

REPORT TO CITY COUNCIL

DATE: OCTOBER 27, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: CHARMAINE YAMBAO, ACTING CITY ENGINEER

SUBJECT: REQUEST TO APPROVE RESOLUTION NO. 21-1990, ADOPTING CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL, CHAPTER 10: CONSULTANT SELECTION

This report seeks City Council approval to adopt, by resolution, the State of California Department of Transportation's (Caltrans) Local Assistance Procedures Manual, Chapter 10, Consultant Selection, by reference, which will allow the City of Agoura Hills to qualify and apply for certain future State and federal funds.

The City of Agoura Hills (City) is responsible for constructing transportation projects that are funded in part by State and federal funds. In order to comply with the federal regulations, sub-recipient agencies that seek to be reimbursed in whole or in part with Federal-Aid Highway Program funding are required to adopt written policies and procedures, as prescribed by the awarding "State Transportation Agency", i.e., Caltrans, for the procurement, management, and administration of certain services including Architectural and Engineering (A&E) services. A non-compliance of this matter can result in a loss of funds and/or other sanctions.

Caltrans has developed its Local Assistance Procedures Manual (LAPM). Chapter 10, Consultant Selection, sets forth policies and procedures to be utilized by local agencies in the procurement and management of A&E contracts on state and federal funded transportation projects, to ensure compliance with applicable federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement. LAPM Chapter 10 complies with the federal regulations, providing policies and procedures for local agencies to award federally funded engineering and design-related contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications.

Caltrans is requiring that local agencies adopt LAPM Chapter 10, with a target deadline of November 15, 2021, for local agencies to demonstrate compliance by adoption of a resolution.

The proposed resolution has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council approve Resolution No. 21-1990, adopting Caltrans' Local Assistance Procedures Manual, Chapter 10, Consultant Selection, by reference, and authorizing the City Manager to approve amendments to those portions of the City's Policy for Procurement with Federal Funds (revised May 19, 2021), dealing with architectural and engineering services administration and procurement, in consultation with the Federal Highway Administration.

Attachments: Resolution No. 21-1990

RESOLUTION NO. 21- 1990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL, CHAPTER 10: CONSULTANT SELECTION

WHEREAS, the City of Agoura Hills is responsible for constructing transportation projects that are State and federally funded; and

WHEREAS, in order to comply with federal regulations and due to limited staffing and expertise, certain services, including Architectural and Engineering (A&E) services, are contracted out to qualified firms; and

WHEREAS, the federal regulations set forth standards for procuring and administering A&E contracts; and

WHEREAS, the provisions of the Brooks Act (40 U.S.C. Section 1104) require local agencies to award federally funded engineering and design-related contracts, otherwise known as A&E contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (48 C.F.R. 31.201-3); and

WHEREAS, pursuant to 23 C.F.R. 172.5 (b), local agencies 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, the provisions of 23 C.F.R. 172.5 (b)(1) require local agencies to adopt written policies and procedures 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 to be utilized by local agencies in the procurement and management of A&E contracts on State and federally funded transportation projects to ensure compliance with applicable federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement; and

WHEREAS, the City of Agoura Hills has developed additional policies dated May 19, 2021, to ensure avoidance of conflicts of interest in the performance of A & E services for State and federally funded transportation projects; and

WHEREAS, the City of Agoura Hills desires to adopt Caltrans' LAPM, Chapter 10, and to affirm the City's conflict of interest policies, for compliance with federal regulations for the procurement and administration of A&E contracts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY DOES FIND AND RESOLVE AS FOLLOWS:

Section 1. The above recitals are true and correct findings of the Agoura Hills City Council.

Section 2. The Local Assistance Procedures Manual, Chapter 10, Consultant Selection, dated January 2021 or as amended in future updates, is hereby approved and adopted by reference as though fully set forth herein. A full, true and correct copy of said Chapter 10 is on file in the office of the City Engineer.

Section 3. The Local Assistance Procedures Manual, Chapter 10, Consultant Selection, dated January 2021 or as amended in future updates, is hereby made a part of the City's Policy for Procurement with Federal Funds (revised May 19, 2021), and shall serve as the written policies and procedures for the procurement, management, and administration of State and federally funded A & E consultant contracts, as prescribed in Chapter 10 of the LAPM titled "Consultant Selection.

Section 4. The City Manager is authorized to approve amendments to the City's A&E services administration and procurement policies, as set forth in the City's Policy for Procurement with Federal Funds (revised May 19, 2021), in consultation with the Federal Highway Administration.

PASSED, APPROVED, AND ADOPTED this 27th day of October, 2021, by the following vote to wit.

- AYES: ()
- NOES: ()
- ABSTAIN: ()
- ABSENT: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk