agree that if any act of omission or commission on the part of the LPA causes loss of Federal funding from FHWA or any other source, or any penalty being imposed by the United States of America under the Clean Water Act, 33 U.S.C. § 1251, et seq. or any other provision of law, the LPA will be solely responsible for all additional costs.

7. Promptly pay any consultants or contractors monies due them within 30 days of submittal of invoice from the consultant or contractor. MDOT reserves the right to withhold Federal reimbursement until adequate proof of payment has been produced should the above not be followed.

8. If there is any requirement for "matching" funds, or if the anticipated cost of construction will exceed the available Federal-aid funds, the LPA shall be solely responsible for providing said local share or any funds above the Federal-aid funds at such time as the funds may be required.

9. All contracts and subcontracts shall include a provision for compliance with Senate Bill 2988 from the 2008 Session of the Mississippi Legislature entitled "The Mississippi Employment Protection Act," as published in the General Laws of 2008 and codified in the Mississippi Code of 1972, as amended (Sections 71-11-1 and 71-11-3), and any rules or regulations promulgated by the COMMISSION, the Department of Employment Security, the State Tax Commission, the Secretary of State, or the Department of Human Services in accordance with the Mississippi Administrative

Procedures Law (Section 25-43-1, et seq., Mississippi Code of 1972, as amended) regarding compliance with the Act. Under this Act, the LPA and every sub-recipient or subcontractor shall register with and participate in a federal work authorization program operated by the United States Department of Homeland Security to electronically verify information of newly hired employees pursuant to the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Public Law 104-208., Division C, Section 403(a); 8 USC, Section 1324a .

10. The LPA will be required to acknowledge the MDOT and the FHWA for their participation in the project in any news releases or other promotional material for the PROJECT. The PROJECT sponsor shall notify the MDOT LPA Division of any ceremonies related to the PROJECT.

11. In the event right-of-way acquisition for, or actual construction of, the road for which this preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the fiscal year in which this preliminary engineering project is obligated, the LPA may be required to repay to the FHWA the sum or sums of Federal funds reimbursed to the LPA for this preliminary engineering work; and (2) in the event that right-of-way acquisition is started by the close of the tenth federal fiscal year, but construction is not started by the close of the twentieth federal fiscal year following the fiscal year in which this preliminary engineering project is obligated, the LPA may be required to repay to the FHWA the sum or sums of Federal funds reimbursed to the City for this preliminary engineering work and right-of-way acquisition.

12. The LPA will be required to submit to the District LPA Coordinator monthly progress reports through the Notice to Proceed for construction, which shall include, but not be limited to, the work which has been completed that month and the planned work for the upcoming month. The LPA will also provide a project progress schedule which will report project milestones and the target date for the LPA's request for Ad Authority. These project milestones are to be updated once any milestones are missed.

13. The LPA agrees that any project that uses federal funds shall be properly maintained at all times. If such required maintenance is not performed, as appropriate, future federal funds may be withheld for any projects in the jurisdiction of the local agency.

14. The LPA agrees to maintain, and make available to Commission, a sufficient accounting system with proper internal controls and safeguards. The accounting system and its controls should at all times maintain adequate recording and reporting of federal funds received by the LPA. If sufficient internal controls over the LPA's federal funding are not maintained, federal funds may be withheld and future transportation projects will not be considered.

B. THE COMMISSION WILL:

1. Allow the LPA to design and construct the proposed transportation improvements provided that the design meets with MTC and FHWA approval and that all costs of the improvements that are not covered by federal funds are borne by the LPA.

2. Enter into cooperative agreements or permits necessary to allow the LPA access