

City of Fayetteville Staff Review Form

2019-0050

Legistar File ID

February 5th, 2019

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Mihalevich

1/16/2019

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an Agreement of Understanding with the Arkansas Department of Transportation for the Razorback Greenway Tunnel Improvements and authorizing the Mayor to sign additional documents as necessary to utilize \$88,000.00 in federal-aid funds through the Recreational Trails Program (RTP) for the installation of a new concrete floor in the tunnel under the Fulbright Expressway and approving a budget adjustment to recognize the revenue.

Budget Impact:

4470.800.8830-5420	Sales Tax Capital - Trail Development
Account Number	Fund
02016.1901	(RTP) Tunnel Under Fulbright Expressway
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost \$ -
Budget Adjustment Attached? <u>Yes</u>	Budget Adjustment \$ 121,000.00
	Remaining Budget \$ 121,000.00

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF FEBRUARY 5TH, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Garner Stoll, Development Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: January 14th, 2018

SUBJECT: 2019-0050 Recreational Trails Program – Razorback Greenway Tunnel Improvements

RECOMMENDATION:

Staff recommends approval of an Agreement of Understanding with the Arkansas Department of Transportation for the Razorback Greenway Tunnel Improvements and authorizing the Mayor to sign additional documents as necessary to utilize \$88,000.00 in federal-aid funds through the Recreational Trails Program (RTP) for the installation of a new concrete floor in the tunnel under the Fulbright Expressway and approving a budget adjustment to recognize the revenue.

BACKGROUND:

A section of the Razorback Greenway passes under the Fulbright Expressway through a 10-foot-tall by 10-foot-wide concrete box culvert tunnel that was installed with the expressway construction for the stream flow of Scull Creek. In 2008 this box culvert was converted for pedestrian and bicycle use to safely pass under N. Futrall Dr., the Fulbright Expressway, and N. Shiloh Dr. The box culvert tunnel was originally constructed for stormwater without knowledge of the future trail; therefore, the tunnel is constantly wet and uncomfortable to trail users.

In April of 2018, the City of Fayetteville applied for a grant to fund the improvements to the tunnel through the Recreational Trails Program as resolution 86-18. The grant funding was approved in the amount of \$88,000 and the next step in the project process is the approval of the agreement of understanding.

DISCUSSION:

To create a dry and safer experience for users of the Razorback Greenway, staff has designed a new elevated concrete floor to be placed through the entire 685-foot length of the tunnel. A side channel is planned to carry the seeping water along the east edge to a storm drain on the north side where it will be routed to Scull Creek. A flood study has been completed by staff engineer, Alan Pugh to comply with the Federal Emergency Management Agency (FEMA) requirements for adding the new floor to the tunnel. The proposed improvements would be bid to a private contractor for an estimated cost of \$110,000.

BUDGET/STAFF IMPACT:

The Recreational Trails Program grant funding structure is 80% federal and 20% local match. The City will be responsible for 20% of the total project cost, or \$22,000. Funding for the match has been budgeted through the Transportation Services Department trail development program for trail maintenance.

Summary of the Recreational Trails Grant awards to the City of Fayetteville since 1997:

Funding Year	ARDOT Project Number	Trail Project	Location/Description	Funding Amount
1997	040271	Lake Fayetteville Kiosks	Three trailhead kiosks at Lake Fayetteville – North Shore, Softball Parking and Veterans Park.	\$20,000
2002	040401	Lake Fayetteville Spillway Bridge	Lake Fayetteville spillway, west of Veterans Park	\$51,247
2003	040425	Lake Fayetteville Spillway Bridge	Combined with the 2002 funds into one project to complete the Lake Fayetteville Spillway Bridge	\$20,000
2007	040507	Mud Creek Trail	Replacement of narrow arch bridge east of Front Street with an ADA compliant bridge.	\$33,600
2008	040530	Mud Creek Trail	Extension of Mud Creek Trail across Mud Creek along Old Missouri Road to Sweetbriar Drive.	\$60,000
2009	040558	Oak Ridge Trail	Frisco Trail west to Garland (Partnership with the U of A)	\$116,534
2010	040613	Lake Fayetteville Trail	Botanical Gardens to Veterans Park	\$80,000
2012	040656	Lake Fayetteville Trail	Lake Fayetteville Road Section at the Marina	\$75,000
2015	040701	Lake Fayetteville	Nature Trail Boardwalk near BGO	\$70,000
2016	040685	Frisco Trail Replace	Frisco Ave. to Maple Street	\$56,000

