

**REQUEST FOR PROPOSALS (RFP) 0-1766**

**“CALL FOR PROJECTS” EVALUATION  
SERVICES**



**ORANGE COUNTY TRANSPORTATION AUTHORITY  
550 South Main Street  
P.O. Box 14184  
Orange, CA 92863-1584  
(714) 560-6282**

**Key RFP Dates**

<b>Issue Date:</b>	<b>September 13, 2010</b>
<b>Question Submittal Date:</b>	<b>September 24, 2010</b>
<b>Proposal Submittal Date:</b>	<b>October 11, 2010</b>

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September 13, 2010

**SUBJECT: NOTICE OF REQUEST FOR PROPOSALS  
RFP0-1766: "CALL FOR PROJECTS" EVALUATION  
SERVICES**

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*Will Kempton  
Chief Executive Officer*

Gentlemen/Ladies:

The Orange County Transportation Authority (OCTA) invites proposals from qualified consultants to provide proposal evaluation services for upcoming OCTA "Call for Projects".

**Proposals must be received in the Orange County Transportation Authority's office at or before 2:00 p.m. on October 11, 2010.**

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority  
Contracts Administration and Materials Management  
600 South Main Street, 4th Floor  
Orange, California 92868  
Attention: Grant Gager, Contract Administrator**

Proposals delivered using the U.S. Postal Service shall be addressed as:

**Orange County Transportation Authority  
Contracts Administration and Materials Management  
P.O. Box 14184  
Orange, California 92863-1584  
Attention: Grant Gager, Contract Administrator**

Proposals and amendments to proposals received after the date and time specified above will be returned to the Offerors unopened.

Firms interested in obtaining a copy of this Request For Proposals (RFP) 0-1766 may do so by faxing their request to (714) 560-5792, or e-mail your request to [rfp\\_ifb\\_Requests@octa.net](mailto:rfp_ifb_Requests@octa.net) or calling (714) 560-5922. Please include the following information:

- Name of Firm
- Address

- Contact Person
- Telephone and Facsimile Number
- Request For Proposal (RFP) 0-1766

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET, the Authority's interactive website. The website can be found at [www.octa.net](http://www.octa.net). From the site menu, click on CAMM NET to register.

To receive all further information regarding this RFP 0-1766, firms must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Commodities for this solicitation are:

<u>Category(s):</u>	<u>Commodity(s):</u>
Professional Consulting	Transportation Planning
	Traffic Planning Consulting
Professional Services	Engineering Traffic

No pre-proposal conference will be held for this procurement. Instead, all prospective offerors are encouraged to submit written questions by 4:00 p.m. on September 24, 2010.

Offerors are asked to submit written statements of technical qualifications and describe in detail their work plan for completing the work specified in the Request for Proposals.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds adequate to carry out the provisions of the proposed agreement including the identified Scope of Work.

Sincerely,



Grant Gager, Contract Administrator  
Contracts Administration and Materials Management

**SECTION I**  
**INSTRUCTIONS TO OFFERORS**

**SECTION I. INSTRUCTIONS TO OFFERORS**

**A. PRE-PROPOSAL CONFERENCE**

No pre-proposal conference will be held for this procurement. Instead, all prospective offerors are encouraged to submit written questions by 4:00 p.m. on September 24, 2010, in a manner consistent with Section E.2. below.

**B. EXAMINATION OF PROPOSAL DOCUMENTS**

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

**C. ADDENDA**

Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals.

**D. AUTHORITY CONTACT**

All questions and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Grant Gager, Contract Administrator  
Contracts Administration and Materials Management Department  
550 South Main Street, P.O. Box 14184  
Orange, CA 92863-1584  
Phone: 714.560.5743  
Fax: 714.560.5792  
Email: ggager@octa.net

**E. CLARIFICATIONS**

**1. Examination of Documents**

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this RFP.

**2. Submitting Requests**

- a. All questions must be put in writing and must be received by the Authority no later than 4:00 p.m., on September 24, 2010.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions". The Authority is not responsible for failure to respond to a request that has not been labeled as such.
- c. Any of the following methods of delivering written questions are acceptable as long as the questions are received no later than the date and time specified above:
  - (1) U.S. Mail: Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584.
  - (2) Personal Courier: Contracts Administration and Materials Management Department, 600 South Main Street, 4<sup>th</sup> Floor, Orange, California 92868.
  - (3) Facsimile: The Authority's fax number is (714) 560-5792.
  - (4) E-Mail: Grant Gager, Contract Administrator e-mail address is ***ggager@octa.net***.

**3. Authority Responses**

Responses from the Authority will be posted on CAMM NET, the Authority's interactive website, no later than September 30, 2010. Offerors may download responses from CAMM NET at *www.octa.net/cammnet*, or request responses be sent via U.S. Mail by e-mailing or faxing the request to Grant Gager, Contract Administrator.

To receive e-mail notification of Authority responses when they are posted on CAMM NET, firms must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Commodities for this solicitation are:

<u>Category(s):</u>	<u>Commodity(s):</u>
Professional Consulting	Transportation Planning
	Traffic Planning Consulting
Professional Services	Engineering Traffic

Inquiries received after 4:00 p.m. on September 24, 2010, will not be responded to.

**F. SUBMISSION OF PROPOSALS**

**1. Date and Time**

**Proposals must be received in the Orange County Transportation Authority's office at or before 2:00 p.m. on October 11, 2010.**

Proposals received after the above-specified date and time will be returned to Offerors unopened.

**2. Address**

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority  
Contracts Administration and Materials Management (CAMM)  
600 South Main Street, 4th Floor  
Orange, California 92868  
Attention: Grant Gager, Contract Administrator**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**Orange County Transportation Authority  
Contracts Administration and Materials Management (CAMM)  
P.O. Box 14184  
Orange, California 92863-1584  
Attention: Grant Gager, Contract Administrator**

Firms must obtain a visitor badge from the receptionist in the lobby of the 600 Building prior to delivering any information to CAMM.

**3. Identification of Proposals**

Offeror shall submit **one (1) original and four (4) copies** of its proposal in a sealed package, addressed as shown above, bearing the Offeror's name and address and clearly marked as follows:

**"RFP 0-1766: "CALL FOR PROJECTS" EVALUATION SERVICES"**

**4. Acceptance of Proposals**

- a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The Authority reserves the right to withdraw or cancel this RFP at

any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.

- c. The Authority reserves the right to postpone proposal openings for its own convenience.
- d. Proposals received by Authority are public information and must be made available to any person upon request.
- e. Submitted proposals are not to be copyrighted.

**G. PRE-CONTRACTUAL EXPENSES**

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

- 1. Preparing its proposal in response to this RFP;
- 2. Submitting that proposal to the Authority;
- 3. Negotiating with the Authority any matter related to this proposal; or
- 4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

**H. JOINT OFFERS**

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

**I. TAXES**

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes.

**J. PROTEST PROCEDURES**

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

**K. CONTRACT TYPE**

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed prices for individual tasks specified in the Scope of Work, included in Section IV of this RFP.

**L. CONFLICT OF INTEREST**

All Offerors responding to this Request For Proposals must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

**M. PROHIBITIONS**

The following restrictions apply to this procurement: The firm, including any sub-consultants, shall be precluded from reviewing any projects or applications which it was previously involved in. "Involvement" includes but is not limited to:

- Preparation of the application
- Feasibility studies/preliminary engineering
- Environmental clearance
- Design

**N. CODE OF CONDUCT**

CONSULTANT agrees to comply with the AUTHORITY's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. CONSULTANT agrees to include these requirements in all of its subcontracts.

**SECTION II**

**PROPOSAL CONTENT**

## SECTION II. PROPOSAL CONTENT

### A. PROPOSAL FORMAT AND CONTENT

#### 1. Format

Proposals shall be typed with 12 point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Offers should not include any unnecessarily elaborate or promotional material. Lengthy narrative is discouraged and presentations should be brief and concise. Proposals should not exceed fifty (50) pages in length, excluding any appendices.

#### 2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Grant Gager, Contract Administrator and must, at a minimum, contain the following:

- a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number. Include name, title, address, and telephone number of the contract person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, whether the firm is a Disadvantaged Business Enterprise (DBE), contact person's name and address, phone number and fax number; relationship between Offeror and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than 120 days from the date of submittal.
- e. Signature of a person authorized to bind Offeror to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

#### 3. Technical Proposal

##### a. Qualifications, Related Experience and References of Offeror

This section of the proposal should establish the ability of Offeror to satisfactorily perform the required work by reasons of: experience

in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; work load; record of meeting schedules on similar projects; and supportive client references. Equal weighting will be given to firms for past experience performing work of a similar nature whether with the Authority or elsewhere.

Offeror to:

- (1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.
- (2) Provide a general description of the firm's financial condition and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger) that may impede Offeror's ability to complete the project.
- (3) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project. Describe experience in working with the various government agencies identified in this RFP.
- (4) Identify subcontractors by company name, address, contact person, telephone number and project function. Describe Offeror's experience working with each subcontractor.
- (5) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address and telephone number of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.

**b. Proposed Staffing and Project Organization**

This section of the proposal should establish the method, which will be used by the Offeror to manage the project as well as identify key personnel assigned.

Offeror to:

- (1) Provide education, experience, and applicable professional credentials of project staff. Include applicable professional credentials of "key" project staff.

- (2) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager and other key personnel.
- (3) Identify key personnel proposed to perform the work in the specified tasks and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.
- (4) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff.
- (5) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the Authority.

**c. Work Plan**

Offeror should provide a narrative, which addresses the Scope of Work, and shows Offeror's understanding of Authority's needs and requirements.

Offeror to:

- (1) Describe the approach to completing the tasks specified in the Scope of Work. The work plan shall be of such detail to demonstrate the Offerors ability to accomplish the project objectives and overall schedule.
- (2) Outline sequentially the activities that would be undertaken in completing the tasks and specify who in the firm would perform them.
- (3) Furnish a project schedule for completing the tasks in terms of elapsed weeks from the project commencement date.
- (4) Identify methods that Offeror will use to ensure quality control as well as budget and schedule control for the project.
- (5) Identify any special issues or problems that are likely to be encountered in this project and how the Offeror would propose to address them.
- (6) Offeror is encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not

materially deviate from the objectives or required content of the project.

**d. Exceptions/Deviations**

State any exceptions to or deviations from the requirements of this RFP, segregating "technical" exceptions from "contractual" exceptions. Where Offeror wishes to propose alternative approaches to meeting the Authority's technical or contractual requirements, these should be thoroughly explained. If no contractual exceptions are noted, Offeror will be deemed to have accepted the contract requirements as set forth in Section VI Proposed Agreement.

