

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute a Memorandum of Agreement with the Eastern Federal Lands Highway Division, and the Missouri Highways and Transportation Commission related to a grant under the Federal Lands Access Program, for improvements to 3.3 miles of roadway located at Longview Lake.

RESOLUTION NO. 19374, February 6, 2017

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, Jackson County has been selected to participate in the Federal Lands Access Program grant awarded by the Federal Highway Administration; and,


WHEREAS, this project will be used to repair and repave 3.3 miles of roadway located at Longview Lake; and,

WHEREAS, the attached agreement between Jackson County, the Eastern Federal Lands Highway Division, and the Missouri Highway and Transportation Commission sets forth the rights and responsibilities of each party related to this grant program; now therefore,

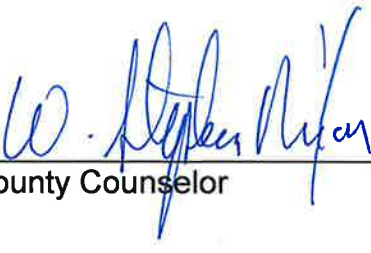
BE IT RESOLVED by the County Legislature of Jackson County, Missouri that the County Executive be and hereby is authorized to execute the attached Memorandum of Agreement for the Federal Lands Access Program Project and any other documents required to give effect to this Resolution.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19374 of February 6, 2017, was duly passed on February 13, 2017 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 0

Abstaining 0 Absent 1

2.13.17

Date



Mary Jo Spino, Clerk of Legislature

Memorandum

Date: January 24, 2017

To: Legislative Committee

From: Michele Newman, Director of Parks + Rec

Sub: F.L.A.P. Grant Project Memorandum of Agreement

Jackson County has been selected to participate in a grant under the Federal Lands Access Program to be used to repair and repave 3.3 miles of road at Longview Lake.

Background:

- We are requesting authorization for the County Executive to execute the attached Memorandum of Agreement between the Federal Highway Administration – Eastern Federal Lands Highway Division, Missouri Department of Transportation and Jackson County.
- This agreement does not obligate the expenditure of funds nor does it commit the parties to complete the project. Rather, this agreement sets forth the respective responsibilities as the project proceeds through the project development process.
- Appropriation of funding for the project will occur subsequent to this agreement when the Project Agreement is authorized. Total project cost is estimated at \$348,500.00. Jackson County match will be \$68,500.00.
- 3.3 miles of road used for “Christmas In The Park” from Shelter #2 including the campground will be repaired, overlaid and stripped.
- A formal bid for construction is anticipated to be let during the summer of 2017.

Please let me know if any additional information is required. I would be most happy to meet with you prior to the next Committee meeting to answer any remaining questions.



U.S. Department
of Transportation
**Federal Highway
Administration**

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

Res. 19374

SENT VIA ELECTRONIC CORRESPONDENCE

JUN 19 2015 In Reply Refer to: HFPP-15

Mr. Bruce Wilke
Landscape Architect
Jackson County Parks & Recreation
22807 Woods Chapel Road
Blue Springs, MO 64015

Subject: MAP-21 Federal Lands Access Program (FLAP)
Pavement Repair/Overlay at Longview Lake

Dear Mr. Wilke:

We are pleased to inform you that the project proposal for the Pavement Repair/Overlay at Longview Lake, submitted under the Federal Fiscal Year (FY) 2015 - 2018 Missouri FLAP call for projects, has been recommended for programming by the members of the Missouri Programming Decisions Committee (PDC). This project is programmed for delivery in FY 2017. FLAP funding beyond FY 2015 is contingent upon the availability of appropriated funds. Recommendation for programming does not guarantee the availability of funds for this project.

The next step in the process is for the Eastern Federal Lands Highway Division (EFLHD) to coordinate and develop a project Memorandum of Agreement (MOA) with the State and local agency partners. The project MOA will indicate the project delivery method, FLAP funding limits, other funding sources, if applicable, and the match requirement for your project. The MOA will also define the specific roles and responsibilities of each of the agreement signatories, a proposed schedule for project development, and the necessary stewardship and oversight activities. Ms. Raju Mooney, Acting Access Program Manager, or a member of her staff will be contacting you to initiate the development of this formal agreement.