Total since 1997- \$582,381

Attachments:

Fulbright Tunnel Improvements Map

Fulbright Tunnel Cost Estimate

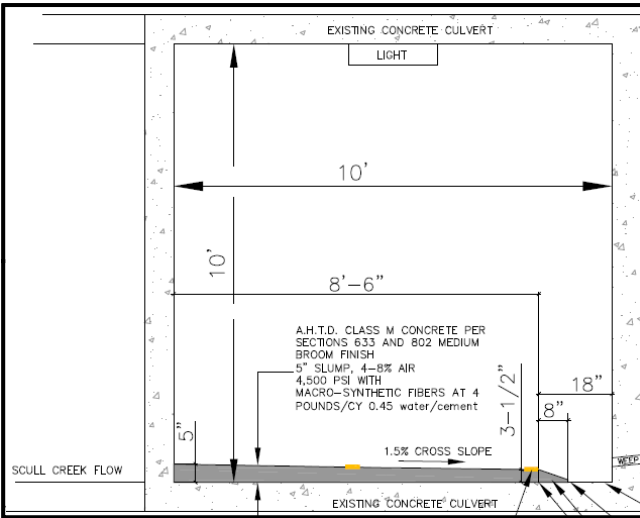
Arkansas State Highway Commission - Award Letter

Agreement of Understanding (Mayor and City Attorney signatures needed)

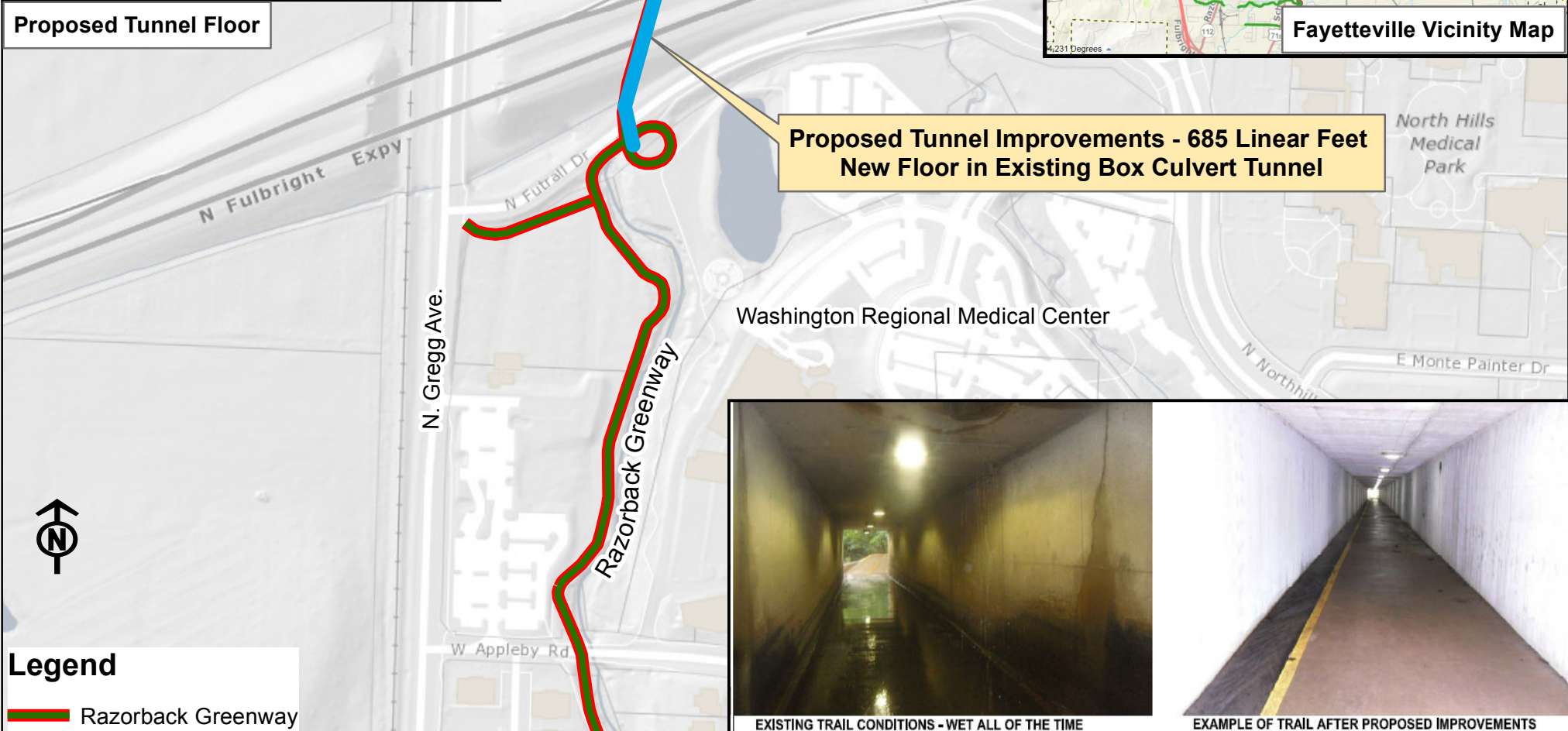
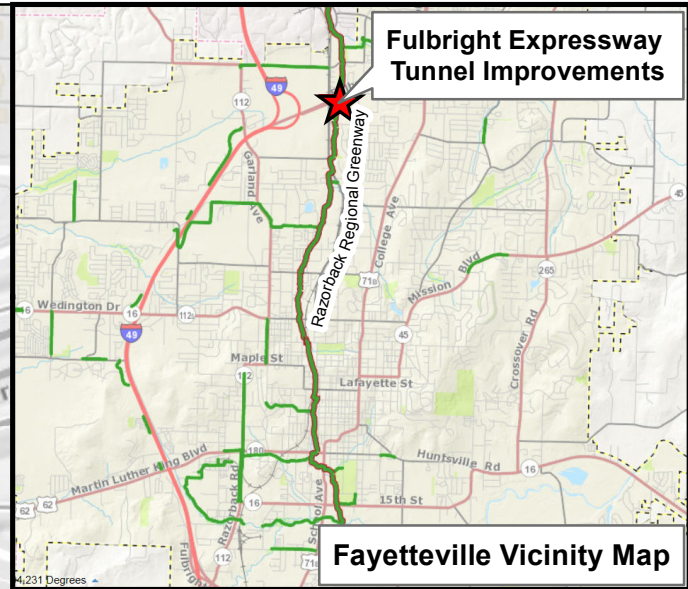
Attachment B – Designating employee in charge (Mayor’s signature needed)

