



CITY OF  
**HAYWARD**  
HEART OF THE BAY

6

DATE: April 6, 2010

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization to Submit an Application for Funding of Projects from the Jobs for Main Street Act of 2010 and Authorization for staff to Advertise and Award the Sidewalk Repair – B Street from Grand Street to Martin Luther King Drive Project

**RECOMMENDATION**

That Council adopts the attached resolutions that:

1. Authorize the submittal of an application for funding of projects from the Jobs for Main Street Act of 2010 (Stimulus II); and
2. Authorize the City Manager to advertise and to award the Sidewalk Repair – B Street from Grand Street to Martin Luther King Drive Project.

**BACKGROUND**

Last year, the City successfully applied for and received funding for two pavement rehabilitation projects from the 2009 American Recovery and Reinvestment Act (ARRA). Construction for the first ARRA funded pavement rehabilitation project was completed in November 2009. That same year, a second round of ARRA funding was made available. The City submitted the application for pavement rehabilitation on Industrial Boulevard from Cryer Street to Interstate 880 and succeeded in receiving additional ARRA funding. Construction is anticipated to be completed in April 2010.

The Metropolitan Transportation Commission (MTC) notified local agencies on January 11, 2010, that additional funding from the Jobs for Main Street Act of 2010 may be available and asked the City to submit additional streets as part of a possible third application. Additionally, MTC requested a list of ready-to-go bicycle and pedestrian projects that are eligible as the Bill includes funding for Transportation Enhancement (TE) projects. Similar to the first and second applications, the MTC has encouraged local agencies to expedite award of contracts to meet obligation deadlines.

## DISCUSSION

The amount of funding available for Alameda County TE projects is \$1.70 million. The City has requested \$320,000. Distribution of the funds is based on a first come, first served basis.

Similar to the Regional ARRA and State ARRA funded projects, the project funded through the Jobs for Main Street Act of 2010 will go through an expedited Caltrans Local Assistance process focused on ensuring the projects will meet environmental clearance, right-of-way certification, and construction contract requirements. Furthermore, local agencies will need to satisfy all federal funding requirements to meet the obligation deadline of April 12, 2010, in order to secure funds through the Jobs for Main Street Act of 2010.

City staff recommends the Sidewalk Repair – B Street from Grand Street to Martin Luther King Drive Project be submitted as part of this application. This project is part of the City's ongoing efforts to address damage caused by street trees to sidewalks, curbs, and gutters throughout the City. The project was selected because design is already completed and the project is already scheduled for advertisement this summer. As requested and approved by Council for the previous ARRA applications, staff is requesting that Council authorize the City Manager to advertise and award the project in order to meet the expedited schedule requirements of this application.

As this project is federally funded, the federal Disadvantaged Business Enterprise (DBE) Program shall apply. The City has already adopted a DBE program approved by Caltrans for federally-funded projects.

## PUBLIC CONTACT

Staff will post information on the City's website regarding the construction schedule.

## FISCAL IMPACT

The estimated project costs are as follows:

Construction Contract	\$ 320,000
Design and Administration	50,000
Construction Survey, Inspection and Testing	80,000
Total	\$ 450,000

The City will need to utilize its own funds for the environmental review and design portions of this work that, because of the expedited process, is estimated to be about \$50,000. Additionally, the City will be responsible for all construction-related costs in excess of the federally funded amount of \$320,000. The FY 2010 Capital Improvement Program includes \$400,000 in the Street System Improvements Fund for the Sidewalk Repair – B Street from Grand Street to Martin Luther King Drive Project that the City will use for matching funds and to complete the project pending reimbursements by the Jobs for Main Street Act of 2010. If Federal money is not available, the

Sidewalk Repair – B Street from Grand to Martin Luther King Drive Project will still be constructed as originally budgeted under the FY 2010 Capital Improvement Program.

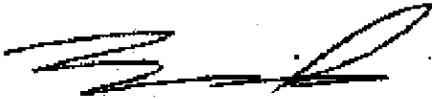
## SCHEDULE

Began Design	January 2010
Completed Design	March 2010
Call for Bids	April 2010
Receive Bids	May 2010
Award Construction Contract	May 2010
Begin Construction	June 2010
Complete Construction	October 2010

*Prepared by:* Morad Fakhrai, Deputy Director of Public Works

*Recommended by:* Robert A. Bauman, Director of Public Works

Approved by:



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Fran David, Acting City Manager

### Attachments:

- Attachment I: Resolution Authorizing Filing an Application for Federal Jobs for Main Street Act of 2010 Funding and Stating the Assurance to Complete the Project
- Attachment II: Resolution Authorizing the Public Works Director to Advertise and Award Contracts for Projects Funded Through the Jobs for Main Street Act of 2010
- Attachment III: Project Limits Map

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR FEDERAL JOBS FOR MAIN STREET  
ACT OF 2010 FUNDING AND STATING THE ASSURANCE  
TO COMPLETE THE PROJECT

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, the City of Hayward (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$320,000 in funding from the federal Jobs for Main Street Act of 2010 for Bicycle and Pedestrian Projects (herein referred as PROJECT) for the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

WHEREAS, pursuant to the Jobs for Main Street Act of 2010, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional Jobs for Main Street Act of 2010 funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3943 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, APPLICANT is an eligible project sponsor for Jobs for Main Street Act of 2010 funds; and

WHEREAS, as part of the application for Jobs for Main Street Act of 2010 funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that the Jobs for Main Street Act of 2010 funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Jobs for Main Street Act of 2010 or other MTC-programmed funds; and
- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3943); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and that PROJECT will comply with all the project-specific requirements as set forth in the federal Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the Jobs for Main Street Act of 2010 for PROJECT; and