**4. Cost and Price Proposal**

As part of the cost and price proposal, the Offeror shall submit proposed pricing to provide the services described in Section IV, Scope of Work.

The Offeror shall complete the "Price Summary Sheet" form included with this RFP (Section V), and furnish any narrative required to explain the prices quoted in the schedules. As noted earlier in these instructions, it is anticipated that the Agreement resulting from this solicitation, if awarded, will be a firm fixed price contract.

**5. Appendices**

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

**B. FORMS**

**1. Status of Past and Present Contracts Form**

Offeror is required to complete and sign the form entitled "Status of Past and Present Contracts" provided in this RFP and submit as part of the proposal. Offeror shall list the status of past and present contracts where the firm has either provided services as a prime contractor or a subcontractor during the past five (5) years and the contract has ended or will end in a termination, settlement, or litigation. A separate form must be completed for each contract. Offeror shall provide an accurate name and telephone number for each contract and indicate the term of the contract and the original contract value. If the contract was terminated, Offeror must list the reason for termination. Offeror must identify and state the status of any litigation, claims or settlement agreements related to any

of the contracts. Each form must be signed by the Offeror confirming the information that the information provided is true and accurate. Offeror is required to submit **one** copy of the completed form(s) as part of its proposals and it should be included in only the **original** proposal.

**SECTION III**  
**EVALUATION AND AWARD**

### SECTION III. EVALUATION AND AWARD

#### A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

1. **Qualifications of the Firm** **35%**  
 Technical experience in performing work of a closely similar nature; experience working with public agencies; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references.
  
2. **Staffing and Project Organization** **25%**  
 Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel.
  
3. **Work Plan** **25%**  
 Depth of Offeror's understanding of Authority's requirements and overall quality of work plan; logic, clarity and specificity of work plan; appropriateness of labor distribution among the tasks; ability to meet the project deadline; reasonableness of proposed schedule; utility of suggested technical or procedural innovations.
  
4. **Cost and Price** **15%**  
 Reasonableness of the total price and competitiveness of this amount with other offers received; adequacy of data in support of figures quoted; reasonableness of individual task budgets.

#### B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A to arrive at a "proposal score" for each proposal. Based on the proposal scores, a list of offerors within a competitive range will be developed based upon the totals of each committee members' score for each proposal.

At the conclusion of the proposal evaluations, Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the

BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

**C. AWARD**

The Authority will evaluate the proposals received and will submit the proposal considered to be the most competitive to the Authority's Chief Executive Officer, or designee, for consideration and selection. The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to an audit of its financial records to confirm stability and the Offeror's accounting system.

**D. NOTIFICATION OF AWARD AND DEBRIEFING**

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) days of notification of the contract award.

**SECTION IV**

**EXHIBIT A: SCOPE OF WORK**

## SCOPE OF WORK

### Comprehensive Transportation Funding Programs Call for Projects & Application Review

#### Introduction

The Orange County Transportation Authority ("AUTHORITY") requires CONSULTANT assistance in reviewing applications for the Comprehensive Transportation Funding Program (CTFP), specifically, applications submitted through the Regional Capacity Program (RCP) and the Regional Traffic Signal Synchronization Program (RTSSP) components.

The CTFP Guidelines were created to provide local agencies with instructions and policies for the administration of these programs. A copy of this manual is included as Attachment A. Additional details for the RTSSP are included as Attachment B. The CTFP established a common set of policies and procedures for the following programs:

#### Renewed Measure M Streets and Roads Programs

- Arterial Capacity Enhancements (ACE)
- Intersection Capacity Enhancements (ICE)
- Freeway Arterial/Streets Transition (FAST)
- Regional Traffic Signal Synchronization Program (RTSSP)

The expiration of the Measure M program is approaching and funding has been limited to estimated revenues at closeout. The AUTHORITY will be issuing a call for projects for CTFP programs November 8, 2010. Applications will be due to OCTA January 28, 2011.

The primary objective is to review competitive grant applications submitted by local agencies and the County of Orange for accuracy and completeness, in accordance with guidelines and scoring criteria. Grant applications will be reviewed to ensure that proposed projects are eligible for funding, meet the minimum requirements set forth by the program guidelines, and are correctly represented in the funding application. Verification and quantitative analysis of information provided by local agencies will be required.

#### Background

In order to meet expected growth in Orange County over the next 30 years, continued investment in the County's transportation infrastructure will be required. To meet these needs, additional projects were identified which could be funded through an extension of the Measure M program. Voters approved the Renewed Measure M sales tax on November 7, 2006.

Renewed Measure M is a 30-year, multi-billion dollar program extension of the original Measure M (1991-2011) with a new slate of projects and programs planned. These include improvements to the Orange County freeway system and streets & road network throughout the County.

#### Regional Capacity Program (RCP)

The RCP is a competitive program that will provide more than \$1 billion over a thirty year period. The RCP replaces the current Measure M Local and Regional streets and roads competitive programs. The RCP is made up of three (3) individual program categories which provide improvements to Orange County:

- The Arterial Capacity Enhancements (ACE) improvement category complements freeway improvement initiatives underway and supplements development mitigation opportunities on arterials throughout the Master Plan of Arterial Highways.
- The Intersection Capacity Enhancements (ICE) improvement category provides funding for operational and capacity improvements at intersecting MPAH roadways.
- The Freeway Arterial/Streets Transition (FAST) focuses upon street to freeway interchanges.

#### Regional Traffic Signal Synchronization Program (RTSSP)

RTSSP funding guidelines are meant to provide procedures necessary for Orange County agencies to apply and compete for M2 transportation funding. The RTSSP funds the synchronization of traffic signals across jurisdictional boundaries in addition to operational and maintenance funding.

The selected CONSULTANT, or team of CONSULTANTS, must be familiar with the following:

- Signal operations and timing development, including multi-agency signal synchronization projects
- Traffic Signal and Intersection Design
- Traffic Signal Coordination, Communications, and ITS Systems Infrastructure Design
- Traffic Phasing types, Phase Sequencing techniques and effects on traffic operation
- Bicycle and Pedestrian Operations with regard to traffic signal timing
- Traffic signal priority systems and operations, and other minor signal modifications

- Railroad/Fire Station, and Emergency vehicle preemption;
- Traffic Signal Synchronization Studies, Analysis, and Review;
- Arterial Highway and Street Lighting Design;
- Arterial Highway Systems Studies including, Analysis, Review, and Mitigations;
- Preliminary, Final Design, Program Management, and/or Project Oversight Services;
- Comprehensive analyses of existing and projected traffic conditions; intersection geometric analysis and design, light or heavy rail line and vehicular traffic interaction and at-grade crossing impacts;
- Access Management Design, Parking and Terminal Design and Operations;
- Traffic Calming Design and Operations, Traffic control device studies and design (signs, signals, pavement markings, school zone flashers and curve warning flashers); Pedestrian studies

### **Scope of Work**

The following tasks will be performed by the CONSULTANT:

#### **1. Call for Projects**

##### **1.1. Application Workshop / Materials**

CONSULTANT may assist the AUTHORITY'S project manager with conducting a workshop for potential applicants. CONSULTANT shall provide support including preparation of workshop materials. This workshop is expected to be attended by representatives from each local agency (34 local agencies and the County of Orange). The specific details of the workshop materials will be discussed with and reviewed by the AUTHORITY project manager prior to the workshop.

##### **1.2. Application Preparation Assistance**

Under direction by the AUTHORITY'S project manager, the CONSULTANT shall conduct an application "open house". It is expected that about two weeks before the application deadline (or to an agreed upon date by the AUTHORITY'S project manager), the CONSULTANT shall conduct cursory reviews of draft applications by local agencies. CONSULTANT shall contact each city to inform them of the open house and determine the number of applications the city will submit. These reviews shall be scheduled over two days at AUTHORITY offices.

It is expected that the applicant, the CONSULTANT and AUTHORITY staff shall meet and review draft applications. Each session will provide an opportunity for the applicant to ask questions regarding their applications. The CONSULTANT and AUTHORITY shall review and answer these questions either at the meeting or within

a few days. CONSULTANT shall document inquiries and provide documentations to AUTHORITY.

## **2. Application Review**

### 2.1. Application Submittal

When applications are submitted to AUTHORITY, the CONSULTANT shall review pre-selected agency submittals and ensure that the required forms and information are submitted. The CONSULTANT is expected to use a checklist to confirm the information submitted by the applicant. The CONSULTANT shall note what information is incomplete or missing. This checklist shall be forwarded to the AUTHORITY project manager within one week from the receipt of the applications. The AUTHORITY project manager shall then authorize the CONSULTANT to contact the agency and request the missing or incomplete information. As the missing or incomplete information is submitted to AUTHORITY, the CONSULTANT shall “log” this in a tracking checklist.

#### Deliverables

CONSULTANT shall prepare a tracking matrix of the agencies they have contacted. This matrix should include:

- Agency Name
- Agency Contact
- Application Title
- Date of Submittal
- Items Required (Submitted)
- Items Required (Incomplete)
- Total Score

### 2.2. Application Review

The CONSULTANT shall review each application and check for “reasonableness” and accuracy of the information provided. “Reasonableness” requires that the data provided is within current industry prices, quantities or information. The information required will depend on the funding program. Examples of required information are:

- Cost Estimates – the project cost estimate will be reviewed to ensure it is consistent with the project scope. Additionally, checking of unit prices and quantities shall be reviewed. Potential discrepancies and recommended changes shall be noted and reported back to the AUTHORITY project manager.
- Traffic Volumes – The average daily traffic (ADT) volumes shall be compared to ADT volumes provided by AUTHORITY. Deviations greater than 15 percent

between the application and AUTHORITY data shall be noted and reported back to the AUTHORITY project manager.

- Schedule – The project schedule will be reviewed to determine if the major milestones and deadline dates are too aggressive or conservative. Comparison shall be made on similar projects that the consultant is experienced with. Potential issues and recommended changes shall be noted and reported back to the AUTHORITY project manager.

### 2.3. Committee Support

The CONSULTANT shall support AUTHORITY in preparation of funding recommendation for the Technical Steering Committee (TSC) and Technical Advisory Committee (TAC). The CONSULTANT shall be prepared to answer technical questions regarding the scope, cost, schedule or eligibility of projects. Generally, AUTHORITY project manager will identify potential issues in advance of each meeting, which will be discussed by the Committees. The CONSULTANT shall be made aware of potential issues and questions in advance of the meeting to the best of the AUTHORITY'S ability. However, each committee may have questions at each meeting which may require follow-up. If an immediate answer cannot be given, the CONSULTANT shall research the question or request and prepare a response through the AUTHORITY project manager.