Attachment N – Certification of Grants (Mayor’s signature needed)

Attachment O – Federal Funding Accountability and Transparency Act

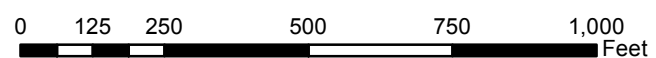


Proposed Tunnel Floor



Legend

Razorback Greenway



**Razorback Regional Greenway
 Fulbright Expressway Tunnel Improvements**





**Razorback Greenway Tunnel Improvements
Fulbright Expressway - 685 LF Tunnel**

March 14, 2018

Cost Estimate (Based on 2018 Contractor Bid Prices)

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
1	4,500 PSI CONCRETE TRAIL (FIBER REINFORCED)(FLOOR PRIMER)	80	C.Y.	\$650.00	\$ 52,000.00
2	ARDEX - K 15 LEVELER (55# BAGS)	120	55# BAG	\$185.00	\$ 22,200.00
3	REMOVAL OF EXISTING CONCRETE TRAIL	40	S.Y.	\$20.00	\$ 800.00
4	18" NYLOPLAST DOMED DRAIN BASIN WITH 8" PVC INVERT	1	L.S.	\$5,000.00	\$ 5,000.00
5	8" SCH. 40 SEWER PIPE	88	L.F.	\$50.00	\$ 4,400.00
6	PIPE FOOTING AND ANCHORS	1	L.S.	\$1,500.00	\$ 1,500.00
7	TUNNEL WALL AND CELING CLEANING & PAINTING (WHITE)	20,558	S.F.	\$0.50	\$ 10,279.00
8	4" YELLOW PAINT (EDGE AND CENTER STRIPE)	635	L.F.	\$1.86	\$ 1,181.10
9	12" CONCRETE RETAINING WALL (PER ARDOT SI-2)	1	L.S.	\$2,500.00	\$ 2,500.00
10	TRAIL TRAFFIC CONTROL AND SIGNS	1	L.S.	\$2,500.00	\$ 2,500.00
11	SOLID SLAB SOD	80	S.Y.	\$3.00	\$ 240.00
12	STRAW WADDLES	200	L.F.	\$2.00	\$ 400.00
13	INSURANCE & BONDING	1	L.S.	\$2,000.00	\$ 2,000.00
14	MOBILIZATION	1	L.S.	\$5,000.00	\$ 5,000.00