We look forward to a successful project. If you have any questions, please feel free to contact Ms. Mooney at 703-404-6290 or Rajashree.Mooney@dot.gov or Mr. Lewis Grimm, Planning Team Leader, at 703-404-6289 or Lewis.Grimm@dot.gov.

Sincerely yours,

Holly E. Bell
Planning & Programs Manager

C.O. Kes
5/31/17

FEDERAL LANDS ACCESS PROGRAM
PROJECT MEMORANDUM OF AGREEMENT

Project / Facility Name: MO FLAP JKSN LNGV(1)

Project Route: Longview Park Road

State: Missouri

County(ies): Jackson County, MO

Owner of Federal Lands to which the Project Provides Access: U.S. Army Corps of Engineers, Longview Lake

Entity with Title or Maintenance Responsibility for Facility: Jackson County, MO

Type of Work:

- Construction: Rehabilitate 3.3 miles of Longview Park Road and interior campground roads at Longview Lake in Jackson County, MO.

This Agreement does not obligate (commit to) the expenditure of Federal funds nor does it commit the parties to complete the project. Rather, this Agreement sets forth the respective responsibilities as the project proceeds through the project development process.

Parties to this Agreement: FHWA-Eastern Federal Lands Highway Division (EFLHD), Missouri Department of Transportation (MoDOT), and Jackson County, MO

The Program Decision Committee approved this project on 6/19/2015.

AGREED:

Patrick M. Hanna

3-28-17

Director, Missouri Department of Transportation

Date

Rosemary

3-30-17

ATTEST: Secretary to the Commission, MoDOT

Date

Commission Counsel

3-27-2017

APPROVED AS TO FORM: Commission Counsel, MoDOT

Date

Frank White Jr.

Frank White Jr. Jackson County Executive, Jackson County, MO

Date

K.A. Saunders

4/17/17

Chief of Business Operations, EFLHD

Date

APPROVED AS TO FORM

W. H. [Signature]
County Counselor

ATTEST:

Mary Jo Spino
Clerk of the County Legislature

MO FLAP JKSN LNGV(1)

FILED
MAY 30 2017
MARY JO SPINO
COUNTY CLERK

A. PURPOSE OF THIS AGREEMENT

This Agreement documents the intent of the parties and sets forth the anticipated responsibilities of each party in the development, construction, and future maintenance of the subject project. The purpose of the Agreement is to identify and assign responsibilities for the environmental analysis, design, right-of-way, utilities, acquisition and construction as appropriate for this programmed project, and to ensure maintenance of the facility for public use if improvements are made. The parties understand that any final decision as to design or construction will not be made until after the environmental analysis required under the National Environmental Policy Act (NEPA) is completed (this does not prevent the parties from assigning proposed design criteria to be studied in the NEPA process.) Any decision to proceed with the design and construction of the project will depend on the availability of appropriations at the time of obligation and other factors such as issues raised during the NEPA process, a natural disaster that changes the need for the project, a change in Congressional direction, or other relevant factors.

If Federal Lands Access Program funds are used for the development or construction of this project, Jackson County, MO agrees to provide a matching share equal to 19.31% of the total cost of the project, as detailed more fully in Section J below. FLAP project funds are not to exceed the approved amount of \$280,000.00. Before the expenditure of any funds for which reimbursement will be sought from FHWA, the parties agree to execute a separate obligating document. No reimbursement will be made for expenditures made prior to having an obligating document in place.

B. AUTHORITY

This Agreement is entered into between the signatory parties pursuant to the provisions of 23 U.S.C. 204 and 226.150, RSMO and 227.030, RSMO, and article II, sections 16.29 and 16.33 of the Constitutional Home Rule Charter of Jackson County, Missouri.

C. JURISDICTION AND MAINTENANCE COMMITMENT

Jackson County, MO has jurisdictional authority to operate and maintain the existing facility and will operate and maintain the completed project at its expense.

D. FEDERAL LAND MANAGEMENT AGENCY COORDINATION

The Missouri Department of Transportation and Jackson County, MO have coordinated project development with the U.S. Army Corps of Engineers, Longview Lake. The U.S. Army Corps of Engineers, Longview Lake, support of the project is documented per the signed letter dated February 10, 2015. Each party to this agreement who has a primary role in NEPA, design, or construction shall coordinate their activities with the U.S. Army Corps of Engineers, Longview Lake.

