

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
From: William E. Murray
Dept.: City Manager
Dept.: Public Works
Subject: AMENDMENT NO. 14 TO COOPERATIVE AGREEMENT NO. C-95-974 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)
Date: September 25, 2012

OBJECTIVE

To obtain City Council approval for Amendment No. 14 to Cooperative Agreement No. C-95-974 between the Orange County Transportation Authority (OCTA) and the City of Garden Grove.

BACKGROUND/DISCUSSION

On August 25, 1995, the City of Garden Grove entered into Cooperative Agreement No. C-95-974 with OCTA to become eligible to receive funding under the Measure M1 Combined Transportation Funding Program (M1 CTFP), as specified in the CTFP Manual and the Bicycle and Pedestrian Facilities Program. Amendment No. 14 will extend the auditing time limit for any CTFP-funded project from 90 days to five years after project completion.

FINANCIAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION

It is recommended that the City Council:

- Approve Amendment No. 14 to Cooperative No. C-95-974 between the Orange County Transportation Authority and the City of Garden Grove; and
- Authorize the Mayor to execute Agreement on behalf of the City.


WILLIAM E. MURRAY, P.E.
Public Works Director/City Engineer


By: Ana Neal
for Administrative Analyst

Attachment: Agreement

Recommended for Approval


Matthew Fertal
City Manager

AMENDMENT NO. 14 TO
AGREEMENT NO. C-95-974

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF GARDEN GROVE

FOR

COMBINED TRANSPORTATION FUNDING PROGRAMS PROJECT

THIS AMENDMENT NO. 14 is effective this ____ day of _____, 2012, by and between the Orange County Transportation Authority, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and City of Garden Grove, a municipal corporation (hereinafter referred to as "AGENCY").

WITNESSETH:

WHEREAS, by Agreement No. C-95-974 dated August 18, 1995, as last changed by Amendment No. 13 dated October 15, 2007, AUTHORITY and AGENCY entered into an agreement which determined that AGENCY was eligible to receive funding under the Combined Transportation Funding Programs (CTFP) as specified in the CTFP Manual and also the Bicycle and Pedestrian Facilities Program; and

WHEREAS, AUTHORITY is updating the audit language with no change to the maximum cumulative obligation; and

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and AGENCY that Agreement No. C-95-974 is hereby amended in the following particulars only:

1. Amend Item 5, page 2 of 3, lines 18 through 23, to delete in its entirety and replace with:

"5. Upon close-out of each PROJECT(s) under this Agreement and before final payment is processed, AUTHORITY, or other agents of AUTHORITY, may perform a technical and or field review to ensure that CTFP policies and procedures were followed. In addition, an independent audit may be

**AMENDMENT NO. 14 TO
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1 performed within 5 years of AUTHORITY releasing the final payment for each PROJECT(s). If the audit
2 determines that any of the activities performed are ineligible for CTFP funding or did not comply with
3 CTFP policies and procedures, AGENCY shall return the amount of funding used to perform ineligible
4 activity to AUTHORITY.”

5 The balance of Agreement No. C-95-974 remains unchanged.

6 **IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 14 to
7 Agreement No. C-95-974 to be effective as of the date first above written.

8 **CITY OF GARDEN GROVE**

ORANGE COUNTY TRANSPORTATION AUTHORITY

9
10 By: _____

By: _____

11 William “Bill” Dalton
12 Mayor

Meena Katakia
Manager, Capital Projects

13 **ATTEST:**

APPROVED AS TO FORM:

14
15 By: _____

By: _____

16 Kathy Bailor
17 City Clerk

Kennard R. Smart, Jr.
General Counsel