

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



November 9, 2012

File : 07-LA-0-POLA

TCIF-5006(712)

In South Wilmington (In Port of Los Angeles) from Harry Bridges Boulevard in the north to Pier A Stre

Mr. Gary Moore
City Engineer
City of Los Angeles
1149 South Broadway, Suite 700
Los Angeles, CA 90015

Attn: Mr. John Koo

Dear Mr. Moore:

Enclosed are two originals of the Program Supplement Agreement No. 0J93 Rev. 000 to Administering Agency-State Master Agreement No. 00152S .

Please sign both Program Supplement Agreements and return them to this office, Office of Local Programs - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

A copy of the State approved finance letter containing the fund encumbrance and reversion date information will be mailed to you with your copy of the executed agreement.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry Leaming".

for BARRY LEAMING, Chief
Office of Project Implementation - South
Division of Local Assistance

Enclosure

c: OLP AE Project Files
(07) DLAE - David Sosa

PROGRAM SUPPLEMENT NO. J93
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 00152S

Adv Project ID **Date:** November 2, 2012
0712000072 **Location:** 07-LA-0-POLA
 Project Number: TCIF-5006(712)
 E.A. Number:
 Locode: 5006

This Program Supplement, effective _____, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00152S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 06/23/08 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION:

In South Wilmington (In Port of Los Angeles) from Harry Bridges Boulevard in the north to Pier A Street & Fries Avenue in the South.

TYPE OF WORK: New Bridge

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	LOCAL	OTHER
\$76,303,000.00	\$17,000,000.00	\$19,288,000.00		\$40,015,000.00

CITY OF LOS ANGELES

By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____
Chief, Office of Project Implementation
Division of Local Assistance
Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer

Jessica Chang

Date

11/2/12

\$17,000,000.00

SPECIAL COVENANTS OR REMARKS

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

3. This PROJECT is programmed to receive State Proposition 1B Bond funds from the Trade Corridors Improvement Fund (TCIF). This PROJECT will be administered in accordance with the California Transportation Commission (CTC) - approved TCIF Guidelines, PROJECT-specific Baseline Agreement, and this Program Supplement Agreement (PSA). ADMINISTERING AGENCY agrees the PROJECT-specific Baseline Agreement (attached) and any amendments thereto are hereby made part of this PSA.

To satisfy the accountability requirements of the Governor's Executive Order # S-02-07, the ADMINISTERING AGENCY agrees to:

- 1) Submit Quarterly Progress Reports on the status and progress made toward implementation of the PROJECT including project development activities prior to the TCIF allocation and the commitment status of non-TCIF funds identified in the Baseline Agreement. The report shall include the actual and forecasted schedules, approved budget, actual expenditures and forecasted costs for each funding source and phase of work identified in the Baseline Agreement. The Quarterly Progress Reports shall be submitted to the Division of Local Assistance - Office of Bond Implementation via the Local Assistance Online Data Input System (LA-ODIS).

- 2) Submit a Corrective Plan in the event that variances from the PROJECT-specific

SPECIAL COVENANTS OR REMARKS

Baseline Agreement occur in the scope, costs, schedule, or benefits during the project implementation process. The Corrective Plan shall provide the reason(s) for the variance(s) and the corrective or preventive actions to be taken to correct, avoid, or mitigate current and future impacts and risks. The CTC may either approve the corrective plan or direct the ADMINISTERING AGENCY to modify its plan. A Corrective Plan shall be submitted concurrently with the Quarterly Progress Reports to the Caltrans Proposition 1B Program Manager with a copy to the Division of Local Assistance - Chief, Office of Bond Implementation.

3) Submit a Final Delivery Report to the CTC, within six (6) months of the project becoming operable, on the scope of the completed project, final costs, duration, and performance outcomes as compared to those indicated in the PROJECT Baseline Agreement. The ADMINISTERING AGENCY shall also provide a Supplement to the Final Delivery Report at the conclusion of all project activities (i.e., project completion) to reflect project expenditures (if different from the Final Delivery Report). The Final Delivery Report and Supplement shall be submitted to the Division of Local Assistance - Chief, Office of Bond Implementation.

The submittal of invoices for project costs shall be in accordance with the Local Assistance Procedures Manual (LAPM). The ADMINISTERING AGENCY has 180 days after project completion, to make final payment to the contractor, prepare the final invoice and final Report of Expenditures, and submit to the STATE for verification and payment.

4. Contract award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after award of the contract. Failure to do so will cause delay in processing invoices for construction expenditures. As a minimum, the award information shall include the following information: project number, TCIF ID no., project description, date funds were allocated by the CTC, date project was advertised, bid opening date, contract award date, contract award amount, number of contract working days, and estimated completion date.
5. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are

SPECIAL COVENANTS OR REMARKS

going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

6. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Notwithstanding the foregoing, ADMINISTERING AGENCY shall not be required to comply with 49 CFR, Part 18.36 (i), subsections (3), (4), (5), (6), (8), (9), (12) and (13).

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CITY OF LOS ANGELES

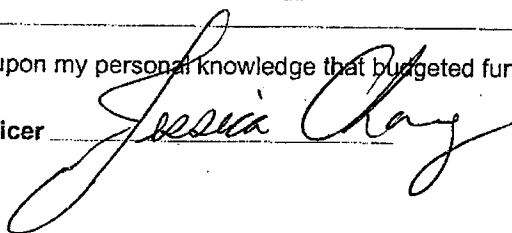
By _____
Title _____
Date _____
Attest _____

STATE OF CALIFORNIA
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