E. PROJECT BACKGROUND/SCOPE

This project involves rehabilitating 3.3 miles of Longview Park Road and interior campground roads on the U.S. Army Corps of Engineers property at Longview Lake in Jackson County, Missouri. The 3.3 mile section of Longview Park Road was originally constructed in 1984-85. The work consists of asphalt patching, milling, overlaying, and striping Longview Park Road and the interior campground roads.

F. PROJECT BUDGET

Item	Estimate (\$)	Comments
EFLHD PROJECT MANAGEMENT	\$6,000.00	
CONSTRUCTION COSTS	\$342,500.00	
TOTAL PROJECT COST	\$348,500.00	

The EFLHD project management funds (estimated at \$6,000.00) will require a tapered match using local matching funds. The matching ratio is 19.31%. Project cost is based on the current bid amount, the total available FLAP budget may not be sufficient to award the project as defined in the application. As necessary, Jackson County, MO will provide additional local funding to address any funding shortfall.

G. ROLES AND RESPONSIBILITIES

Responsible Party	Product/Service/Role	Comments
EFLHD	<ul style="list-style-type: none"> • Review documentation showing the project is on an approved program of projects and a TIP or STIP • Approve identified design standards/geometrics and the project scope, schedule, and budget • If applicable, review and/or concur with identified lead federal agency and draft environmental documents • Review and adopt NEPA document • Review/approve design exceptions, ROW certifications, utility agreements and, where applicable, railroad agreements • Review and approve 95% PS&E package • Review and/or approve contract package, award package, and all contract modifications • Attend final project inspection. Can be done electronically with photos • Provide assistance in contract disputes and claims if requested by the partner 	

Responsible Party	Product/Service/Role	Comments
MoDOT	<ul style="list-style-type: none"> • Responsible for stewardship and oversight of construction letting, bid review, contract award, and project delivery following standard federal-aid procedures as outlined in 23 CFR • Schedule and invite EFLHD and appropriate parties to public meetings • Submit quarterly reimbursement requests to EFLHD for expenses incurred in order to maintain financial activity • Provide quarterly progress and financial reports to EFLHD • Schedule and hold pre-construction meetings and construction inspections • Notify EFLHD of any contract disputes or claims • Provide stewardship and oversight and documentation of the following: <ul style="list-style-type: none"> ○ Evidence that project is on an approved program of projects and a TIP or STIP ○ Design Standards/Geometrics to be used ○ Identified design exception approval agency ○ Identified lead federal agency ○ Anticipated NEPA action ○ Copy of draft NEPA documents ○ Copy of final NEPA action ○ Evidence of permits ○ Review of Public Notices ○ 95% and final PS&E packages ○ Design exceptions ○ ROW certifications ○ Utility/Railroad Agreements ○ Approval of proprietary products ○ Contract award documents for review/concurrence ○ Copy of award package ○ Proposed contract modifications for concurrence ○ Documentation of project close-out ○ Copy of As-builts ○ Copy of final voucher 	

Responsible Party	Product/Service/Role	Comments
Jackson County, MO	<ul style="list-style-type: none"> • Responsible for construction letting, bid review, contract award, and project delivery following standard federal-aid procedures as outlined in 23 CFR • Provide construction administration including stewardship and oversight for federal funded projects • Submit quarterly reimbursement requests for expenses incurred in order to maintain financial activity. • Provide quarterly progress and financial reports • Schedule and invite EFLHD and appropriate parties to public meetings • Schedule and hold pre-construction meetings and construction inspections • Provide data on traffic, accidents, material sources, etc • Notify EFLHD of any contract disputes or claims • Final acceptance of project and project closeout • Assume responsibility of the NPDES permit after project completion • Provide long term maintenance and operation of the facility • Provide the following documents and information: <ul style="list-style-type: none"> ○ Evidence that project is on an approved program of projects and a TIP or STIP ○ Design Standards/Geometrics to be used ○ Identified design exception approval agency ○ Identified lead federal agency ○ Anticipated NEPA action ○ Copy of draft NEPA documents ○ Copy of final NEPA action ○ Evidence of permits ○ Review of Public Notices ○ 95% and final PS&E packages ○ Design exceptions ○ ROW certifications ○ Utility/Railroad Agreements ○ Approval of proprietary products ○ Contract award documents for review/concurrence ○ Copy of award package ○ Proposed contract modifications for concurrence ○ Documentation of project close-out ○ Copy of As-builts ○ Copy of final voucher 	

