

1003
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

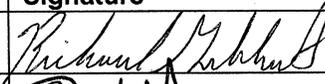
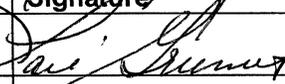
Council Action and Executive Summary

Item # 19 Resolution # 10-067 Council District: All

For Meeting of August 17, 2009

TITLE: A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO ACCEPT A GRANT AWARDED BY THE FEDERAL TRANSIT ADMINISTRATION FOR CAPITAL IMPROVEMENT FUNDS APPROPRIATED BY CONGRESS IN THE AMOUNT OF \$1,713,911 TO THE CITY OF LAS CRUCES THROUGH THE "AMERICAN RECOVERY AND REINVESTMENT ACT, 2009" AND TO ADJUST THE CITY FY2010 BUDGET ACCORDINGLY.

PURPOSE(S) OF ACTION: This Resolution would permit Transit Staff to accept a stimulus funding grant awarded by the Federal Transit Administration (FTA) in the amount of \$1,713,911 for the purpose of completing various transit capital improvements. This is 100% funding requiring no local match. Council authorized staff to apply for these funds on April 20, 2009, through Resolution 09-243.

Name of Drafter: Michael Bartholomew		Department: Public Services / Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		528-3477	Budget		2300
			Assistant City Manager		2271
Legal		2124	City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: On February 17, 2009, President Obama signed the "American Recovery and Reinvestment Act, 2009" or ARRA for short. The act provides economic stimulus funds, requiring no local match, through numerous federal programs, including \$8.4 billion for transit capital improvements. The City of Las Cruces was apportioned \$1,713,911 for transit capital improvements.

On April 20, 2009, the City Council authorized staff, through Resolution 09-243, to submit a grant for capital transit projects selected from a list of 11 transit projects included in Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP). The projects in the TIP went through additional vetting by City staff to ascertain the feasibility and cost of various projects.

FTA has now awarded the City a grant in the amount of \$1,713,911, as shown in the grant the agreement, attached at Exhibit "A". Staff is requesting Council permission to accept this award and to amend the FY2010 Budget. Once the grant is accepted, and the New Mexico Department of Transportation signs FTA's supplemental agreement the Transit Administrator can execute the grant and staff can proceed with work on the various projects.

Because of the many additional reporting requirements, including a co-mingling of ARRA project funds with other projects, mandated by the ARRA legislation, this project will be set up in its own Munis fund number and project number.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Fund 5922 (various projects)	\$1,713,911	\$1,713,911

1. Resolution
2. Exhibit "A", ARRA-funded transit project grant awarded to the City of Las Cruces.
3. Exhibit "B", Budget Adjustment

OPTIONS / ALTERNATIVES:

1. A "Yes" vote will accept the FTA grant of \$1,713,911 in ARRA funds apportioned to the City of Las Cruces for various capital projects and to amend the budget accordingly.
2. A "No" vote will result in forgoing 100% ARRA federal funding for needed transit capital projects.
3. Council may modify the Resolution and provide alternative direction to Staff; however that would likely result in a loss of these funds due to the tight timeline to obligate FTA ARRA funds into a specific grant project.

RESOLUTION NO. 10-067

A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO ACCEPT A GRANT AWARDED BY THE FEDERAL TRANSIT ADMINISTRATION FOR CAPITAL IMPROVEMENT FUNDS APPROPRIATED BY CONGRESS IN THE AMOUNT OF \$1,713,911 TO THE CITY OF LAS CRUCES THROUGH THE "AMERICAN RECOVERY AND REINVESTMENT ACT, 2009" AND TO ADJUST THE CITY FY2010 BUDGET ACCORDINGLY.

The City Council is informed that:

WHEREAS, President Obama signed into law the "American Recovery and Reinvestment Act, 2009" on February 17, 2009, known as the ARRA, providing 100% federal funding for a variety of federally funded projects; and

WHEREAS, ARRA established \$8.4 billion in federal funds for mass transit capital projects of which \$1,713,911 have been apportioned to the City of Las Cruces for Transit Capital Projects; and

WHEREAS, the City of Las Cruces City Council authorized application for these funds on April 20, 2009 in Resolution 09-243; and

WHEREAS, the Federal Transit Administration (FTA) has now awarded these funds to the City of Las Cruces for various ARRA-funded capital transit projects as shown in Exhibit "A" and has requested the City execute the final agreement with the FTA;

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT City Staff are hereby authorized to accept the Federal Transit Administration award of ARRA funds in the amount of \$1,713,911, for projects as shown in Exhibit "A", attached hereto and made a part hereof.