It is expected that at least two meetings with the TSC and at least two meetings with the TAC will be required. Generally, each meeting is expected to last about two hours.

## **3. Administration**

The CONSULTANT shall assign a dedicated project manager at the time of the contract award. The project manager shall be responsible for the activities as defined in the scope of work. No other individual shall replace the project manager without prior AUTHORITY approval.

### 3.1. Status Reports

The CONSULTANT shall prepare and furnish weekly status reports to AUTHORITY. The reports shall include status of application review, status of workshop, significant issues requiring AUTHORITY or local agencies' attention, etc. The report shall also include percent complete of each task and outstanding items.

Deliverable

- Weekly status report

### 3.2. AUTHORITY Project Manager Meetings

The AUTHORITY project manager and the consultant shall establish a regular process to meet and exchange information. Arrangements will be mutually agreed to by both parties, but is expected to be at least as frequent as once every other week between November 2010 and June 2011. These meetings shall include the specific assignments and activities depending on the schedule and tasks. At least once a month, the consultant shall review the status report with the AUTHORITY project manager at one of these meetings.

### **Schedule**

The following is a general schedule for the CTFP call for projects and application review process:

OCTA issues call for projects – November 8, 2010  
Application Workshop – January 2011  
Applications deadline to OCTA – January 28, 2011  
TSC and TAC Committees – April - May 2011  
OCTA Board approval – June 2011

### **Confidentiality**

The CONSULTANT shall not disclose any information related to the potential funding of applications. All ranking and funding allocations are subject to change prior to AUTHORITY Board approval.

### **Safety Specifications**

#### **1.1 GENERAL HEALTH, SAFETY & ENVIRONMENTAL REQUIREMENTS**

- A. The Consultants, its sub-tier Consultants, suppliers, and employees have the obligation to comply with all Authority health, safety and environmental compliance department (HSEC) policies, as well as all federal, state, and local regulations pertaining to scope of work, contracts or agreements with the Authority. Additionally, manufacturer requirements are considered incorporated by reference as applicable to this scope of work.
- B. Observance of repeated unsafe acts or conditions, serious violation of safety standards, non-conformance of Authority health, safety and environmental compliance department (HSEC) requirements, or disregard for the intent of these safety specifications to protect people and property, by Consultants or its sub-tier contractors may be cause for termination of scope, contracts, or agreements with the Authority, at the sole discretion of the Authority.
- C. The health, safety, and environmental requirements, and references contained within this scope of work shall not be considered all-inclusive as to the hazards that might be encountered. Safe work practices shall be planned

and performed, and safe conditions shall be maintained during the course of this work scope.

- D. The Authority Project Manager shall be responsible to ensure a safety orientation is conducted for all Consultant personnel, sub-tier Consultants, suppliers, vendors, and new employees assigned to the project prior to commencement of the project.
- E. The Consultant shall ensure that all Consultant vehicles, including those of its sub-tier Consultants, suppliers, vendors and employees are parked in designated parking areas, and comply with traffic routes, and posted traffic signs in areas other than the employee parking lots.
- F. California Code of Regulations (CCR) Title 8 Standards are minimum requirements, each Consultant is encouraged to exceed minimum requirements. When the Consultant safety requirements exceed statutory standards, the more stringent requirements shall be achieved for the safeguard of public and workers.

## 1.2 HAZARD COMMUNICATION

- A. Consultant shall comply with CCR Title 8, Section 5194, Hazard Communication Standard. Prior to use on Authority property and/or project work areas Consultant shall provide the Authority Project Manager copies of MSDS for all chemical products used if any.
- B. All chemicals including paint, solvents, detergents and similar substances shall comply with South Coast Air Quality Management District (SCAQMD) rules 103, 1113, and 1171.

## 1.3 ACCIDENT INVESTIGATION

- A. The Authority shall be promptly notified of any damage to the Authority's property, or incidents involving third party property damage, or reportable and/or recordable injuries (as defined by the U. S. Occupational Safety and Health Administration) to Authority employees and agents; Contractor, vendor employees or visitors and members of the general public that occurs or arises from the performance of Authority contract work. A comprehensive investigation and written report shall be submitted to Authority's Project Manager within 24 hours of the incident.
- B. A serious injury or incident may require a formal incident review at the discretion of the Authority's Project Manager. The incident review shall be conducted within 7 calendar days of the incident. The serious incident presentation shall include action taken for the welfare of the injured, a status report of the injured, causation factors leading to the incident, a root cause analysis, and a detailed recovery plan that identifies corrective actions to prevent a similar incident, and actions to enhance safety awareness.

## 1.4 PERSONAL PROTECTIVE EQUIPMENT

- A. The Consultant, its sub-tier Consultants, suppliers, and employees are required to comply with the Authority's personal protective equipment (PPE) policy while performing work at any Authority facility, i.e. eye protection policy, hearing protection policy, head protection, safety vests, work shoe policy.
- B. The Consultant, its sub-tier Consultants, suppliers, and employees are required to provide their own PPE, including eye, head, foot, and hand protection, safety vests, or other PPE required to perform their work safely on Authority projects. The Authority requires eye protection on construction projects and work areas that meet ANSI Z-87.1 Standards.

**SECTION IV**

**EXHIBIT A: SCOPE OF WORK**

**ATTACHMENT A: COMPREHENSIVE TRANSPORTATION  
PROGRAMS GUIDELINES MANUAL**



**DRAFT**

# **Comprehensive Transportation Programs**

**Guidelines Manual  
Fiscal Year 2010-11**

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## **I. Overview**

On November 6, 1990, Orange County voters approved Measure M, a 20-year half-cent local transportation sales tax. All major transportation improvement projects and programs included the original Measure M have been completed or are currently underway.

Expected growth demands in Orange County over the next 30 years will require agencies to continue to invest in transportation infrastructure projects. A collaborative effort between County leaders and OCTA identified additional projects to fund through an extension of the Measure M program. Voters approved Renewed Measure M on November 7, 2006. Ordinance No. 3 outlines all programs.

### **Background**

A robust freeway network, high occupancy vehicle & toll lanes, a master plan of arterial highways, extensive fixed route and demand response bus service, commuter rail, and bicycle/pedestrian facilities comprise Orange County's transportation system. Future planning efforts are considering high speed rail service as part of a statewide system. Separate agencies manage and maintain each transportation component with a common purpose: mobility.

Orange County Transportation Authority (OCTA) is responsible for planning and coordination of county regional transportation components. Local agencies generally oversee construction and maintenance of roadway improvements a combination of regional and local funding sources derived from grants and formula distributions.

The Comprehensive Transportation Programs (CTP) represents a collection of competitive grant programs offered to local agencies. OCTA administers a variety of additional funding sources including Renewed Measure M, state/federal gas taxes and Transportation Development Act (TDA) revenues.

### **Procedures Manual Overview**

This manual provides guidelines and procedures necessary for Orange County agencies to apply for funding of transportation projects contained within the CTP through a simplified and consistent process. Each program has a specific objective, funding source and set of selection criteria detailed in separate chapters contained within the manual.

## ***Comprehensive Transportation Programs***

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OCTA may add, modify, or delete non-Measure M programs over time to reflect legislative action and funding availability.



## II. Funding Sources

### Renewed Measure M

Renewed Measure M is a 30-year, multi-billion dollar program extension of the original Measure M (approved in 1990) with a new slate of planned projects and programs. These include improvements to the County freeway system, streets and roads network, expansion of the Metrolink system, more transit services for seniors and the disabled as well as funding for the cleanup of roadway storm water runoff.

OCTA shall select projects through a competitive process for Project O (Regional Capacity Program), Project P (Regional Signal Synchronization), and the transit program (Projects S, T, V and W). Each program has a specific focus and evaluation criteria as outlined in the manual.

OCTA shall distribute Local Fair Share Program (Project Q) funds on a formula basis to eligible jurisdictions. The program receives eighteen percent (18%) of Net Revenues. The formula is based upon three components:

- Fifty percent (50%) based upon population
- Twenty-five percent (25%) based upon centerline miles on the existing Master Plan of Arterial Highways
- Twenty-five percent (25%) based upon jurisdictions share of countywide taxable sales

Projects that receive Renewed Measure M Fair Share revenues are not subject to a competitive process. However, program expenditures must maintain certain eligibility criteria as outlined in the Renewed Measure M Eligibility Guidance Manual. Jurisdictions must conform to annual eligibility requirements in order to receive fair share funding and participate in the CTP funding process. Key requirements include:

- Timely use of funds (expend within three years of receipt)
- Meet maintenance of effort requirements
- Use of funding on transportation activities consistent with Article XIX of State Constitution
- Include project on six-year capital improvement plan (CIP)
- Consistency with MPAH, Pavement Management Program, and Signal Synchronization Master Plan



### **State/Federal Programs**

OCTA participates in state and federal transportation funding programs based on competitive and formula distributions. OCTA typically earmarks this funding for major regional transportation projects. From time to time, OCTA may set aside funding, where permitted, for use by local jurisdictions through a competitive selection process. Current examples include federal stimulus funding programs, California Proposition 1A and 1B bond proceeds, and gas tax subventions. Arterial Highway Rehabilitation Program (AHRP), Transportation Corridor Improvement Funds (TCIF) and Regional Surface Transportation Program (RSTP) are examples of this funding distribution approach.

### **Call for Projects**

OCTA issues calls for projects annually or on an as needed basis. Secure revenues sources, such as Renewed Measure M, will provide funding opportunities on an annual basis. OCTA will update program guidelines and selection criteria on even numbered years. OCTA will offer limited opportunity funding, such as a state-wide bond issuance or federal earmark, consistent with funding source requirements. OCTA may conduct concurrent calls for projects when necessary.