H. ROLES AND RESPONSIBILITIES – SCHEDULE

Responsible Lead	Product/Service/Role	Schedule Start-Finish
Jackson County	NEPA Document	Nov 2016-Jan 2017
Jackson County	Final Design	Feb 2017-Mar 2017
Jackson County	Advertisement	April 2017
Jackson County	Construction Engineering	May 2017-Jun 2017
Jackson County	Construction	Sep 2017-Oct 2017
Jackson County	Contract Closeout	Dec 2017

I. PROPOSED DESIGN STANDARDS

Final design standards will be determined through the NEPA process.

Criteria		Comments
Standard	MoDOT Standard Highway Specifications 2011 Edition	
Functional Classification	Park Road	
Surface Type	Asphalt	
Design Volume	<1000	

J. FUNDING

Fund Source	Amount	Comments
Federal Lands Access Program Funding	\$280,000.00	
Jackson County, MO Local Cash Match	\$68,500.00	
TOTAL	\$348,500.00	

The matching fund share will be documented with a PR-2 to be submitted by the MoDOT following submittal of required stewardship documents.

K. MATCHING SHARE REQUIREMENTS

Matching or cost sharing requirements may be satisfied following the obligation of funds to the project by: allowable costs incurred by the State or local government, cash donations, the fair and reasonable value of third party in-kind contributions (but only to the extent that the value of the costs would be allowable if paid for by the party responsible for meeting the matching share), including materials or services; however no costs or value of third party contributions may count towards satisfying the matching share requirements under this agreement if they have or will be counted towards meeting the matching share requirements under another federal award.

Costs and third party contributions counting toward satisfying a cost sharing or matching requirement must be verifiable from the records of the party responsible for meeting the matching requirements. The records must demonstrate how the value of third party in kind contributions was derived. Voluntary services sought to be applied to the matching share will be supported by the same methods that the party to this agreement uses to support allocability of personnel costs. Any donated services provided by a third party

will be valued at rates consistent with those ordinarily paid by employers for similar work in the same labor market. Supplies furnished will be valued at their market value at the time of donation. Donated equipment or space will be valued at fair rental rate of the equipment or space. All records associated with valuations or costs under section K shall be accessible and be maintained for three years following project close-out.

L. PROJECT TEAM MEMBERS - POINTS OF CONTACT

The following table provides the points of contact for this project. They are to be the first persons to deal with any issues or questions that arise over the implementation of each party's role and responsibility for this agreement.

Name	Title	Agency	Element	Phone & Email
Jacinda Russell	EFLHD Access Program Manager	EFLHD	Project Management	571-434-1543 Jacinda.Russell@dot.gov
Charlie Costello	Program Planning Specialist	EFLHD	Coordination	571-434-1558 Charlie.Costello@dot.gov
Bruce Wilke	Landscape Architect	Jackson Co. Mo.	Project Manager	816-503-4802 bwilke@jacksongov.org
Brian Nowotny	Deputy Director, Ja Co Parks + Rec	Jackson Co. Mo.	Project Coordinator	816-503-4803 bnowotny@jacksongov.org
Brian Gaddie	Director of Public Works	Jackson Co. Mo.	Project Oversight	816-881-4496 bgaddie@jacksongov.org
Earl Newill	County Engineer	Jackson Co. Mo.	Construction Engineering	816-881-4538 enewill@jacksongov.org
Rodger Seidelman	Engineer	Jackson Co. Mo.	Construction Inspection	816-847-7055 rseidelman@jacksongov.org
Eva Steinman	Intermediate Transportation Planner	MoDOT	Project Management	816-607-2255 Eva.Steinman@modot.mo.gov
James Bentley	Senior Construction Inspector	MoDOT	Construction Management	816-607-2105 James.Bentley@modot.mo.gov

M. CHANGES/AMENDMENTS/ADDENDUMS

The agreement may be modified, amended, or have addendums added by mutual agreement of all parties. The change, amendment, or addendum must be in writing and executed by all of the parties.

The types of changes envisioned include, but are not limited to, changes that significantly impact scope, schedule, or budget; changes to the local match, either in type or responsibility; changes that alter the level of effort or responsibilities of a party. The parties commit to consider suggested changes in good faith. Failure to reach agreement on changes may be cause for termination of this agreement.