(II)

THAT the City FY 2010 Budget is amended to reflect these projects.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2009.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

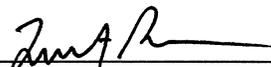
Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

DOT



FTA

U.S. Department of Transportation

Federal Transit Administration

Application

Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Project ID:	NM-96-X004-00
Budget Number:	1 - Budget Pending Approval
Project Information:	Buses, Renovate Facility, Equipment

Part 1: Recipient Information

Project Number:	NM-96-X004-00
Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Address:	P.O. Box 20000 , LAS CRUCES, NM 88004 0000
Telephone:	(575) 541-2500
Facsimile:	(575) 541-2545

Union Information

Recipient ID:	1580
Union Name:	STEELWORKERS UNION
Address 1:	
Address 2:	
City:	, 00000 0000
Contact Name:	
Telephone:	() -
Facsimile:	() 0-0000
E-mail:	
Website:	

Recipient ID:	1580
Union Name:	UNITED STEELWORKERS OF AMERICA, AFL-CIO/CLC
Address 1:	1880 N. Solano
Address 2:	
City:	Las Cruces, NM 88001

1008

Contact Name:	David Carrillo
Telephone:	(505) -52-3-94
Facsimile:	
E-mail:	dlcarrillo@las-cruces.org
Website:	

Part 2: Project Information

Project Type:	Grant	Gross Project Cost:	\$1,713,911
Project Number:	NM-96-X004-00	Adjustment Amt:	\$0
Project Description:	Buses, Renovate Facility, Equipment	Total Eligible Cost:	\$1,713,911
Recipient Type:	City	Total FTA Amt:	\$1,713,911
FTA Project Mgr:	Tony Ogboli 817-978-0566	Total State Amt:	\$0
Recipient Contact:	Michael Bartholomew	Total Local Amt:	\$0
New/Amendment:	None Specified	Other Federal Amt:	\$0
Amend Reason:	Initial Application	Special Cond Amt:	\$0
Fed Dom Asst. #:	20507	Special Condition:	None Specified
Sec. of Statute:	5307-4	S.C. Tgt. Date:	None Specified
State Appl. ID:	None Specified	S.C. Eff. Date:	None Specified
Start/End Date:	Jul. 01, 2009 - Jun. 30, 2011	Est. Oblig Date:	None Specified
Recvd. By State:	Jun. 30, 2009	Pre-Award Authority?:	Yes
EO 12372 Rev:	Not Applicable	Fed. Debt Authority?:	No
Review Date:	None Specified	Final Budget?:	No
Planning Grant?:	NO		
Program Date (STIP/UPWP/FTA Prm Plan) :	Mar. 11, 2009		
Program Page:	None Specified		
Application Type:	Electronic		
Supp. Agreement?:	Yes		
Debt. Delinq. Details:			

Urbanized Areas

UZA ID	UZA Name
353520	LAS CRUCES, NM

Congressional Districts

State ID	District Code	District Official
----------	---------------	-------------------

1009

35	2	Harry Teague
----	---	--------------

Project Details

This application is funded as follows:

American Recovery and Reinvestment Act--Transit Capital Assistance Program (Urbanized)

This project will use \$1,713,911 of (Section 5340) ARRA funds for various capital projects in the Las Cruces NM area. This project includes:

Rolling Stock -- This grant applies the 2009 ARRA Formula allocation of \$313,911 for bus fleet expansion. We will purchase approximately three Arboc-style low-floor vehicles, (approximately 28 feet) that have an expected useful life of 10-12 years. These will be dual mode (paratransit/fixed route) vehicles. A Federal ratio of 100/0 will apply. These buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. The fleet status section of TEAM has been updated to reflect this fleet addition. We are able to operate and maintain this vehicle expansion. These grant activities are a categorical exclusion under NEPA.

The City of Las Cruces assures that the vehicles being requested with this grant application are not included in any other active grant. Additionally the City assures that it has the funding sources available to maintain these vehicles in the dual purpose mode described above.

This project will also use \$1,400,000 of (Section 5340) ARRA funds for various other capital and equipment projects in the Las Cruces NM area. This project includes:

1. Installation of AVL/MDT technology on both fixed route and paratransit mode (\$775,000) This will be installed in approximately 15 fixed route buses and 15 paratransit vans; it will include all the required networking support systems as well. Paratransit applications will integrate with the existing scheduling programs. Both applications, fixed-route and Dial-a-Ride, will improve customer service.
2. Adding a restroom facility for public use at our current Downtown transfer area (\$40,000). There is presently no such facility.
3. Adding a security camera system to the downtown transfer area (\$35,000). Presently there is no such system.
4. Improving accessibility at several existing bus stops around town and replacing aging bus stop signage at all stops (\$330,000)
5. Upgrade the existing transit maintenance facility (\$200,000). This will include additional lighting, improving the area around the building to enhance the circulation of buses, repaving the yard, adding a small maintenance bay, installing automatic vehicle door openers, and improving the vehicle wash area.
6. Purchasing bike racks to install at strategic bus stop locations around the City (\$20,000)

All of these grant activities are a categorical exclusion under NEPA.