### **III. Definitions**

1. The term "competitive funds" refers to funding allocations received through the CTP.
2. Renewed Measure M and M2 shall be used interchangeably to refer to the November 2006 voter extension of Measure M.
3. The term "complete project" is inclusive of acquiring environmental documents, preliminary engineering, right-of-way acquisition, construction, and construction engineering.
4. The term "funding allocation," "allocation," "project funding," "competitive funds," "phase" or any form thereof shall refer to the three project phases OCTA funds in the CTP. Additionally, the "engineering phase" shall include the acquisition of environmental documents, preliminary engineering, and right-of-way engineering, and the "right-of-way phase" shall include right-of-way acquisition, and the "construction phase" shall include construction and construction engineering.
5. The term "project completion date" refers to the date of the final invoice for either the engineering contract for the engineering phase or the construction contract for the right-of-way phase and construction phase.
6. The term "master funding agreements" or any form thereof shall refer to cooperative funding agreements described in precept four.
7. The term "agency," "agencies," or any form thereof shall refer to jurisdictions described in precept two.
8. Implementing agency is the lead agency for any proposed project.
9. Work Force Labor Rates (WFLR) include salaries plus fringe benefits.
10. Fully Burden Labor Rates include WFLR plus up to 30 percent overhead allocation.
11. Match Rate refers to the match funding that a lead agency is pledging through the competitive process.
12. Escalation is the inflationary adjustment added to the application funding request (current year basis) based upon the rates established in Chapter 2.



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### IV. Precepts

1. The Orange County Transportation Authority (OCTA) Board of Directors approved these guidelines on **Month Date, 2009**. The purpose is to provide procedures that assist in the administration of the Comprehensive Transportation Program (CTP) under Measure M2 (M2) where other superseding documents lack specificity. OCTA, or an agent acting on the authority's behalf, shall enforce these guidelines.
2. All eligible Orange County cities and the County of Orange may participate in the Renewed Measure M competitive programs and federal funding programs included in the Comprehensive Transportation Programs (CTP).
3. To participate in the CTP, OCTA must declare that an agency is eligible to receive Renewed Measure M Net Revenues which include local fair share distributions. *OCTA shall provisionally approve allocations as part of the 2010 call for projects subject to subsequent attainment of Renewed Measure M eligibility requirements. Provisional approval is dependent upon eligibility status for the FY2009/10 fiscal year.* Failure to meet minimum eligibility requirements after programming of funds will result in deferral or cancellation of funding.
4. The lead agency must execute a cooperative funding agreement with the OCTA. OCTA and agencies will periodically amend the agreement to reflect project schedule and funding changes through semi-annual adjustments, CIP revisions and competitive calls for projects.
5. Local jurisdictions shall scope projects, prepare estimates, and conduct design in cooperation with and in accordance with the standards and procedures required by the jurisdictions involved with the project (e.g., Caltrans, County, state/federal resource agencies).
6. Agencies should select consultants based upon established contract management and applicable public contracting practices, with qualification based selection for architectural/engineering (A/E) services, as well as competitive bidding environments for construction contracts in accordance with Public Contracts Code. Agencies must meet contracting requirements of Non-Measure M funding sources which may exceed those identified in the CTP.
7. Based upon funding availability, a "Call for Projects" shall be considered annually but may be issued less frequently if warranted.
8. OCTA shall program projects for a three year period, based upon an estimate of available funds.



9. OCTA will base funding allocations on project cost estimates with up to 10 percent contingency for construction. During the programming process, OCTA adds an inflationary adjustment based upon the escalation rates shown in Chapter 3. OCTA shall round allocations up to the nearest thousand dollars after escalation. Agencies shall only use future year escalation rates for planning purposes.
10. OCTA shall program funds by fiscal year for each phase of a project.
11. An allocation for a specific project shall lapse if a contract is not awarded for that specific project within the fiscal year those funds are programmed.
12. OCTA shall reprogram funds derived from savings or project cancellation based upon final project status. A lead agency may request to transfer savings between the phases within a project with approval from the TAC and Board of Directors. Agencies may only use savings as an aid for unanticipated cost overruns.
13. OCTA shall consider matching fund credit(s) for an implementing agency's proposed project's current and applicable environmental clearance expenditures. OCTA will review and consider these expenditures on a case by case basis at the time of funding approval.
14. Match rate commitments implementing agencies identify in the project grant application shall remain constant throughout the project. OCTA and implementing agencies shall not reduce match rate commitments or split the match rate by phase.
15. An approved CTP project may be determined ineligible for funding at any time if it is found that Renewed Measure M funding has replaced all or a portion of funds or commitments that were to be provided by other sources such as: development conditions of approval, development deposits, fee programs, redevelopment programs or other dedicated local funding sources (i.e., assessment districts, community facilities districts, bonds, certificates of participation, etc.). Appeals may be made in accordance with the Appeals section discussed later in this chapter.
16. OCTA may fund environmental mitigation as required for the proposed roadway improvement and as contained in the environmental document. Environmental mitigation shall not exceed 50 percent of the total eligible construction costs.
17. OCTA shall evaluate "whole" projects during the initial review process. Subsequent phase application reviews shall not include prior phases in the evaluation unless pledged as a match. The criteria for ranking project applications is included in this manual as part of each program component chapter.



18. Projects that receive competitive CTP funds shall not use other competitive funds as a match source. Lead agencies may request project consolidation. The TAC and OCTA Board of Directors must approve consolidation requests. OCTA shall use the average match rate of the consolidated project's individual segments.
19. OCTA shall conduct a semi-annual review of all active CTP projects. All agencies shall participate in these sessions through a process established by OCTA. OCTA shall: 1) verify project schedule, 2) confirm project's continued viability, 3) discuss project changes to ensure successful and timely implementation, and 4) request sufficient information from agencies to administer the CTP.
20. Agencies shall submit payment requests to OCTA in a timely fashion. Agencies may request an initial payment (up to 75 percent of programmed amount as described in Chapter 10) once a contract has been awarded or once an agency initiates right-of-way activities. Agencies shall submit final reports within 180 days of the project completion date. OCTA will work with jurisdictions to ensure the timeliness of final reports in the following ways:
  - a. Require jurisdictions to notify OCTA of the project completion date at the semi-annual review through tools provided by OCTA and during the final payment request through methods described in Chapter 11.
  - b. Require all jurisdictions to file a final report within 180 days of project completion date.
  - c. Issue a reminder notice to the public works director and/or TAC representative(s) 90 days after the project completion date to remind jurisdictions that the final report is due in 90 days. The reminder notice should include an offer from OCTA to assist in preparation of the final report by using consultant services. OCTA shall charge a fee for this assistance against the 25 percent final report.
  - d. Issue a final notice to the public works director or TAC representative(s) and issue a copy to the agency's management and Finance Director, if the final report or a request for an extension has not been received within 180 days of the project completion date. The final notice should inform the jurisdiction that if OCTA does not receive response to this notice within 30 days then OCTA will contract with consultant services to prepare the final report on behalf of the jurisdiction. OCTA shall charge a fee for this assistance against the 25 percent final report.
  - e. Require the TAC to approve all final payment extension requests.



- f. Require OCTA to issue final payment to agencies within 60 days of the receipt of a satisfactory report and all related supporting documentation.
21. An agency shall provide final accounting in an approved final report format (see Chapter 10 of this manual) within 180 days of phase completion. Failure to provide a final accounting shall result in repayment of applicable Renewed Measure M funds received for the project phase in a manner consistent with the master funding agreement.
22. OCTA shall escalate project allocations for years two and three. Escalation will not affect a project match rate (percentage). OCTA will base escalation rates on Engineering News Record (ENR) Construction Cost Index (CCI).
23. The OCTA Board of Directors may grant time extensions for special circumstances that are beyond the control of the implementing agency. An agency shall make a formal request for a time extension to OCTA at the earliest possible moment or at a semi-annual review, but no later than June 30 of the fiscal year in which OCTA programs the allocation.

Implementing agencies may request a one-time delay of up to 24 months per project. Agencies shall justify this request, receive City Council/Board of Supervisor concurrence, and seek approval of OCTA staff, the TSC, and the TAC as part of the semi-annual review process.

24. Agencies may appeal to the TAC on issues that the agency and OCTA staff cannot resolve. An agency may file an appeal by submitting a brief written statement of the facts and circumstances to OCTA staff. The appellant agency must submit a written statement which proposes an action for TAC consideration. The TSC shall recommend specific action for an appeal to the TAC. The OCTA Board of Directors shall have final approval on appeals.

### **Applications**

In order for an OCTA to consider a project for funding, agencies shall submit applications for a call for projects by a deadline established by OCTA. The agency shall submit one hard copy of each complete application package as outlined in Chapter 10. Each program chapter includes evaluation criteria for the CTP.



### Chapter 1 - Eligibility Process Overview

To apply for the Comprehensive Transportation Programs (CTP), local agencies must fulfill an annual eligibility process. OCTA established this process to ensure that improvements are consistent with regional plans. Under previous County funding programs (e.g., AHFP, BPF) agencies had to meet similar requirements to be eligible for funding. The cities and county approved a process reflecting the eligibility criteria found in Measure M. Eligibility packages are due to OCTA by June 30 of each year.

In order to receive Renewed Measure M Fair Share funds, OCTA must deem agencies as eligible. OCTA shall annually distribute an eligibility package of information to local agencies. Below is a brief list of requirements:

- Adoption of a six-year Capital Improvement Program
- Adoption of a General Plan Circulation Element which does not preclude implementation of the MPAH
- Adoption of a local Pavement Management Program
- Adoption of a Local Traffic Signal Synchronization Plan
- Satisfied Maintenance of Effort requirements
- Approved Agreement to expend funds within three years of receipt
- Adopt an annual Expenditure report
- Submit Project Final Report for all Net Revenue projects

The Renewed Measure M Eligibility Preparation Manual outlines the turnback requirements in detail. OCTA updates the Eligibility Preparation Manual annually and encourages agencies to use it as a reference when preparing items to meet eligibility requirements. Agencies will submit a CIP through an electronic database application. OCTA develops a manual and workshop to prepare local agency staff for the annual eligibility process. OCTA will make both the manual and workshop information available on its website and forwards the link to all local agencies.

#### Additional Information Regarding MPAH

The agency's General Plan Circulation Element must be consistent with the Orange County MPAH. In order for an agency's circulation element to be consistent with the MPAH, it shall have a planned-carrying capacity equivalent to the MPAH for all MPAH links within the agency's jurisdiction. "Planned capacity" shall be measured by the number of through lanes on each arterial highway as shown on the local circulation element. Agencies are not considered "inconsistent" as a result of existing capacity limitations on arterials which are not yet constructed to the circulation element design.



The agency must also submit a resolution attesting that no unilateral reduction in lanes has been made on any MPAH arterials.

