

RESOLUTION NO. 5301

RESOLUTION OF INTENT TO ADOPT SPECIAL COVENANTS; REIMBURSEMENT OF EMERGENCY RELIEF FUNDS RELATED TO EMERGENCY MEASURES ON SAN TIMOTEO CANYON ROAD, BARTON ROAD TO LIVE OAK ROAD (ER-2875-005).

WHEREAS, the City of Redlands has applied for Federal Assistance for reimbursement of costs associated with debris removal and other emergency measures on San Timoteo Canyon Road;

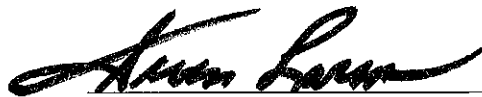
WHEREAS, the specific roads involved in the request for Federal Assistance are designated Federal Highways;

WHEREAS, the Federal Government requires that the Local Agency stipulate that as a condition to payment of funds obligated to projects seeking reimbursement through the Emergency Relief Program of the Federal Highway Administration, the Local Agency accepts and will comply with the covenants or remarks associated with project administration;

WHEREAS, the City of Redlands authorizes Swen Larson, Mayor of the City of Redlands, as the official authorized to execute the agreement;

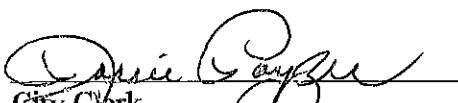
BE IT THEREFORE RESOLVED that the City of Redlands hereby agrees to the special covenants and remarks attached hereto as Exhibit "A."

ADOPTED, SIGNED AND APPROVED this second day of July, 1996.



Mayor of the City of Redlands

ATTEST:



City Clerk
City of Redlands, California

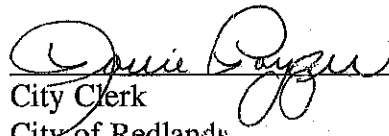
I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 2nd day of July, 1996, by the following vote:

AYES: Councilmembers Gilbreath, Gil, Banda; Mayor Larson

NOES: None

ABSENT: None

ABSTAIN: Councilmember Cunningham



City Clerk
City of Redlands

SPECIAL COVENANTS OR REMARKS

1. The effective date of this agreement is 02/13/95
2. All maintenance, involving the physical condition and the operation of the improvements, referred to in Article VI MAINTENANCE of the aforementioned Master Agreement will be performed by the Local Agency at regular intervals or as required for efficient operation of the completed improvements.
3. The work eligible for Federal Reimbursement shall be performed by the Local Agency either by using their own forces or by contract. The Local Agency must be able to identify the costs incurred at each federally approved damage site and be subject to an audit for verification.
4. The Local Agency agrees the payment of Federal funds will be limited to the amounts approved by the Federal Highway Administration in the Federal-Aid Project Agreement (PR-2)/Detail Estimate, or its modification (PR-2A) or the FNM-76, and accepts any increases in Local Agency Funds as shown on the Finance or Bid Letter or its modification as prepared by the Office of Local Programs.
5. Emergency repair work will be reimbursed at 100% if completed within 180 days from the end of the storm period. The storm period is February 13, 1995, through and including April 19, 1995. Local Agency records must clearly identify those costs incurred on or after February 13, 1995. Incurred costs are defined as disbursements made or in process for goods and services delivered. Emergency repair work completed after October 16, 1995 will be funded at the federal-aid reimbursement ratio of 88.53%. Restoration work, including preliminary engineering, will be reimbursed at an 88.53% ratio. The Local Agency will be responsible for the matching requirement.
6. This agreement supplements the Local Agency-State Master Agreement for Federal-Aid projects, with the understanding that all provisions of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) apply.
7. In executing this Program Supplemental Agreement, Local Agency hereby reaffirms the "Nondiscrimination Assurances" contained in the aforementioned Master Agreement for Federal-Aid Program.
8. Whenever the local agency uses a consultant on a cost plus basis, the local agency is required to submit a post audit report covering the allowability of cost payments for each individual consultant or sub-contractor incurring over \$25,000 on the project. The audit report must state the applicable cost principles utilized by the auditor in determining allowable costs as referenced in

SPECIAL COVENANTS OR REMARKS

CFR 49, part 18, Subpart C - 22, Allowable Costs.