All projects are in the NMDOT STIP which is currently being updated online.

There are no other grants that the City has to specifically fund these projects. In the event any project has a higher than anticipated cost, local funds will make up the difference.

Earmarks

Earmark Details

Earmark ID	Earmark Name	Orig. Balance	Amount Applied
D2009-ERUF-0001	ARRA Urbanized Area Formula	\$5,967,852,039	\$1,713,911

Number of Earmarks: 1

Total Amount Applied: \$1,713,911

1010

Date Sent for Release: 7/21/2009 4:47:04 PM

Date Released:

Security

No – We will not expend at least 1% of the 5307 funds in this grant application for security purposes.

3. Other, please describe below.

Part 3: Budget**Project Budget**

	Quantity	FTA Amount	Tot. Elig. Cost
SCOPE			
111-00 BUS - ROLLING STOCK	3	\$313,911.00	\$313,911.00
ACTIVITY			
11.13.04 BUY <30-FT BUS FOR EXPANSION	3	\$313,911.00	\$313,911.00
SCOPE			
113-00 BUS - STATION/STOPS/TERMINALS	0	\$425,000.00	\$425,000.00
ACTIVITY			
11.32.07 ACQUIRE - SURVEIL/SECURITY EQUIP	0	\$35,000.00	\$35,000.00
11.32.20 ACQUIRE - MISC BUS STATION EQUIP	0	\$40,000.00	\$40,000.00
11.32.20 ACQUIRE - MISC BUS STATION EQUIP -20	0	\$20,000.00	\$20,000.00
11.34.20 REHAB/RENOVATE - MISC BUS STATION EQUIPMENT	0	\$330,000.00	\$330,000.00
SCOPE			
114-00 BUS: SUPPORT EQUIP AND FACILITIES	0	\$975,000.00	\$975,000.00
ACTIVITY			
11.42.20 ACQUIRE - MISC SUPPORT EQUIPMENT	0	\$775,000.00	\$775,000.00
11.44.02 REHAB/RENOVATE - MAINTENANCE FACILITY	0	\$200,000.00	\$200,000.00
Estimated Total Eligible Cost:			\$1,713,911.00
Federal Share:			\$1,713,911.00
Local Share:			\$0.00

1011

OTHER (Scopes and Activities not included in Project Budget Totals)**None**SOURCES OF FEDERAL FINANCIAL ASSISTANCE

<u>UZA ID</u>	<u>Accounting Classification</u>	<u>FPC</u>	<u>FY</u>	<u>SEC</u>	<u>Previously Approved</u>	<u>Amendment Amount</u>	<u>Total</u>
353520	2009.26.96.91.1	00	2009	96	\$0.00	\$0.00	\$0.00
Total Previously Approved:							\$0.00
Total Amendment Amount:							\$0.00
Total from all Funding Sources:							\$0.00

Alternative Fuel Codes

11.13.04	BUY <30-FT BUS FOR EXPANSION	Diesel Fuel
----------	------------------------------	-------------

Extended Budget Descriptions

11.13.04	BUY <30-FT BUS FOR EXPANSION	3	\$313,911.00	\$313,911.00
<p>This will be for three ARBOC style lowfloor buses <30'. Our intent is to use them as dual purpose vehicles: (1) to make available low-floor paratransit vehicles and (2) to be used in fixed route service where a smaller vehicle is more appropriate. For example, we are starting a shuttle service to a community college as well as addition shuttle or local circulator routes on the university campus and in other parts of town.</p> <p>The City of Las Cruces assures that the vehicles being requested with this grant application are not included in any other active grant. Additionally the City assures that it has the funding sources available to maintain these vehicles in the dual purpose mode described above.</p>				
11.32.07	ACQUIRE - SURVEIL/SECURITY EQUIP	0	\$35,000.00	\$35,000.00
<p>This project is for security camera equipment at the primary transfer area.</p>				
11.32.20	ACQUIRE - MISC BUS STATION EQUIP	0	\$40,000.00	\$40,000.00
<p>This is to purchase an prefabricated public restroom facility for the primary bus transfer area. This prefab buidling will be hard wired and plumbed to existing services at the site.</p>				
11.32.20	ACQUIRE - MISC BUS STATION EQUIP -20	0	\$20,000.00	\$20,000.00
<p>This project is to purchase bike racks for strategic bus stop locations.</p>				