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the Jobs for Main Street Act of 2010 funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Jobs for Main Street Act of 2010 or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3943) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. PROJECT will comply with all the project-specific requirements as set forth in the Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; and be it further

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for Jobs for Main Street Act of 2010 funding for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE PUBLIC WORKS  
DIRECTOR TO ADVERTISE AND AWARD CONTRACTS  
FOR PROJECTS FUNDED THROUGH THE JOBS FOR MAIN  
STREET ACT OF 2010

WHEREAS, the City of Hayward is submitting an application to the Metropolitan Transportation Commission (the "MTC") for approximately \$320,000 in funding from the federal Jobs for Main Street Act of 2010 Transportation Enhancements through the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

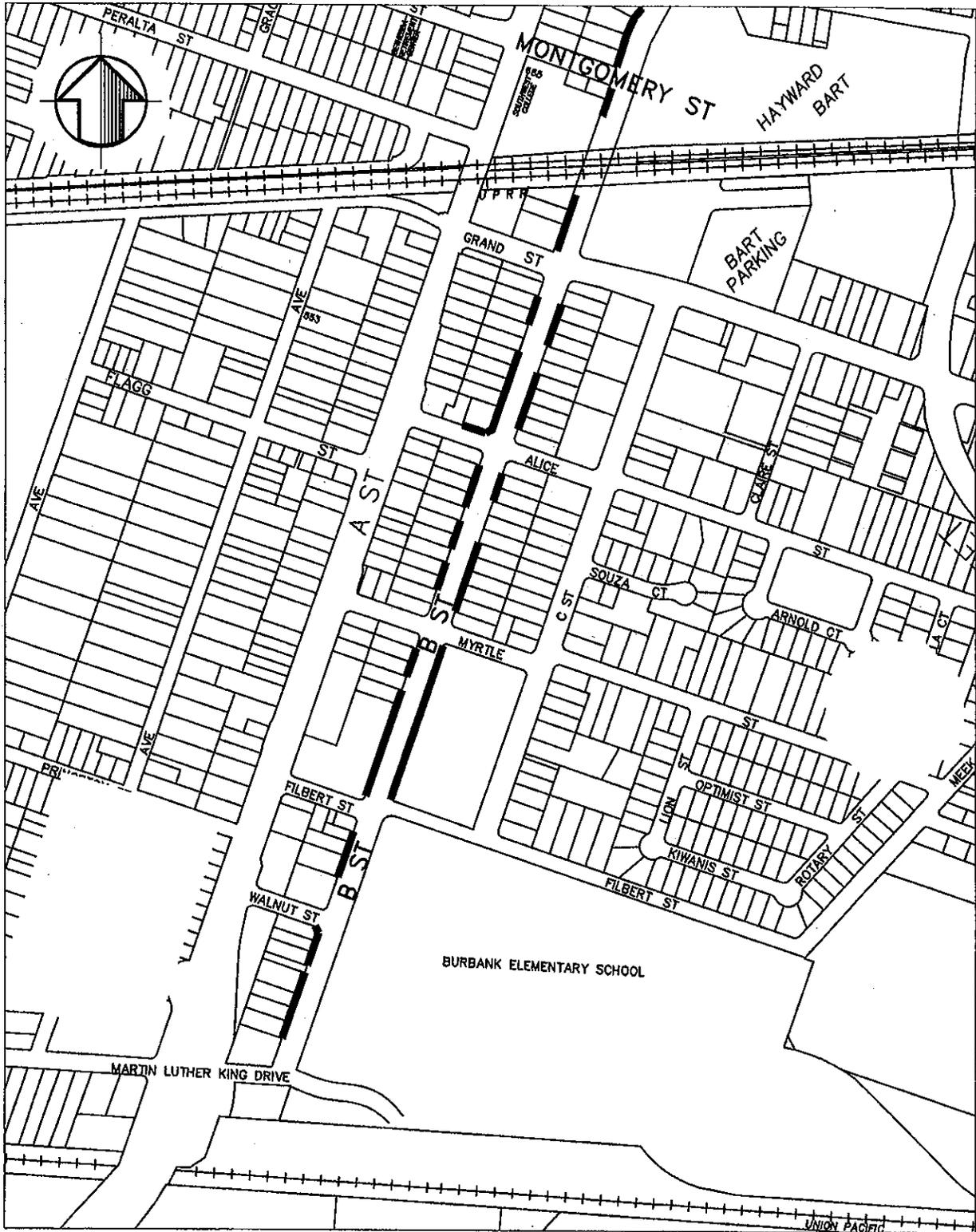
WHEREAS, the MTC has adopted a Regional Project Funding Delivery Policy applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted, or is scheduled to adopt in MTC Resolution No. 3943, such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, Jobs for Main Street Act of 2010-funded projects are required to be awarded for construction within 90 days of March 1, 2010, and the MTC has requested that all local recipients of Jobs for Main Street Act of 2010 funds streamline their advertising and awarding processes to the maximum extent possible; and

WHEREAS, in order to meet the strict time lines for project delivery, staff is requesting that the City Council authorize the Public Works Director, upon Caltrans' issuance of its E-76 funding approval document, to advertise and, if appropriate, award the Jobs for Main Street Act of 2010-funded projects based on the City's prioritized list of streets and final funding amounts.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that, in order to meet the time lines for Jobs for Main Street Act of 2010-funded project delivery, the Public Works Director is hereby authorized to advertise and award, upon the issuance of Caltrans' E-76 funding approval document, contracts for B Street Sidewalk Rehabilitation Project funded through the Jobs for Main Street Act of 2010, which contracts shall be in a form approved by the City Attorney.





**B STREET SIDEWALK REHABILITATION  
 GRAND STREET TO MARTIN LUTHER KING DRIVE  
 PROJECT LIMITS MAP**