### **MPAH Consistency Review and Amendment Process**

Through a transfer agreement with the County of Orange, the OCTA assumed responsibility for administering the MPAH starting in mid-1995. As the administrator, OCTA is responsible for maintaining the integrity of the MPAH through coordination with cities and the County and shall determine an agency's consistency with the MPAH. In order to provide a mechanism to communicate MPAH policies and procedures, OCTA prepared the *Guidance for the Administration of the Master Plan of Arterial Highways*. The guidance document is to assist OCTA, the County, and the cities of Orange County to maintain the MPAH as a vital component of transportation planning in the County. The guidance document outlines, in detail, the MPAH consistency review and amendment process. Agencies can find contact information for OCTA staff assigned to MPAH administration in **[Appendix xx]**.

## Exhibit 1-1

### SAMPLE RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY/COUNTY OF \_\_\_\_\_  
CONCERNING THE STATUS OF THE CIRCULATION ELEMENT  
FOR THE CITY/COUNTY OF \_\_\_\_\_

WHEREAS, the City/County of \_\_\_\_\_ desires to maintain and improve the streets within its jurisdiction, including those arterials contained in the Master Plan of Arterial Highways (MPAH), and

WHEREAS, the City/County of \_\_\_\_\_ has endorsed a definition of and a purpose for, determining consistency of the City's Traffic Circulation Plan with the MPAH, and

WHEREAS, the City/County has adopted a General Plan Circulation Element which does not preclude implementation of the MPAH within its jurisdiction, and

WHEREAS, the City/County has adopted a resolution informing the Orange County Transportation Authority (OCTA) that the City's/County's Circulation Element is in conformance with the Master Plan of Arterial Highways and whether any changes to any arterial highways of said Circulation Element have been adopted by the City/County during Fiscal Years 20\_\_ and 20\_\_

WHEREAS, the City/County is required to send annually to the OCTA all recommended changes to the City/County Circulation Element and the County Master Plan of Arterial Highways for the purpose of re-qualifying for participation in Measure M Streets and Road Programs.

NOW, THEREFORE, BE IT RESOLVED THAT the City/County of \_\_\_\_\_ does hereby inform the OCTA that:

- a) The arterial highway portion of the City/County Circulation Element of the City is in conformance with the County Master Plan of Arterial Highways.
- b) The City/County attests that no unilateral reduction in through lanes has been made on any MPAH arterials during Fiscal Years 20\_\_ and 20\_\_.
- c) The City/County has adopted a uniform setback ordinance providing for the preservation of right-of-way consistent with the MPAH arterial highway classification.
- d) The City/County has adopted provisions for the limitation of access to arterial highways in order to protect the integrity of the system.



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## **Chapter 2 - Project Programming**

### **Program Consolidation**

Renewed Measure M Regional Capacity Program improvement categories will combine projects into one application review and allocation process. The programs of the CTP will act as the project funding source. The consolidation of programs will help eliminate confusion among the various requirements and allow the greatest flexibility for programming projects. Other funding programs such as Transit (M2 Projects S, T, V, and W) and AHRP have similar eligibility requirements, but OCTA may evaluate and approve these projects through a separate process.

### **Sequential Programming Process**

Timely and efficient use of funding is a critical success factor for the CTP. Historically, agencies were encouraged to develop long term projects spanning three to five years or more which often lead to delays in implementing final project phases. This dynamic led to larger-than-anticipated funding program cash balances that OCTA could otherwise put to work.

In response to concerns raised by the OCTA Board of Directors and the Taxpayers Oversight Committee responsible for Renewed Measure M oversight, OCTA will use a shorter term, sequential funding approach for Renewed Measure M projects. OCTA expects this new approach to aid in a more timely use of funding and limit the potential for unanticipated project completion delays inherent with long lead time projects.

Sequential funding is a two step process. Step One, also known as the planning phase, includes funding requests for planning/environmental, engineering and right of way engineering activities. Step Two, also known as the implementation phase, includes right of way acquisition and construction activities.. Projects must complete the planning phase before an agency requests implementation phase funding during a call for projects. Exceptions to this rule include the following:

An agency may request implementation funding prior to completion of the planning phase if the jurisdiction can demonstrate that the planning phase activities are underway and the agency will complete the activities within six months of the funding application submittal date.

## Chapter 2 – Project Programming



An agency may request right of way funding as part of the planning phase if the agency can demonstrate that the sequential funding process is a hindrance to timely implementation. The agency will seek implementation funding in the next call for projects and will waive the opportunity to request a project delay.

Each call for projects will cover a three-year period which overlaps subsequent future cycles as shown below.

Renewed Measure M Funding Cycles

Call	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16
2009	X	X	X	X		
2010		X	X	X		
2011			X	X	X	
2012				X	X	X

Funding targets for each cycle are based upon prior funding commitments, anticipated revenues, reprogramming of unused allocations (cancellations and savings), and a set aside for future funding cycles. The first year of each cycle will distribute 100% of expected revenues less prior commitments. The second year of each cycle will allocate 75% of projected revenues less prior commitments. The third year of each cycle will allocate 50% of projected revenues less prior commitments. The partial allocation of funding for years two and three preserve funding for future projects and act as a hedge against unanticipated revenue shortfalls that could jeopardize project delivery.

### Funding Projections – Initial Call for Projects

Revenue estimates for Renewed Measure M are updated annually. Programming decisions are based upon conservative economic assumptions provided by Southern California academic institutions. In the future, OCTA will add project cancellations and realized savings from completed projects to anticipated revenues for redistribution in the first year of each funding cycle. The M2 program is new and no project cancellation or savings exists for reprogramming. The first call for projects will cover fiscal years 2010/11 through 2013/14.



Initial Call for Projects Programming Amounts\*

Fiscal Year	Estimated RCP Revenues
FY2010/11	5,200,000
FY2011/12	22,200,000
FY2012/13	17,550,000
FY2013/14	12,350,000
Total	\$ 57,300,000

\* Estimates subject to change

**Programming Adjustments**

OCTA bases funding allocations on cost estimates that agencies provide and that OCTA validates against industry norms during the evaluation process. Agencies must provide estimates in current year dollars. OCTA will apply a construction cost index (CCI) adjustment to the first year of the funding cycle for implementation activities (right of way and construction) and is not subject to further adjustment.

Projects programmed in Year Two or Year Three include a CCI-based adjustment factor. Agencies shall not receive allocation increases. Cost overruns are the responsibility of agencies and may count against agencies' match commitment for eligible activities. Agencies may request scope adjustments to meet budget shortfalls when the agency can demonstrate substantial consistency and attainment of proposed transportation benefits compared to the original project scope.

The current escalation rates beginning FY 2010-11 are:

- 3.1 % for right-of-way
- 3.1 % for construction

When agencies are preparing applications, **all cost estimates must be in current year dollars (FY 2009)**. OCTA will review each cost estimate thoroughly and will escalate costs based on the year OCTA programs the project allocation. For example, if an agency's cost estimate lists construction costs for a project at \$250,000 and OCTA programs the project for fiscal year 2012-2013, then OCTA will escalate the costs by 3.1 percent compounded annually beginning in fiscal year 2010-2011 (9.6 percent cumulative increase) and allocate \$266,000.



### **Project Cost Escalation**

OCTA will escalate approved projects in years two and three. Escalation will not affect a project match rate (percentage) based upon the approved project application. OCTA will base escalation rates for future years on Engineering News Record Construction Cost Index (ENR CCI) escalation rates.

Each March, OCTA shall validate the escalation rate that will be used for projects programmed in the next fiscal year beginning on July 1<sup>st</sup>. Agencies should be aware that the rate established by OCTA each March may be greater or less than the “planning” rate used when projects were originally approved for funding.

### **Project Readiness**

Assembly Bill (AB) 1012, which was signed into law in 1999, established firm “use it or lose it” deadlines for federal funds. Under AB 1012, if an agency does not obligate funds in a timely fashion then the county loses the funds and the state reprograms them. Large or complex projects are particularly vulnerable to not meet AB 1012 implementation rules.

In an effort to better utilize project funding and maintain project schedules, programming of funding for CTP under the tiered approach has been revised. In general, to program allocations for right of way or construction phases, a project must either have:

1. Approval for environmental clearance (CEQA for Measure M programs, NEPA and CEQA for federally funded programs) or;
2. Exempt (categorically or statutorily) under CEQA and/or NEPA (as applicable).

OCTA may consider exceptions to these programming rules, on a case by case basis, if an agency can confirm that a project will receive environmental clearance prior to the scheduled start of right-of-way and construction. OCTA will not approve payment requests for right-of-way and construction until a project receives environmental clearance.

### **Programming Policies**

OCTA will not increase phase allocations after the initial programming for each phase except through project savings transfers, where applicable.



In order to receive right-of-way and construction allocations, a project must have all environmental clearances in place. OCTA shall not release final payment for the planning stage (includes final design) until confirmation of environmental clearance is provided.

Agencies are responsible for costs that exceed the project allocation, maintaining the project schedule, and maintaining the project scope.

An agency's allocation will lapse if the agency does not obligate the funds within the programmed fiscal year. An agency may request a delay in accordance with the time extension policy.

As stated above, an agency's allocation is based on the project's cost as requested and programmed with established escalation rates. **If project costs escalate beyond original estimates and the agency is unable to cover additional costs, a request to reduce the project scope or limits will be considered where feasible.** All requests for changes in scope and limits must be submitted to OCTA in advance of the change. This request will be evaluated on a case-by-case basis and must be approved by the TAC and OCTA Board of Directors prior to initiation of the change by the lead agency. The agency must submit a letter to OCTA no later than June 30<sup>th</sup> of the year in which funds are programmed stating the reasons for cost increases, a proposal for project scope or limit reduction, and an explanation of why approval of the request is warranted. The review process is similar to the appeals process mentioned above.

### **Schedule change requests**

Allocations approved as part of the CTP process are subject to timely delivery requirements. Implementation schedules are determined by the lead agency (applicant). Contract work must be awarded prior to the end of the programmed fiscal year to encumber the funds. If work cannot be initiated within this time frame, a request to defer funding may be submitted to OCTA for consideration. Project status is reviewed every six months during the semi-annual review process. Expired project funding is subject to reprogramming in a subsequent call for projects.

Funding deferrals (delays) must be submitted to OCTA in conjunction with the semi-annual process. These reviews are typically held in Fall and Spring. Emergency extensions after the Spring semi-annual review may be considered on a case by case basis. The Renewed Measure M Ordinance No. 3 permits a delay for up to 24 months. Projects that are expected to incur extensive delays beyond the parameters of the program should consider cancellation and reapplication at a future dates. Advancement requests may be considered during the review process and may be approved subject to funding availability.



### **Project Advancements**

Agencies wishing to advance a project by one fiscal year or more may request project advancement. The agency must demonstrate that a contract will be awarded or that funds will be obligated in the year which funds are requested to be advanced to. The allocation will be de-escalated according to the original escalation rate.