1012

11.34.20	REHAB/RENOVATE - MISC BUS STATION EQUIPMENT	0	\$330,000.00	\$330,000.00
This project will be to improve accessibility around several bus stops and replace bus stop signs with new more visible signage.				
11.42.20	ACQUIRE - MISC SUPPORT EQUIPMENT	0	\$775,000.00	\$775,000.00
This project is to completely fit the fixed route and paratransit fleet with Mobile Data Terminals (MDTs) and Automatic vehicle location (AVL). In partansit the will be integrated with the scheduling software. On fixed route this will be used to enhance customer service and safety features and provide a means for quickly communicating with drivers.				
11.44.02	REHAB/RENOVATE - MAINTENANCE FACILITY	0	\$200,000.00	\$200,000.00
The existing maintenance facility, built in 1986, needs some renovation and up grades. This project will: grade, pave and improve circulation on the west side of the buiding to enhance vehicle flow, extend one maintenance bay to accomodate paratransit vehicles, improve lighting around the building exterior and in the bus parking area, repave the transit yard, improve a second driveway entrance into the maintenance area, add motors to vehicle doors on building, repair rusting panels and repaint building.				

Changes since the Prior Budget

Unable to find change amount information.

Part 4. Milestones

11.13.04 BUY <30-FT BUS FOR EXPANSION 3 \$313,911 \$313,911

	Milestone Description	Est. Comp. Date
1.	RFP/IFB OUT FOR BID	Sep. 01, 2009
	Purchase of ARBOC style of low-flow bus <30` for dual purpose use in fixed route and paratransit. These would be expansion vehicles.	
2.	CONTRACT AWARDED	Nov. 01, 2009
3.	FIRST VEHICLE DELIVERED	Mar. 01, 2010
4.	ALL VEHICLES DELIVERED	Mar. 01, 2010
5.	CONTRACT COMPLETE	Apr. 01, 2010

11.32.07 ACQUIRE - SURVEIL/SECURITY EQUIP 0 \$35,000 \$35,000

	Milestone Description	Est. Comp. Date
1.	RFP/IFB Issued	Sep. 01, 2009
	Award a contract to install security camera equipment at the downtown bus	

1014

	This will be a large project to acquire MDT/AVL technology on both fixed route and paratransit operations. The technology will interface with existing paratransit scheduling software. On fixed route, initial applications will be for developing customer based information to let them know where there bus is and improving security alarm features that can be activated by the driver. The plan is to create a backbone for additional AVL based functions, such as APC, to be added at a later date.	
2.	Contract Award	Sep. 15, 2009
3.	Contract Complete	Jun. 30, 2010

11.44.02 REHAB/RENOVATE - MAINTENANCE FACILITY 0 \$200,000 \$200,000

	Milestone Description	Est. Comp. Date
1.	RFP/IFB Issued	Sep. 01, 2009
	Some of the work outline in the project description will be done by City crews and some will be outsourced.	
2.	Contract Award	Nov. 01, 2009
3.	Contract Complete	Dec. 31, 2010

Part 5. Environmental Findings

113207 ACQUIRE - SURVEIL/SECURITY EQUIP 0 \$35,000 \$35,000

Finding No. 1 - Class II(c)

C20 - Promulgation of rules and regulations
Promulgation of rules, regulations, and directives.

113220 ACQUIRE - MISC BUS STATION EQUIP 0 \$40,000 \$40,000

Finding No. 1 - Class II(c)

C08 - Install Shelters, fencing, & Amenities
Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

113220 ACQUIRE - MISC BUS STATION EQUIP -20 0 \$20,000 \$20,000

Finding No. 1 - Class II(c)

1015

C08 - Install Shelters, fencing, & Amenities

Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

113420 REHAB/RENOVATE - MISC BUS STATION EQUIPMENT	0	\$330,000	\$330,000
---	---	-----------	-----------

Finding No. 1 - Class II(c)**C03 - Bicycle, pedestrian construction project**

Construction of bicycle and pedestrian lanes, paths, and facilities.

C08 - Install Shelters, fencing, & Amenities

Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

C15 - Alteration for elderly & disabled

Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

114220 ACQUIRE - MISC SUPPORT EQUIPMENT	0	\$775,000	\$775,000
--	---	-----------	-----------

Finding No. 1 - Class II(c)**C08 - Install Shelters, fencing, & Amenities**

Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

114402 REHAB/RENOVATE - MAINTENANCE FACILITY	0	\$200,000	\$200,000
---	---	-----------	-----------

Finding No. 1 - Class II(c)**C09 - Emergency repairs under 23 U.S.C 12**

Emergency repairs under 23 U.S.C. 125.