Total Estimated Contractor Cost \$110,000

ARKANSAS STATE HIGHWAY COMMISSION

DICK TRAMMEL
CHAIRMAN
ROGERS



DALTON A. FARMER, JR.
JONESBORO

THOMAS B. SCHUECK
VICE CHAIRMAN
LITTLE ROCK

PHILIP TALDO
SPRINGDALE

ROBERT S. MOORE, JR.
ARKANSAS CITY

P.O. Box 2261 • Little Rock, Arkansas 72203-2261
Phone (501) 569-2000 • Voice/TTY 711 • Fax (501) 569-2400
www.ARDOT.gov • www.IDriveArkansas.com

SCOTT E. BENNETT, P.E.
DIRECTOR

December 14, 2018

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Dear Mayor Jordan:

Reference is made to your application for Recreational Trails Program (RTP) funding for the Razorback Greenway - Tunnel Improvements project. We are pleased to inform you that this project has been selected to receive \$88,000 in Federal funding for construction. Because this project is in close vicinity to highway right-of-way, additional coordination may be required during project development. These funds are made available for specific project purposes, not for awardees to utilize until expended.

A program kick-off meeting will be held at 1:00 p.m. on Tuesday, January 15, 2019, weather permitting, at the Arkansas Department of Transportation's Central Office, located at 10324 Interstate 30, Little Rock, Arkansas, 72209 (Exit 130 off of Interstate 30). The meeting will be held in the auditorium of the 10-story building. It is important that the person in charge of the project attend this meeting.

If you have any questions, please contact the Program Management Division at (501) 569-2481.

Sincerely,

A handwritten signature in black ink that reads "Scott E. Bennett". The signature is written in a cursive style.

Scott E. Bennett, P.E.
Director

c: Highway Commission
Deputy Director and Chief Operating Officer
Deputy Director and Chief Engineer
Assistant Chief Engineers
Program Management
Construction
Environmental
Right of Way
Transportation Planning and Policy
District 4
Mr. Matt Mihalevich, City of Fayetteville

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS DEPARTMENT OF TRANSPORTATION

In Cooperation with the
U. S. Department of Transportation Federal Highway Administration

RELATIVE TO

Implementation of **Job 040797, Fayetteville Razorback Greenway Tunnel Impvts. (RTP-18) (S)** (hereinafter called the "Project") as an Arkansas Recreational Trails Program (RTP) NonMotorized project.

WHEREAS, funding in the Fixing America's Surface Transportation (FAST) Act includes 80% Federal-aid funds to be matched with 20% non-federal funds for approved RTP projects; and

WHEREAS, the **City of Fayetteville** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas Department of Transportation (hereinafter called the "Department") a signed and sealed Resolution from the Sponsor's governing body authorizing the Sponsor's CEO or their designated representative to execute agreements and contracts with the Department for the Project; and

WHEREAS, funding participation will be as follows, subject to a limit of **\$88,000** maximum Federal-aid approved for the Project:

	<u>Maximum</u> <u>Federal %</u>	<u>Minimum</u> <u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Construction:	80	20
Project Construction Inspection:	0	100

WHEREAS, the Sponsor understands that these funds have been awarded for specific project purposes, not for the Sponsor to utilize until expended; and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project ranging from 0% to 100% that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, the parties agree, unless specifically stated otherwise, that the provisions of this agreement are not intended to created or confer a third party benefit or right in any person or entity, not a party to this agreement.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Attachment B). The duties and functions of this person are:
 - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintains familiarity of day to day project operations, including project safety issues;
 - Makes or participates in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visits and reviews the project on a daily basis;
 - Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - Directs project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Sponsors that require a reduction or modification to the scope of their project will submit the Revision of Project Scope and Budget (Attachment C) with the signed Agreement of Understanding.
3. Submit plans at 30%, 60%, and 90% completion stages for Department review.
4. Submit the following deliverables for the Project by the listed deadline or risk possible cancellation of the Federal-aid award or significant delay of the Project. If a deadline is missed, the Sponsor must submit, in writing, a reason for the delay and request a time extension.