Requests can be submitted at any time during the fiscal year or as part of the semi-annual review process. All advancements will be reviewed by the TAC and approved by the OCTA Board. If approved, the agency and project will be required to meet the new fiscal year award or obligation deadline.

Should OCTA be unable to accommodate an advancement request for a project funded through Measure M, due to cash flow constraints, the agency may still move forward with the project using local funding. The lead agency must receive authorization/approval from OCTA prior to beginning work. The lead agency may subsequently seek reimbursement of CTP funds in the fiscal year in which funds are programmed. Reimbursement shall follow the standard CTP process described in Chapter 10.

### **Semi-Annual Review**

OCTA staff will conduct a comprehensive review of CTP projects on a semi-annual basis to determine the status of projects. These review meetings are usually scheduled to occur in September and March of each year.

Projects are reviewed to:

1. Update project cost estimates
2. Review the project delivery schedule
3. Determine the project's continued viability
4. Provide an overall picture of the Comprehensive Transportation Programs

Prior to each review meeting, OCTA staff will distribute a list of active projects to each local agency, respectively. Each agency will be contacted and asked to participate in the upcoming review where each agency's project schedules, cost estimates, and scope will be reviewed. Agencies will be given the opportunity to request program changes (e.g., delaying and advancing funds from one fiscal year to another) and each adjustment will be considered on a case-by-case basis. The agency should be prepared to explain any changes and provide all necessary supporting documentation. Generally, the local agency is responsible for the implementation of the projects as approved by OCTA, but

## Chapter 2 – Project Programming

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consideration will be given for circumstances beyond the lead agency's control that affect scope, cost or schedule.

Based on the semi-annual meetings, OCTA staff will develop and present recommendations for project adjustments to the TSC and TAC. Requests for project changes (delays, advancements, scope modifications) will be considered on an individual basis. The following action plan has been developed for the semi-annual review process:

- Require jurisdictions to submit status reports, project worksheets, and supporting documentation to OCTA for all project adjustments.
- Require local agencies to abide by **Time Extension Policy**:
  - Agencies may request a delay of up to 24 months. Jurisdictions will be required to justify this request and seek approval of OCTA staff, Technical Steering Committee (TSC), and the Technical Advisory Committee (TAC) as part of the semi-annual review process.
  - Approved schedule changes will require an update of the local jurisdiction's six-year CIP and the OCTA cooperative funding agreement
  - Evidence of Council approval (resolution or minute order) must be provided prior to OCTA Board approval of delays
  - An administrative extension may be granted for expiring Renewed Measure M funds for a project phase that is clearly engaged in the procurement process (advertised but not yet awarded).



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## **Chapter 3 – Arterial Highway Rehabilitation Program (AHRP)**

### **Program Overview**

The Arterial Highway Rehabilitation Program (AHRP) has been developed to address long term pavement maintenance in Orange County. Specifically, the AHRP is designed to fund pavement rehabilitation and/or reconstruction projects on Master Plan of Arterial Highway (MPAH) arterial roadways throughout Orange County.

### **Eligible Expenditures**

The following general type of projects will be eligible under this program:

- Overlay
- Rehabilitation
- Reconstruction

For each of these projects the following expenditures will be eligible:<sup>1</sup>

- Engineering
- Construction
- Construction Engineering
- Bike lanes (striping only, must be on the Master Plan of County-wide Bikeways)
- Bus Turnouts (resurfacing only, must be on an OCTA route)
- PCC Bus Pads
- Replacement of parking lanes, curbs, gutters, catch basins, and minor profile revisions (i.e., curb to curb) as required by project.
- Use of alternative materials such as rubberized asphalt, PCC, etc.
- Construction or modification of curb ramps within the limits of the project as necessary to satisfy ADA requirements.

### **Potentially Eligible Expenditures**

Items that are potentially eligible under AHRP are:

- Sidewalks if mandated for ADA type improvement/upgrade and only up to 5% of the total improvement costs.

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<sup>1</sup> For federally funded projects, expenditures prior to approval of the E-76 form will not be eligible.



**Ineligible Expenditures**

Items that are not eligible under AHRP are:

- Landscaping
- New parking lanes, new curb and gutter
- Utility adjustments that do not have prior rights
- Materials Report or other planning activity
- Environmental Documentation
- Retroactive Design Engineering
- Expenditures incurred prior to E-76 approval for the respective project phase.

Slurry seals or overlays with a depth of less than 1.2 inches (0.10') are considered routine maintenance and shall not be eligible.

**Requirements**

**Project Eligibility**

Projects submitted for this program must be on the MPAH. Streets or roads that are not on the MPAH are ineligible to participate in this program. In addition, only those arterials designated by local agencies' Pavement Management Plans (PMP) as having a Pavement Condition Index (PCI) of 74 or less in accordance with the following table shall be eligible for funding. Thickness may be adjusted for rubberized asphalt according to industry and standard practices.

**Pavement Condition Assessment Standards**

<b>Condition Category</b>	<b>Thresholds</b>	<b>Treatment</b>	<b>Eligible</b>
Very Good	86-100	None Proposed	No
Good	75-85	Slurry Seal	No
Fair	60-74	Thin Overlay	Yes
Poor	41-59	Thick Overlay	Yes
Very Poor	0-40	Reconstruction	Yes



### **Matching Funds**

Agencies will be required to provide 50 percent matching funds for each candidate project. STP or Measure M Competitive Streets and Roads funds may not be used as matching funds. Measure M turnback funds can be used as matching funds for any phase. Projects will be limited to a maximum total funding amount of \$400,000. This cap provides an opportunity to fund more projects given the limited resources. Additional matching funds corridor improvements may be considered after approval of the project priority list.

### **Engineering and Inspection Costs**

Engineering and inspection costs will be limited to a maximum of 15 percent of the total construction, and general overhead shall not exceed 30 percent of payroll and fringe benefits.

### **Application Process**

Funding for this program has not yet been identified and is not included in the initial call for projects.

Agencies will be required to complete and submit application materials provided by OCTA. In addition, detailed cost estimates, field survey evaluation documentation, pavement condition indices from respective PMP's, and a council resolution authorizing the application will be required at the time of submittal.

Cooperative project development is encouraged. Projects located within neighboring jurisdictions require letters of support from the affected agency(ies).

### **Additional Requirements**

Because AHRP funds may come from federal sources additional steps are required to ensure proper receipt of funds.

1. Projects once approved by OCTA will be administered by Caltrans Local Assistance. They will require additional information and review of projects. It is imperative that local agencies contact Caltrans once funding is approved.
2. OCTA staff and Cities will jointly explore, on a case-by-case basis, the possibility of a funds exchange with Gas Tax or Measure M funds.



3. Projects must be included in the Regional Transportation Improvement Program (RTIP) before agencies can begin work. OCTA will be responsible for including projects in the RTIP; however, it is the agencies responsibility to contact OCTA to ensure that this action has taken place.
4. An agency must receive an "Authorization to Proceed" (an approved E-76 form from Caltrans). Caltrans Local Assistance is responsible for processing this form. Any activity undertaken by the local agency prior to approval of the E-76 form will not be reimbursed.



## **Chapter 4 – Transit Extensions to Metrolink (Project S)**

### **Overview**

This Renewed Measure M program establishes a competitive process to enable local jurisdictions to enhance regional transit capabilities through creation of new connections to the existing Metrolink system. Projects must meet specific criteria in order to compete for funding through this program.

***Program funding guidelines and project selection criteria are being developed. A transit call for projects may be issued in 2010.***



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## **Chapter 5 - Metrolink Gateways (Project T)**

### **Overview**

This Renewed Measure M project establishes a competitive program for local jurisdictions to convert Metrolink stations into regional gateways for enhanced operations related to high-speed rail service. Projects must meet specific criteria in order to compete for funding through this program. In addition, local agencies will be required to demonstrate the ability to fully fund operations on an ongoing basis using non-OCTA resources. Public-private partnerships<sup>1</sup> are encouraged but not required.

### **Objectives**

- Modify existing Metrolink stations to accommodate high speed rail service
- Expand multi-modal transit options for regional travel
- Deliver infrastructure in the initial phase of high speed rail implementation where feasible

### **Project Participation Categories**

Multi-modal transit facilities provide expanded transportation options for regional and long distance travel. These “hubs” provide a vital link in the mobility chain. Availability of viable stations is a critical consideration for high speed rail service implementation. Each host community has unique needs and expectations related to high-speed rail systems. Conditions will differ from one location to the next and projects pursued under this program have significant latitude in how they address the challenge of delivering supporting facilities for high speed rail services. The program categories listed below identify key project elements that can be pursued through the Project T funding source. Public-private partnerships and local funding sources may be used to leverage these elements.

- Station and passenger facilities necessary to support planned high-speed rail system<sup>2</sup>
- Parking structures related to expanded high-speed rail service
- Track improvements (e.g., track, switching, signal equipment)
- Traffic control enhancements for ingress/egress from public roadways
- Aesthetics limited to 10% of the Measure M funds (i.e., landscaping, non-standard lighting, on-site signage)
- On-site public art expenses limited to one percent of Measure M funds in order to improve the appearance and safety of the facility



- Off-site improvements cannot exceed 5% of Measure M funding request<sup>3</sup>
- Bond financing costs
- Construction Management (not to exceed 15% of construction cost)

Commercial facilities that are not transit related are not eligible for Measure M funds.

### **Eligibility Requirements**

Minimum eligibility and participation requirements must be considered before a project funding application should be submitted. Adherence to strict funding guidelines is required by the Ordinance. Additional standards have been established to provide assurance that M2 funds are spent in the most prudent, effective manner. There is no guarantee that funding will be approved during a particular call for projects. If no acceptable project is identified during a funding cycle, a subsequent call for projects will be scheduled at an appropriate time.

- Station must be identified in constrained or unconstrained chapters of the 2008 Regional Transportation Plan for the initial M2 funding cycle
- Agency must demonstrate sufficient funding for first five years of operation with financial plan outlining funding strategy for ongoing operations and maintenance (cannot include OCTA funding sources)
- Project applications must be for complete projects (environmental clearance through construction)
- Project application must meet minimum competitive score to be deemed eligible and “of merit” (as determined by OCTA Board of Directors)
- Capital improvements must adhere to public bidding requirements
- Complete applications must be approved by the applicant City Council prior to submittal to OCTA to demonstrate adequate community and elected official support for initial consideration
- Applicant must be eligible to receive Measure M funding (established on an annual basis) to participate in this program

### **Funding Estimates**

Funding will be provided on a pay-as-you go basis. The program will make an estimated \$174.9 million (nominal dollars) available during the initial 20 year period of the program (Fiscal Year 2011 through 2030). Funding for the remaining ten-year period of Renewed Measure M will not be programmed until a future call for projects is warranted. This approach provides a hedge against economic uncertainty and preserves funding for future system expansion.