C19 - Install purchase maintenance equipment

Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

111304 BUY <30-FT BUS FOR EXPANSION	3	\$313,911	\$313,911
---	---	-----------	-----------

1016

Finding No. 1 - Class II(c)**C17 - Purchase of vehicles**

The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

Part 6: Fleet StatusFixed Route

		Before	Change	After
I.	Active Fleet			
	A. Peak Requirement	11	1	12
	B. Spares	4	0	4
	C. Total (A+B)	15	1	16
	D. Spare Ratio (B/A)	36.36%	0.00%	33.33%
II.	Inactive Fleet			
	A. Other	0	0	0
	B. Pending Disposal	0	0	0
	C. Total (A+B)	0	0	0
III.	Total (I.C and II.C)	15	1	16

These will be dual purpose vehicles that can be used in either paratransit or fixed route applications. We are requesting a total of 3 vehicles -- all expansion. For purposed of the Fleet Status report, I am showing expansion of one vehicle in Fixed route and 2 in paratransit, however these vehicles may be used as need in either operation.

Paratransit

		Before	Change	After
I.	Active Fleet			
	A. Peak Requirement	13	0	13
	B. Spares	5	2	7
	C. Total (A+B)	18	2	20
	D. Spare Ratio (B/A)	38.46%	0.00%	53.85%
II.	Inactive Fleet			
	A. Other	0	0	0
	B. Pending Disposal	0	0	0
	C. Total (A+B)	0	0	0
III.	Total (I.C and II.C)	18	2	20

These will be dual purpose vehicles that can be used in either paratransit or fixed route

1017

applications. We are requesting a total of 3 vehicles -- all expansion. For purposed of the Fleet Status report, I am showing expansion of one vehicle in Fixed route and 2 in paratransit, however these vehicles may be used as need in either operation.

Part 7. FTA Comments

General Review

Comment Title:	Buses
Comment By:	Linda Thomas
Date Created:	Jun. 23, 2009
Date Updated:	Jun. 29, 2009
Ref Section:	Unknown
Comment:	<p>Are the buses for expansion or replacement?</p> <p>Dual Mode pertains to the types of fuel the vehicles use, not to the intended uses of the vehicles. Please change to ALI code to indicate the size buses that are being purchased.</p> <p>Please change the narrative when talking about "dual mode" to something that describes how they will be used, i.e., "dual purpose" or something similar.</p> <p>UPDATE: Done.</p>

Comment Title:	Fleet Status Screens
Comment By:	Linda Thomas
Date Created:	Jun. 23, 2009
Date Updated:	Jun. 26, 2009
Ref Section:	Unknown
Comment:	<p>Depending on whether the vehicles are for replacement or expansion purposes, please complete these screens accordingly.</p> <p>UPDATE: Done.</p>

Comment Title:	1511 Certification
Comment By:	Margaret J Crist
Date Created:	Jul. 14, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<p>The 1511 Certification was signed by the Mayor of Las Cruces on 7-4-09. The Certification is available for public view on the USDOT public ARRA Certification website by live link.</p>

Comment Title:	New Comment
Comment By:	Linda Thomas
Date Created:	Jun. 23, 2009
Date Updated:	None Specified
Ref Section:	Unknown

1018

Comment Title:	Secured funds
Comment By:	Heriberto (Eddie) Chavarria
Date Created:	Jun. 29, 2009
Date Updated:	Jun. 30, 2009
Ref Section:	Unknown
Comment:	The grant needs to include all secured funds from previous grants, if applicable. Additionally, ARRA funds must be expended by September 2015; the milestones reflect a completion date well before the 2015 deadline. Program Management review is complete

Comment Title:	New Comment
Comment By:	William Jones
Date Created:	Jun. 11, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this portion of the project application

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 05, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	Grant application is under review. If there are review comments, pending project number assignment, all comments must be completely addressed.