Deliverable	Deadline
Signed Agreement of Understanding for Execution by the Department	March 15, 2019
30% Complete Plans for Review	June 17, 2019
90% Complete Plans for Review	January 15, 2020
Final Plans, Bid Documents, and Request for Authority to Advertise	April 15, 2020

5. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer must sign the plans and specifications for the project if the project includes design of structural components. Plans which include the design of only non-infrastructure components will not require a registered stamp.

6. Be responsible for any necessary coordination with effected railroads including preliminary and final plan review and for executing any formal railroad maintenance and construction agreements that may be necessary for the project. This includes ensuring that potential bidders are aware of railroad coordination required during construction including flagging services and insurance.
7. Complete the process for all permits that might be required for the project. This could include, but is not limited to, the US Army Corp of Engineers Section 404 permit; and the Arkansas Department of Environmental Quality's Section 401 Water Quality Certification, Short Term Activity Authorization, and National Pollutant Discharge Elimination System permit. The Section 404 permitting application(s) and/or determination information should be submitted with the plans to the Department in order to aid in the completion of the environmental documentation.
8. Provide any necessary higher levels of investigation for the required environmental document should the Project have uncertain or significant cultural, environmental or social impacts; have a likelihood of generating controversy; and/or possible economic impacts. For projects located on federal lands, the Sponsor must submit a completed environmental document for the Project, approved by the agency with authority over the federal lands.
9. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, FHWA RTP Guidance, and any other Federal, State, and/or local laws, rules and/or regulations. (See Attachment D for items to be included in the bid proposal).
10. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in conformance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
11. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").
12. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the Project and the land is accessible to the general public for recreational or transportation purposes (See Attachment E1). If property has been acquired for the Project, use Attachment E2 for certification of the right-of-way.
13. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
14. Submit a certification letter (Attachment F), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
15. **Refrain from any Project construction for which the Sponsor expects monetary reimbursement until a Notice to Proceed is received from the Department.**

16. If the project is to be advertised, it must be done in accordance with federal procedures as shown in Attachment G. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
17. Forward a copy of all addenda to the Project during the advertisement to the Department.
18. After bids are opened and reviewed, submit a certification (Attachment H), including all items noted, to the Department and request concurrence in award of the contract.
19. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**
20. Prior to executing the work, submit change orders to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.
21. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
22. Perform construction inspection in accordance with Attachment I.
23. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment J). For projects being constructed using the Sponsor's forces, reimbursement requests will also be submitted using the CCRR. Requests for reimbursement must be made at least once every three (3) months that construction projects are active in order to avoid being put on the FHWA inactive project list.
24. Attach Report of Daily Work Performed (Attachment K) for all days that correspond with each CCRR submittal.
25. Upon project completion hold a final acceptance meeting for the Project and submit the Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment L). This form must be signed by the engineer performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.
26. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.
27. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.

28. Agree that any and all claims for damages to property or injury to persons caused by any act or omission, negligence, or misconduct from the performance of work by the Sponsor's contractor on the Project shall be the sole responsibility of the Sponsor's contractor and in this regard the Sponsor shall require the contractor on the Project to procure and maintain a General Public Liability Insurance Policy during the duration of the Project which shall be endorsed to include broad form general liability and complete operations coverage on the Project. The contractor shall furnish the Sponsor with documentation of proof of liability insurance coverage with submission of the signed contract.
29. Agree that any claims, liability, costs, expenses, demands, settlements, or judgments arising from misconduct or the negligent acts or omissions of the Sponsor, its employees, agents or contractors in the performance of the Project and this Agreement must be presented to the Sponsor. Further, the Sponsor by acceptance of this grant, agrees that the Department and the Arkansas State Highway Commission, as the pass-through entity, have no duty or responsibility for the design, construction, maintenance or operation of the Project that is the subject of this grant, and, therefore shall have no liability related to the design, construction, maintenance or operation of the Project. The Sponsor also agrees to assume all risks associated with the work to be performed by its agents, employees, and contractors under this grant and Agreement and the Department and the Arkansas State Highway Commission, as the pass-through entity, shall not be responsible or liable for any damages whatsoever from the actions of the Sponsor, its employees, agents and contractors.
30. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
31. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment M).
32. Grant the right of access to Sponsor's records pertinent to this Project and the right to audit by the Department and Federal Highway Administration officials.
33. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
34. Be responsible for 100% of any and all expenditures for which federal funds do not participate or that are not approved for federal funds.
35. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment N), which is necessary for Project participation.
36. Repay to the Department the federal share of the cost of any portion of this Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction

inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's Motor Fuel Tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Project.