## **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications. Emphasis is placed on projects with firm funding commitments and overall project readiness as shown on Table 5-1. In addition, projects will be evaluated based upon existing and future transit usage, intermodal connectivity, and community land use attributes. Although match funding is not required, projects that leverage M2 funds with at least 10% from other sources are encouraged and will be more competitive.

## **Application Process**

Project allocations are determined through a competitive application process. Local agencies seeking funding must complete a formal application and provide supporting documentation that will be used to fully evaluate the project proposal as outline below.

- Complete information application
- Provide funding/operations plan
- Allocations subject to Master funding agreement

A call for projects for the initial funding cycle is expected to be issued in January 2009 with applications due on February 20, 2009, or as determined by the OCTA Board of Directors. Complete project applications must be submitted by the established due date to be considered eligible for consideration.

The funding plan shall include, at a minimum, the following information:

- Financials (Funding needs, match funding availability, operations funding assurances, public-private partnership arrangements, bond financing projections)
- Project development and implementation schedule
- High speed rail ridership projections
- Any additional information deemed relevant by the applicant

Applications will be reviewed by the Authority for consistency, accuracy and concurrence. Once applications have been completed in accordance with the program requirements, the projects will be scored, ranked and submitted to the T2020 Committee and Board of Directors for consideration and funding approval.

The final approved application (including Financial Plan) will serve as the basis for any funding agreement required under the program.



## **Reimbursements**

This program is administered on a reimbursement basis for capital improvements, planning design, right of way acquisition, and related bond financing costs. Reimbursements will be disbursed upon review and approval of a complete expense report, performance report, and Consistent with master funding agreement.

## **Status Reports**

Projects selected for funding will be subject to submittal of an annual financial plan update in order to receive project reimbursement payments during the following fiscal year. The updated financial plan will be due as a supplement to the annual Measure M eligibility process (typically due on June 30<sup>th</sup>).

## **Project Cancellation**

Projects deemed infeasible during the planning process will be cancelled and further expenditures will be prohibited (except where necessitated to bring the current phase to a logical conclusion. Right of way acquired for projects which are cancelled prior to construction will require repayment to the contributing funding program(s) within a reasonable time as determined by the OCTA Board of Directors.

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.

## **Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board of Directors.

Proceeds from the sale of excess right of way acquired with program funding must be paid back to the project fund as described in the master funding agreement.



## **Application Guidelines**

Funding allocations provided through Renewed Measure M are determined through a competitive application process. Project selection is based upon merit utilizing a series of qualitative and quantitative criteria. Candidate projects are required to submit a financial plan with sufficient data to enable an adequate evaluation of the application. Each jurisdiction is provided broad latitude in formatting, content and approach. However, key elements described below must be clearly and concisely presented to enable timely and accurate assessment of the project.

## **Financial Details**

Each candidate project must include all phases through construction of facilities and implementation of service. The financial plan will include, at a minimum, the following information:

- Estimated project cost for each phase of development (planning, environmental, permitting, design, right of way acquisition, construction, and project oversight)
- Funding request for each phase of project implementation with match funding amounts and sources clearly identified
- Realistic project schedule for each project phase
- Demonstrated financial commitments for match funding and ongoing operations (through first six years of operation)
- Discussion of contingency planning for revenue shortfalls
- Revenue projections and methodology where on-site commercial activity or advertising revenue is expected to support implementation and/or operations costs
- Right of way status and strategy for acquisition
- Revenue sharing proposals (where applicable)

## **Technical Attributes**

The formal application must include feasibility and efficacy components to demonstrate transportation benefit to ensure the selected project(s) meet the spirit and intent of Renewed Measure M. Merit will be demonstrated through technical attributes and industry standard methodologies. The following site-specific data will be included and fully discussed in the application:

- Current employment estimates within five mile radius of project site (cite reference)



## ***Chapter 5 – Metrolink Gateways (Project T)***

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- Freeway lane miles with five mile radius of site (provided by OCTA upon request)
- Planned job density within 1,500' radius of project boundary based upon current General Plan
- Planned housing density within 1,500' radius of project boundary based upon current General Plan
- Daily transit boardings within five mile radius of project boundary (include rail and fixed route bus/shuttle)
- Daily transit boardings growth within five mile radius of project boundary with projection methodology fully presented for opening day operations
- Description of all transit modes serviced by the site at time of application
- Discussion of new transit modes (including high speed rail) served by the site as a result of proposed project (opening day)
- Service coordination plan (how will proposed project facilitate transfer between transit services?)

### **Other Application Materials**

Supporting documentation will be required to fully consider each project application. In addition to the funding plan described above, local agencies will be required to submit the following materials:

Council Resolution: A Council Resolution authorizing request for funding consideration with a commitment of project match funding (local sources) and operating funds as shown in the funding plan.

Lease/Cost Sharing Agreements: Copies of leases, cost sharing (match funding), and/or land dedication documents. Confidential agreements may be included by reference when accompanied by affidavit from City Treasurer or Finance Director.

Project Documentation: If proposed project has completed initial planning activities (such as PSR or equivalent, EIR, or design), evidence of approval should be included with the application. Satisfactory evidence includes project approval signature page, engineer-stamped site plan, or other summary information to demonstrate completion or planning phases. The applicant will be asked for detailed information only if necessary to adequately evaluate the project application.

<sup>1</sup> Public-private partnerships are defined as direct financial contributions or right of way dedications for eligible program activities.

<sup>2</sup> Program should not build retail or other leasable space. Mixed Use and TOD elements will be the responsibility of others.

<sup>3</sup> "Off-site" improvements adjacent to the project site such as monumentation, traffic control, etc.

TABLE 5-1

Project T Selection Criteria for Eligible Agencies and Projects

**Financial Commitment (30 points)**

<b>Total Project Cost (information only)</b>	
\$ (capital)	(No Points)
<b>Percent of M2 for capital</b>	
50% or less	16 points
51% to 65%	12 points
66% to 80%	8 points
81% to 90%	4 points
<b>Level of commitment from private partners</b>	
Investment agreement (binding)	8 points
Commitment letters	2 points
<b>OCTA concurrence with financial assumptions/analysis</b>	
Yes	6 points
No	0 points

**Transit Usage (20 points)**

<b>Existing transit boardings (within 5 miles)</b>	
>75,000 a day	4 points
50,000 to 75,000 a day	3 points
25,000 to 49,000 a day	2 points
<25,000 a day	1 point
<b>Transit boardings growth (within 5 miles)</b>	
>20,000 daily increase	8 points
15,000 to 20,000 daily increase	6 points
10,000 to 14,900 daily increase	4 points
<10,000 daily increase	2 points
<b>Consistent ridership projections</b>	
100% to 110% of OCTAM*	
111% to 120% of OCTAM	
121% to 140% of OCTAM	
*Projections below OCTAM get 8 points	

**Readiness (20 points)**

<b>High-speed rail system status</b>	
In constrained 2008 RTP	10 points
Added in unconstrained RTP	2 points
<b>Land acquired for total project</b>	
Yes	5 points
No	0 points
<b>Project design status</b>	
Design complete	5 points
Environmental complete	3 points
PSR equivalent complete	1 point

**Intermodal Connections (18 points)**

<b>Number of current transit modes provided</b>	
>6	5 points
4 to 6	3 points
<4	1 point
<b>Future increase in the number of transit modes</b>	
>5 added	10 points
3 to 5 added	6 points
<3 added	2 points
<b>OCTA concurrence with intermodal analysis</b>	
Yes	3 points
No	0 points

**Regional Markets / Land Use (12 points)**

<b>Adjacent freeway lane miles (within five miles)</b>	
>500 lane miles	3 points
400 to 500 lane miles	2 points
<400 lane miles	1 point
<b>Current employment (within 5 miles)</b>	
>350,000	3 points
200,000 to 350,000	2 points
<200,000	1 point
<b>Planned job density within 1,500 feet</b>	
>2.0 avg. floor area ratio	3 points
1.5 to 2.0 avg. floor area ratio	2 points
<1.5 avg. floor area ratio	1 point
<b>Planned housing density within 1,500 feet</b>	
>35 dwelling units/acre	
20 to 35 dwelling units/acre	
<20 dwelling units/acre	

\* OCTAM - Orange County Transportation Analysis Model



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## **Chapter 6 – Community Based Transit/Circulators (Project V)**

### **Overview**

This Renewed Measure M project establishes a competitive program for local jurisdictions to develop local bus transit services such as community based circulators, shuttles and bus trolleys that complement regional bus and rail services, and meet needs in areas not adequately served by regional transit.

***Program funding guidelines and project selection criteria are being developed. A transit call for projects may be issued in 2010.***



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## **Chapter 7 – Regional Capacity Program**

### **Introduction**

The Regional Capacity Program (RCP) is a competitive program that will provide more than \$1 billion over a thirty year period. The RCP replaces the current Measure M Local and Regional streets and roads competitive programs.

The Master Plan of Arterial Highways (MPAH) serves as the backbone of Orange County's arterial street network. Improvements to the network are required to meet existing needs and address future demand. The RCP is made up of four (4) individual program categories which provide improvements to the network:

- The Arterial Capacity Enhancements (ACE) improvement category complements freeway improvement initiatives underway and supplements development mitigation opportunities on arterials throughout the MPAH. This RCP component closely resembles the MPAH program from the original Measure M.
- The Intersection Capacity Enhancements (ICE) improvement category provides funding for operational and capacity improvements at intersecting MPAH roadways. This RCP component closely resembles the IIP from the original Measure M.
- The Freeway Arterial/Streets Transition (FAST) focuses upon street to freeway interchanges. This RCP component is similar to RIP from original Measure M and includes added emphasis upon arterial transitions to interchanges.
- The Rail Grade Separation Program (RGSP) addresses vehicle delays and safety issues related to at-grade rail crossings.

Projects in the arterial, intersection and interchange improvement categories are selected on a competitive basis. All projects must meet specific criteria in order to compete for funding through this program.

The RGSP category is a competitive program. However, seven (7) Trade Corridors Improvement Fund (TCIF) projects identified by the CTC are slated to receive funding first, with \$160 million in local funding currently allocated from Renewed Measure M. Future calls for projects for grade separations are not anticipated in the near term but may be introduced during future funding cycles of Renewed Measure M.