Comment Title:	Engineering Review
Comment By:	Suleman Shoaib
Date Created:	Jun. 29, 2009
Date Updated:	Jun. 30, 2009
Ref Section:	Unknown
Comment:	<p>ALI 11.13.04: Provide assurance that the vehicles included in this grant application are not included in any active grant. Expansion fleet – Does the recipient have the funding sources to maintain and operate the expanded fleet?? Please provide assurance.</p> <p>-----</p> <p>The grantee has provided assurances as requested. The Grantee is reminded that all purchases including rolling stock must be in accordance with Federal Procurement requirements and Buy America Provisions. Grantee will need to conform to all applicable federal law including 49 CFR Part 18, specifically Section 18.36 and FTA C 4220.1F, "Third Party Contracting Requirements"; And Buy America Provisions as it relate to Rolling Stock Procurement 49 CFR Part 661, and 49 CFR Part 663.</p> <p>Review of this portion of the grant is complete.</p>

Conditions of Award

1019

Comment Title:	ARRA Special Provisions
Comment By:	Linda Thomas
Date Created:	Jul. 21, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<p>Special Provisions for Projects Financed Under the American Recovery and Reinvestment Act (Recovery Act).</p> <p>The Recipient agrees that the following provisions apply to American Recovery and Reinvestment Act of 2009 (Recovery Act) funds authorized under Pub. L. 111-5, February 17, 2009, and agrees to comply with the requirements thereof, except to the extent FTA determines otherwise in writing:</p> <p>a. Identification of Recovery Act Funding. A Grant Agreement or Cooperative Agreement financed with Recovery Act funds will indicate that the Recovery Act is the source of funding as follows:</p> <p>(1) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery," the Project or Projects are financed with Recovery Act funds appropriated for the Transit Capital Assistance for the Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.</p> <p>(2) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the FTA Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.</p> <p>(3) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – New Starts - Economic Recovery," the Project is financed with Recovery Act appropriations for Capital Investment Grants authorized for Small Starts or New Starts by 49 U.S.C. §§ 5309(d) or (e), respectively.</p> <p>(4) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – Fixed Guideway - Economic Recovery," the Project is financed with Recovery Act appropriations for Fixed Guideway Infrastructure Investment for Modernization, authorized by 49 U.S.C. 5309(b)(2).</p> <p>(5) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery," the Project is financed with Recovery Act appropriations for Transit Capital Assistance for the Nonurbanized Area Formula Program authorized by 49 U.S.C. § 5311.</p> <p>(6) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the Nonurbanized Area Formula Grant Program authorized by 49 U.S.C. § 5311.</p> <p>(7) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement or Cooperative Agreement displays "77 – Transportation Investments for Greenhouse Gas & Energy Reduction ARRA," the Project is financed with Recovery Act funds specified for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems.</p> <p>b. Identification of Project(s). The Project or Projects for which Recovery Act funding is provided are set forth in the Recipient's application and reflected in the Approved Project Budget.</p> <p>c. Federal Requirements. In addition to applicable Recovery Act statutory and regulatory</p>

requirements, the Recipient agrees that applicable requirements of 49 U.S.C. chapter 53 apply to federally assisted transit projects financed with Recovery Act funds and the Recovery Act funding, except that the Federal share of the costs for which any Grant is made under this heading shall be, at the option of the recipient, up to 100 percent.

d. U.S. OMB Provisions. The Recipient agrees to comply with applicable provisions of U.S. Office of Management and Budget, "Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards," 2 C.F.R. Part 176, 74 Fed. Reg. 18449 et seq., April 23, 2009. Specifically, the Recipient acknowledges and agrees to comply with the following provisions

(1) Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The Recipient agrees to submit the requisite reports no later than ten calendar days after each calendar quarter in which it receives the Federal assistance award funded in whole or in part by the Recovery Act.

(c) The Recipient agrees to maintain, and to require its first-tier subrecipients to maintain, current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient agrees to report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

(2) Buy America Requirements under Section 1605 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Buy America requirements sufficient for compliance with Section 1605 of the Recovery Act

(3) Wage Rate Requirements under Section 1606 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Wage Rate requirements involving construction, alteration, maintenance, or repair sufficient for compliance with Section 1606 of the Recovery Act.

(4) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients.

(a) To maximize the transparency and accountability of funds authorized under the Recovery Act as required by Congress and in accordance with 49 C.F.R. § 18.20 or 49 C.F.R. § 19.21, as applicable, the Recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(b) A Recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. The Recipient agrees to accomplish this by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The Recipient agrees to separately identify to each subrecipient, and document at

1021

the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When the Recipient awards Recovery Act funds for an existing program, the Recipient agrees to furnish sufficient information to each subrecipient that distinguishes the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The Recipient agrees to require each subrecipient to include on its SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the Recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by FTA, DOT, Offices of Inspector General and the Government Accountability Office.

e. One-Time Funding. The Recipient acknowledges that receipt of Recovery Act funds is a "one-time" disbursement that does not create any future obligation by the FTA to advance similar funding amounts.

f. Integrity. The Recipient agrees that all data it submits to FTA in compliance with Recovery Act requirements will be accurate, objective, and of the highest integrity.