37. Repay all federal funds if this is determined necessary for any reason.
38. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the Project as approved;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
39. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of all future Federal-aid funds.
40. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
41. Promptly notify the Department if the Project is rendered unfit for continued use by natural disaster or other cause.
42. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment O).
43. Private or Non-Profit Organizations must review and submit Attachment P with all documents requested to the Department. A Notice to Proceed will not be granted to these organizations without the documents being submitted in full.

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Request review from the Arkansas Historic Preservation Program (AHPP).
3. Provide routine environmental documentation for the Project.
4. Notify the Sponsor when right-of-way and/or utility plans are approved and the Sponsor may proceed with right-of-way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
6. Review plans and specifications for project/program eligibility.
7. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
8. Advise the Sponsor when to proceed with Project construction or advertisement of the Project for construction bids.
9. Review bid tabulations and concur in award of the construction contract for the Project.
10. Participate in the Sponsor's preconstruction and final acceptance meetings.
11. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
12. Review and approve any necessary change orders for project/program eligibility.
13. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the CCRR form (Attachment J). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
14. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified Final Acceptance Report form (Attachment L).
15. Reserve the right to cancel the Project if there is an unreasonable delay in project development or completion of the project, there is a lack of progression toward project development or completion of the project, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process or the Sponsor is unresponsive to Department requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the Project or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, _____.

**ARKANSAS DEPARTMENT OF
TRANSPORTATION**

CITY OF FAYETTEVILLE

Scott E. Bennett, P.E.
Director

Lioneld Jordan
Mayor of Fayetteville

Kit Williams
Attorney

ARKANSAS DEPARTMENT OF TRANSPORTATION

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.



OFFICE OF THE MAYOR

Attachment B

January 16, 2019

Mr. Jared D. Wiley
Division Engineer – Program Management
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: *Fayetteville Razorback Greenway Tunnel Improvements
Washington County*

Dear Mr. Wiley:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be Matt Mihalevich, Trails Coordinator. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding. This employee can be reached by phone at **(479) 444-3416** or by email at ***mmihalevich@fayetteville-ar.gov***

Sincerely,

Lioneld Jordan
Mayor

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Fayetteville

Sponsor:

Signature:

Lioneld Jordan, Mayor

Name:

(Sponsor's CEO)

Federal Funding Accountability and Transparency Act (FFATA)

Reporting Requirements

(For more information go to <https://www.fsrs.gov/>)

FFATA was signed on September 26, 2006. The intent is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

A Prime Grant Recipient (Arkansas Department of Transportation (hereinafter called ARDOT)) awarded a new Federal grant greater than or equal to \$25,000 as of October 1, 2010 is subject to FFATA sub-award reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. **ARDOT is required to file a FFATA sub-award report for any sub-grant awarded to a sub-awardee greater than or equal to \$25,000.** As a sub-awardee, City of Fayetteville shall provide the following information to ARDOT in order to fulfill FFATA reporting requirements:

- ✓ A unique identifier (Dun & Bradstreet DUNS Number) of the sub-awardee receiving the award and the parent entity of the recipient, should the sub-awardee be owned by another entity;
- ✓ The names and total compensation of the five most highly compensated officers of the sub-awardee **if** the sub-awardee in the preceding Federal fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to information about the compensation of the senior executives of the sub-awardee through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1).

Required Sub-Awardee Information

(A) Sub-Awardee – DUNS Number: 075657742

Parent (if applicable) – DUNS Number: N/A

(B) In the preceding completed Federal fiscal year, did your business or organization (the legal entity to which the DUNS number entered above belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Yes / No (Circle one)

If "Yes" is selected, answer (C).

(C) Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number entered above belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Yes / No (Circle one)

If "Yes" is selected, visit <http://www.sec.gov/edgar.shtml> for reference.

If "No" is selected, answer (D).

(D) **If "No" was selected in Question "C"**, complete the following information for the five (5) most highly compensated executives in your business or organization (the legal entity to which the DUNS number entered above belongs). Amount should reflect the Total Compensation Amount in the preceding completed Federal fiscal year in U.S. whole dollars.

Sub-Awardee Names and Compensation of Most Highly Compensated Officers

- 1. Name: _____ Amount: \$ _____
- 2. Name: _____ Amount: \$ _____
- 3. Name: _____ Amount: \$ _____
- 4. Name: _____ Amount: \$ _____
- 5. Name: _____ Amount: \$ _____