A change in the composition of the project team members does not require the agreement to be amended.

It is the responsibility of the project team members to recognize when changes are needed and to make timely notification to their management in order to avoid project delivery delays.

N. ISSUE RESOLUTION PROCEDURES MATRIX

Issues should be resolved at the lowest level possible. The issue should be clearly defined in writing and understood by all parties. Escalating to the next level can be requested by any party. When an issue is resolved, the decision will be communicated to all levels below.

FHWA	MoDOT	Jackson County, MO	Time
Project Manager (Jacinda Russell)	Eva Steinman, Transportation Planner	Bruce Wilke, Project Manager	5 Working Days
Planning and Programs Manager	Michael Landvik, Transportation Planning Coordinator	Brian Nowotny, Deputy Director of Parks + Rec	5 Working Days
Chief of Business Operations	Susan Barry, District Planning Manager	Earl Newill, County Engineer	5 Working Days
Division Director	Kenny Voss, Local Program Administrator	Brian Gaddie, Director of Public Works	5 Working Days

O. TERMINATION

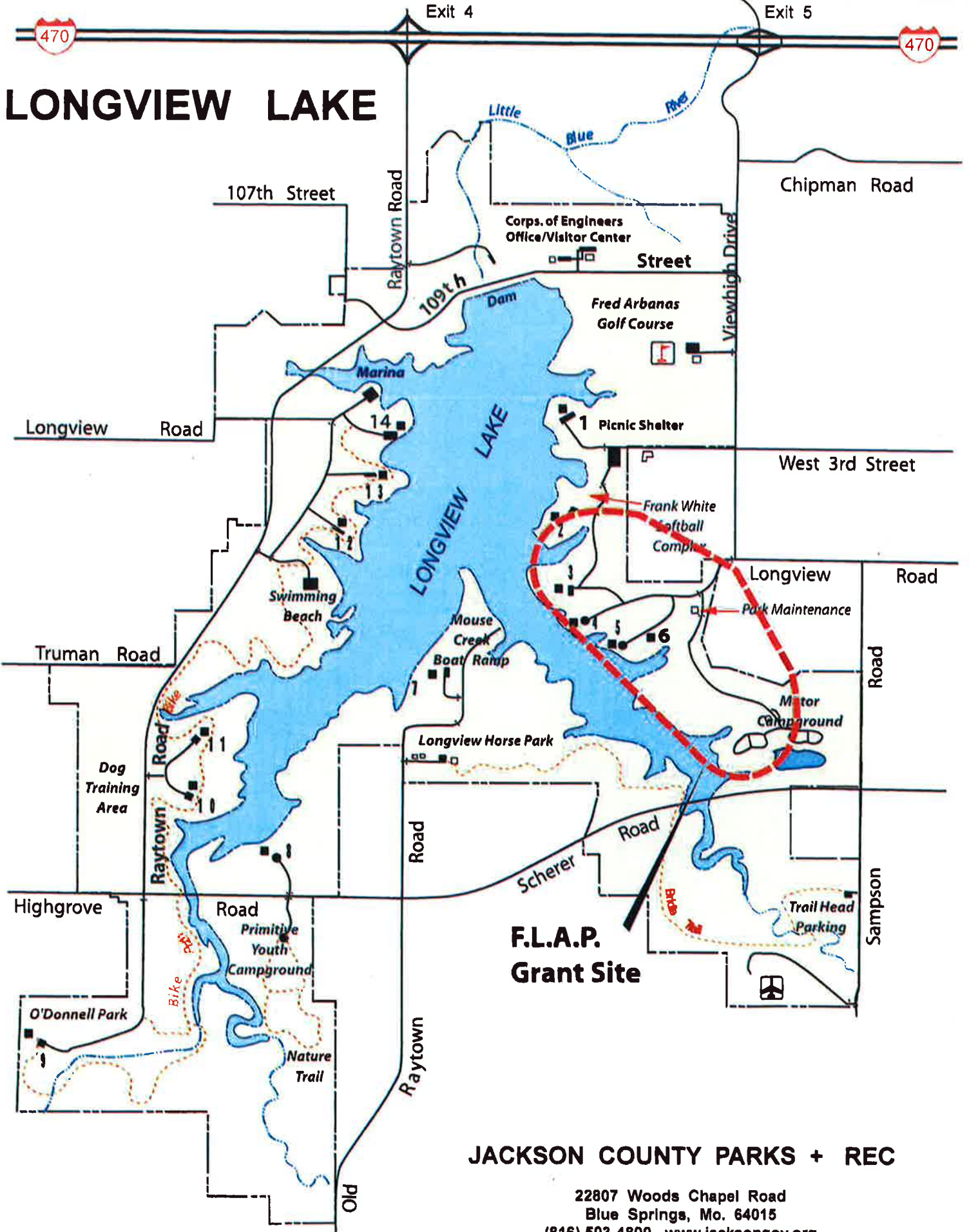
This agreement may be terminated by mutual written consent of all parties. This agreement may also be terminated if either the NEPA process or funding availability requires a change and the parties are not able to agree to the change. Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination. If Federal Access funds have been expended prior to termination, the party responsible for the match agrees to provide a match in the applicable percentage of the total amount expended on the project prior to the termination.