g. Violations of Law. The Recipient agrees that it and each of its subrecipients shall report to the U.S. DOT Inspector General or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act, 31 U.S.C. §§ 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

h. Maintenance of Effort. A Recipient that is a State agrees to comply with the maintenance of effort certification it has made in compliance with Section 1201 of Recovery Act.

i. Emblems. The Recipient agrees to use signs and materials that display both the American Recovery and Reinvestment Act (Recovery Act) emblem and the Transportation Investment Generating Economic Recovery (TIGER) program emblem to identify its Project(s) financed with Recovery Act funds that are provided by U.S. DOT in a manner consistent with Federal guidance, and to include this provision in any subagreements, leases, third party contracts, or other similar documents used in connection with its Recovery Act Project(s).

j. Further Requirements. The Recipient agrees to comply with applicable future Federal requirements that may be imposed on the use of Recovery Act funds.

Comments to DOL

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 05, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<p>The Federal Transit Administration's (FTA) projected timetable for acting upon the subject grant is 35 days from the date of this application. In order to meet the timetable, Department of Labor certification is requested not later than two weeks prior to that date. Please establish a time schedule for negotiations pursuant to 29 DFR 215.3(d). Based on the time deadlines in the 12/7/95, DOL guidelines, please advise us of the 49 USC sec 5333(b) terms and conditions for inclusion in the grant contract.</p> <p>Person to notify at FTA: Tony Ogboli, Community Planner</p>

1022

819 Taylor Street Room 8A36 Forth Worth, TX 79102 Phone 817-978-0566 tony.ogboli@dot.gov

Part 8: Results of Reviews

The reviewer did not find any errors

Part 9: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-15, October 1, 2008)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(15), October 1, 2008,
<http://www.fta.dot.gov/documents/15-Master.pdf>
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA,
and
- (3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No: NM-96-X004-00

Grantee: CITY OF LAS CRUCES

Citation of Statute(s) Authorizing Project: 49 USC 5307 - Urbanized Area Formula - Economic Recovery

Estimated Total Eligible Cost (in U.S. Dollars): \$1,713,911

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$1,713,911

Amount of This FTA Award (in U.S. Dollars): \$1,713,911

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

1023

Original Project Certification Date: 7/20/2009

Project Description:

Buses, Renovate Facility, Equipment

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

Special Provisions for Projects Financed Under the American Recovery and Reinvestment Act (Recovery Act).

The Recipient agrees that the following provisions apply to American Recovery and Reinvestment Act of 2009 (Recovery Act) funds authorized under Pub. L. 111-5, February 17, 2009, and agrees to comply with the requirements thereof, except to the extent FTA determines otherwise in writing:

a. Identification of Recovery Act Funding. A Grant Agreement or Cooperative Agreement financed with Recovery Act funds will indicate that the Recovery Act is the source of funding as follows:

(1) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery," the Project or Projects are financed with Recovery Act funds appropriated for the Transit Capital Assistance for the Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.

(2) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5307 – Urbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the FTA Urbanized Area Formula Grant Program authorized by 49 U.S.C. § 5307.

(3) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – New Starts - Economic Recovery," the Project is financed with Recovery Act appropriations for Capital Investment Grants authorized for Small Starts or New Starts by 49 U.S.C. §§ 5309(d) or (e), respectively.

(4) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5309 – Fixed Guideway - Economic Recovery," the Project is financed with Recovery Act appropriations for Fixed Guideway Infrastructure Investment for Modernization, authorized by 49 U.S.C. 5309(b)(2).

(5) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement "49 USC 5311 – Nonurbanized Area - Economic Recovery," the Project is financed with Recovery Act appropriations for Transit Capital Assistance for the Nonurbanized Area Formula Program authorized by 49 U.S.C. § 5311.

(6) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement displays "49 USC 5311 – Nonurbanized Area - Economic Recovery Flex," the Project or Projects are financed with Recovery Act appropriations for highways transferred to support the Nonurbanized Area Formula Grant Program authorized by 49 U.S.C. § 5311.

(7) If the "Citation of Statute(s) Authoring Project" of the underlying Grant Agreement or Cooperative Agreement displays "77 – Transportation Investments for Greenhouse Gas & Energy Reduction ARRA," the Project is financed with Recovery Act funds specified for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems.

b. Identification of Project(s). The Project or Projects for which Recovery Act funding is provided are set forth in the Recipient's application and reflected in the Approved Project Budget.

c. Federal Requirements. In addition to applicable Recovery Act statutory and regulatory requirements, the Recipient agrees that applicable requirements of 49 U.S.C. chapter 53 apply to federally assisted transit projects financed with Recovery Act funds and the Recovery Act funding, except that the Federal share of the costs for which any Grant is made under this heading shall be, at the option of the recipient, up to 100 percent.

d. U.S. OMB Provisions. The Recipient agrees to comply with applicable provisions of U.S. Office of Management and Budget, "Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards," 2 C.F.R. Part 176, 74 Fed. Reg. 18449 et seq., April 23, 2009. Specifically, the Recipient acknowledges and agrees to comply with the following provisions

(1) Reporting and Registration Requirements under Section 1512 of the Recovery Act.