P. STEWARDSHIP & OVERSIGHT ACTIVITIES

Based upon the risk assessment, complexity of the undertaking, and capabilities and past performance of the delivery partner, the EFLHD had determined this project to be low risk. The table below identifies necessary Stewardship and Oversight Activities. If items are not delivered timely or in such poor condition that it brings into question the ability to deliver, the issue will be elevated to all participants to the agreement using the issue resolution procedures matrix identified above.

Phase or Activity	Partner Role	EFLHD Role	Comments
Planning & Programming			
Evidence that project is on an approved program of projects	Provide	Review	For funds disbursed by a division, they may know this already
Evidence of being on a TIP or STIP	Provide	Review	
Project agreement with scope, schedule, & budget	Provide	Approve	EFLHD would be a signatory. Would be involved in the drafting to define what S&O deliverables it will receive
Environment			
Lead Federal agency identified	Provide	Concur	FHWA must be a co- lead agency on an EIS
Copy of/review of Draft documents	Provide	Review/ Concur	EFLHD should review to insure they can be adopted by EFLHD
Copy of NEPA action	Provide	File copy	(CE, EA, or EIS)
Evidence of permits	Provide	File copy	
Sign off on FHWA NEPA document	Provide	Adopt or develop parallel Document	EFLHD approval needed
Design			
Review 95% PS&E	Provide	Review/ Approve	Are required contract provisions included – Common Rule or Fed-Aid?
Review design exceptions	Provide	Review/ Approve	If the partner is a State DOT, they would follow their process
Review ROW certifications	Provide	Review/ Approve	If ROW is acquired, it must follow Uniform Federal Relocation Act
Utility/Railroad Agreements	Provide	Review/ Approve	EFLHD needs certification
Acquisitions			
Review contract package for required clauses (Civil Rights, Davis-Bacon, Buy America/ American, etc.)	Provide	Review/ Approve	Would not need to do this if the partner is another federal agency or State DOT following Fed Aid procedures.
Concur in award of contract	Provide	Review/ Concur	Generally would only get involved if additional funds required
Receive copy of award package	Provide	File copy	EFLHD should have a copy of the package in its files in case inquiries are received
Review or approve contract modifications	Provide	Review/ Concur Depends upon nature of CM	Need to assure non-eligible work is not being paid for with program funds
Construction			

Phase or Activity	Partner Role	EFLHD Role	Comments
Final Project Inspections	Schedule	Attend	FLH should attend the final project inspection for projects above \$500,000.00 in FLAP funds regardless of risk level or elevated risk projects. Final project inspection could be done electronically with photos.
Copy of As-builts	Provide	File copy	Generally only request these if project adjacent to or along a corridor EFLHD is working on or if EFLHD does asset management. Used for updating system info
Copy of final voucher	Provide	File copy	
Contract Dispute (Claim)	Notify	Provide assistance if requested	Need to be aware if additional funds are needed



LONGVIEW LAKE

**F.L.A.P.
Grant Site**

JACKSON COUNTY PARKS + REC

22807 Woods Chapel Road
Blue Springs, Mo. 64015
(816) 503-4800 www.jacksongov.org

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

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Chief Deputy County Counselor



County Counselor


Certificate of Passage

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Mary Jo Spino, Clerk of Legislature