1024

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The Recipient agrees to submit the requisite reports no later than ten calendar days after each calendar quarter in which it receives the Federal assistance award funded in whole or in part by the Recovery Act.

(c) The Recipient agrees to maintain, and to require its first-tier subrecipients to maintain, current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient agrees to report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

(2) Buy America Requirements under Section 1605 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Buy America requirements sufficient for compliance with Section 1605 of the Recovery Act

(3) Wage Rate Requirements under Section 1606 of the Recovery Act. Statutory provisions of 49 U.S.C. Chapter 53 impose Wage Rate requirements involving construction, alteration, maintenance, or repair sufficient for compliance with Section 1606 of the Recovery Act.

(4) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients.

(a) To maximize the transparency and accountability of funds authorized under the Recovery Act as required by Congress and in accordance with 49 C.F.R. § 18.20 or 49 C.F.R. § 19.21, as applicable, the Recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(b) A Recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. The Recipient agrees to accomplish this by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The Recipient agrees to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When the Recipient awards Recovery Act funds for an existing program, the Recipient agrees to furnish sufficient information to each subrecipient that distinguishes the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The Recipient agrees to require each subrecipient to include on its SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the Recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by FTA, DOT, Offices of Inspector General and the Government Accountability Office.

e. One-Time Funding. The Recipient acknowledges that receipt of Recovery Act funds is a "one-time" disbursement that does not create any future obligation by the FTA to advance similar funding amounts.

f. Integrity. The Recipient agrees that all data it submits to FTA in compliance with Recovery Act requirements will be accurate, objective, and of the highest integrity.

g. Violations of Law. The Recipient agrees that it and each of its subrecipients shall report to the U.S. DOT Inspector General or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act, 31 U.S.C. §§ 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds.

h. Maintenance of Effort. A Recipient that is a State agrees to comply with the maintenance of effort certification it

1025

has made in compliance with Section 1201 of Recovery Act.

i. Emblems. The Recipient agrees to use signs and materials that display both the American Recovery and Reinvestment Act (Recovery Act) emblem and the Transportation Investment Generating Economic Recovery (TIGER) program emblem to identify its Project(s) financed with Recovery Act funds that are provided by U.S. DOT in a manner consistent with Federal guidance, and to include this provision in any subagreements, leases, third party contracts, or other similar documents used in connection with its Recovery Act Project(s).

j. Further Requirements. The Recipient agrees to comply with applicable future Federal requirements that may be imposed on the use of Recovery Act funds.

--- Page 1 ---

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**SUPPLEMENTAL AGREEMENT
(Attachment to FTA G-15, October 1, 2008)**

It is the practice of the Federal Transit Administration to enter into a formal agreement with the Designated Recipient for projects that the Designated Recipient does not carry out directly. Under this Grant Agreement, the Grant Recipient is not the Designated Recipient. Therefore, the Designated Recipient hereby agrees to permit the Grant Recipient under this Grant Agreement to receive and dispense the Federal assistance funds described in this Grant Agreement. The Designated Recipient further agrees that the Grant Recipient shall assume all responsibilities set forth in this Grant Agreement.

The Federal Government and the Grantee under this Grant Agreement hereby agree that the Designated Recipient is not in any manner subject to or responsible for the terms and conditions of this Grant Agreement and is a party to this Grant Agreement only to assign the right to receive and dispense Federal funds to the Grantee as described above.

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010

FUND	DIVISION		FUND TYPE	
Transit Stimulus Funds Fund 5922	Public Services		Enterprise	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ 0	0		0
REVENUES				
FTA ARRA 2009	\$ 0	0	1,713,911	1,713,911
Total Revenues	\$ 0	0	1,713,911	1,713,911
Total Resources	\$ 0	0	1,713,911	1,713,911
EXPENDITURES				
Operating	\$ 0	0	350,000	350,000
Capital	0	0	1,363,911	1,363,911
Total Expenditures	\$ 0	0	1,713,911	1,713,911
OTHER FINANCING SOURCES (USES)				
Transfer from Fund 5920 - Transit	\$ 0	0		0
Total Other Financing Sources (Uses)	\$ 0	0	0	0
ENDING BALANCE	\$ 0	0	0	0

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.