## **Section 7.1 – Arterial Capacity Enhancements (ACE)**

### **Overview**

The Master Plan of Arterial Highways (MPAH) serves as the backbone of Orange County's arterial street network. Improvements to the network are required to meet existing needs and address future demand. The Arterial Capacity Enhancements (ACE) improvement category complements freeway improvement initiatives underway and supplements development mitigation opportunities.

Projects in the arterial capacity enhancement (ACE) improvement category are selected on a competitive basis. Projects must meet specific criteria in order to compete for funding through this program.

### **Objectives**

- Complete MPAH network through gap closures and construction of missing segments
- Relieve congestion by providing additional roadway capacity where needed
- Provide timely investment of Renewed Measure M Revenues

### **Project Participation Categories**

The ACE category provides capital improvement funding (including planning, design, right of acquisition and construction) for capacity enhancements on the MPAH for the following:

- Gap closures – widen MPAH roadway for full width where bottleneck exists
- Roadway widening where additional capacity is needed
- New roads / extension of existing MPAH facility

### **Eligible Activities**

- Planning, environmental clearance
- Design
- Right of way acquisition
- Construction (including curb-to-curb, landscaping, lighting, drainage, etc.)

### **Potentially Eligible Items**

- Direct environmental mitigation



## ***Chapter 7 – Regional Capacity Program***

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- Storm drains/catch basins
- Sound walls (in conjunction with roadway improvement mitigation measures)
- Aesthetic improvements including landscaping (up to 25% of construction costs)
- ITS infrastructure (advance placement in anticipation of future project)
- Rehabilitation and/or resurfacing of existing pavement when necessitated by proposed improvement (such as change in profile and cross section)

Environmental mitigation will be allowed only as required for the proposed roadway improvement, and only as contained in the environmental document. Program participation in environmental mitigation shall not exceed 50 percent of the total eligible construction costs.

Longitudinal storm drains are eligible for program participation when, in the opinion of the TAC, the storm drain is an incidental part (cost is less than 50 percent of the total eligible improvement cost) of an eligible improvement. Program participation shall not exceed 25 percent of the cost of storm drain longitudinal/parallel and main lines. Storm drain inlets, connectors, laterals and cross culverts shall have full participation in ACE Program funding.

Soundwalls are eligible only if they are required as part of the environmental mitigation for the proposed project. Aesthetic enhancements and landscaping in excess of minimum environmental mitigation requirements are subject to limitations described in this section above.

### **Ineligible Expenditures**

Items that are not eligible under the ACE Program are:

- Rehabilitation (unless performed as component of capacity enhancement program)
- Reconstruction (unless performed as component of capacity enhancement project)
- Grade Separation Projects

### **Funding Estimates**

Funding will be provided on a pay-as-you go basis. The RCP will make an estimated \$1.1 billion (in 2005 dollars) available during the 30-year Renewed Measure M program. Programming estimates are developed in conjunction with periodic calls for projects. Funding is shared with intersection, interchange and grade separation improvement categories. No predetermined funding set aside has been established for street widening.



## **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications. Emphasis is placed on existing usage, proposed VMT, level of services benefits, match funding and overall facility importance. Technical categories and point values are shown on Tables 7-1 and 7-2. Data sources and methodology are described below.

Existing ADT: Current 24-hour traffic counts or OCTA Traffic Flow Map data for proposed segment. “Current” counts are defined as those taken for a typical mid-week period. New facilities will be modeled through OCTAM and requests should be submitted to OCTA with sufficient time to generate report prior to submittal of application.

Vehicle Miles Travelled (VMT): Centerline length of segment proposed for improvement multiplied by the existing ADT for the proposed segment length.

Current Project Readiness: This category is additive. Points are earned for each satisfied readiness stage at the time applications are submitted. Right of Way (All easements and titles) applies where no ROW is needed for the project or where all ROW has been acquired/dedicated). Right of Way (all offers issued) applies where offers have been made for every parcel where acquisition is required and/or offers of dedication have been received by the jurisdiction. Final Design (PS&E) applies where the jurisdiction’s City engineer or other authorized person has approved the final design. Preliminary design (35% level) will require certification from the City engineer and is subject to verification. Environmental Approvals applies where all environmental clearances have been obtained on the project.

Cost Benefit: Total project cost (including unfunded phases) divided by the existing ADT (or modeled ADT for new segments).

Funding Over-Match: The percentages shown apply to match rates above a jurisdiction’s minimum match requirement. Renewed Measure M requires a 50% local match for RCP projects. This minimum match can be reduced by up to 25 percentage points if certain eligible components are met. If a jurisdiction’s minimum match target is 30% and a local match of 45% is pledged, points are earned for the 15% over-match.

Transportation Significance: Roadway classification as shown in the current Master Plan of Arterial Highways (MPAH).

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MPAH Needs Assessment Category: Segment designation as shown in the Regional Capacity Program Assessment study.

Operational Efficiencies: This category is additive. Each category, except Active Transit Routes, must be a new feature added as a part of the proposed project.

- Pedestrian Facilities: Placement of a new sidewalk where none currently exists along entire segment of proposed project.
- Meets MPAH configuration: Improvement of roadway to full MPAH standard for the segment classification.
- Active Transit Route(s): Segments served by fixed route public transit service.
- Bus Turnouts: Construction of bus turnouts.
- Bike Lanes: Installation of new bike lanes (Class I or II)
- Median (Raised): Installation of a mid-block raised median where none exists today. Can be provided in conjunction with meeting MPAH standards.
- Remove On-street Parking: Elimination of on-street parking in conjunction with roadway widening project. Can be provided in conjunction with meeting MPAH standards and installation of new bike lanes.
- Other (Golf cart paths in conformance with California Vehicle Code and which are rare demonstrated to remove vehicle trips from roadway).

Improvement Characteristics: Select one characteristic which best describes the project:

- Gap Closures: Elimination of an existing bottleneck.
- New Facility/Extensions: Construction of new roadways.
- Bridge crossing: Widening of bridge crossing within the project limits.
- Adds capacity: Addition of through traffic lanes.
- Improves traffic flow: Installation of a median, restricting cross street traffic, adding midblock turn lanes, or elimination of driveways.

Level of Service (LOS) Improvement: This category is a product of the existing LOS based upon volume/capacity– or v/c -- and LOS improvement “with project”. **Projects must meet a minimum existing LOS of “D” (.80 v/c) to qualify for funding.**

### **Application Process**

Project allocations are determined through a competitive application process. Local agencies seeking funding must complete a formal application and provide supporting documentation that will be used to evaluate the project proposal as outline below. Detailed instructions and checklists are provided in [Chapter XX].

- Complete application



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- Funding needs by phase and fiscal year
- Match funding Source
- Supporting technical information
- Project development and implementation schedule
- Right of way status and strategy for acquisition
- Any additional information deemed relevant by the applicant
- Allocations subject to Master funding agreement

A call for projects for the initial funding cycle is expected to be issued in fall 2009 with project selection in spring 2010, or as determined by the OCTA Board of Directors. Complete project applications must be submitted by the established due date to be considered eligible for consideration.

Applications will be reviewed by the Authority for consistency, accuracy and concurrence. Once applications have been completed in accordance with the program requirements, the projects will be scored, ranked and submitted to the TSC, TAC and Board of Directors for consideration and funding approval.

### **Minimum Eligibility Requirements**

Projects must have an existing LOS “D” or worse qualify for funding in this program. New facilities will be considered where the project results in a positive overall LOS reduction in traffic on parallel existing facilities based upon OCTAM.

All project roadways must be identified on the MPAH network. Local streets not shown on the MPAH are not eligible for funding through this program.

### **Matching Funds**

Local agencies are required to provide match funding for each phase of the project. As prescribed by Ordinance No. 3, the minimum local match requirement is 50% with potential to reduce this amount if certain eligibility requirements are met.

### **Other Application Materials**

Supporting documentation will be required to fully consider each project application. In addition to the funding plan described above, local agencies will be required to submit the following materials:



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**Council Approval:** A Council Resolution or Minute Order action authorizing request for funding consideration with a commitment of project match funding (local sources) must be provided with the project application.

**Project Documentation:** If proposed project has completed initial planning activities (such as PSR or equivalent, EIR, or design), evidence of approval should be included with the application. Satisfactory evidence includes project approval signature page, engineer-stamped site plan, or other summary information to demonstrate completion or planning phases. The applicant will be asked for detailed information only if necessary to adequately evaluate the project application.

### **Reimbursements**

This program is administered on a reimbursement basis for capital improvements, planning, design, and right of way acquisition. Reimbursements will be disbursed upon review and approval of a complete initial payment submittal, final report and consistency with Master Funding Agreement.

### **Project Cancellation**

Projects deemed infeasible during the planning phase will be cancelled and further expenditures will be prohibited (except where necessary to conclude the current phase). Right of way acquired for projects that are cancelled prior to construction will require repayment to the contributing funding program(s) within a reasonable time as determined by the OCTA Board of Directors.

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.

### **Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation, which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board of Directors.



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Proceeds from the sale of excess right of way acquired with program funding must be paid back to the project fund as described in Chapter 10 and the Master Funding Agreement.

**TABLE 7-1**  
**Regional Capacity Program**  
**Street Widening**

	Category	Points Possible	Percentage	
<b><i>Facility Usage</i></b>				<b>25%</b>
	Existing ADT	10	10%	
	Existing VMT	10	10%	
	Current Project Readiness	5	5%	
<b><i>Economic Effectiveness</i></b>				<b>20%</b>
	Cost Benefit	15	15%	
	Funding Over-Match	5	5%	
<b><i>Facility Importance</i></b>				<b>20%</b>
	Transportation Significance	5	5%	
	MPAH Assessment Category	10	10%	
	Operational Efficiency	5	5%	
<b><i>Benefit</i></b>				<b>35%</b>
	Improvement Characteristics	10	10%	
	Level of Improvement and Service	25	25%	
<b>TOTAL</b>		<b>100</b>	<b>100%</b>	



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**TABLE 7-2**

**Point Breakdown for Widening Projects  
Maximum Points = 100**

<b>Facility Usage</b>		<b>Points: 25</b>	<b>Facility Importance</b>		<b>Points: 20</b>
Existing ADT			Transportation Significance		
<u>Range</u>		<u>Points</u>	<u>Range</u>		<u>Points</u>
40+	thousand	10	Principal or CMP Route		5
35 - 39	thousand	8	Major		4
30 - 34	thousand	6	Primary		3
25 - 29	thousand	5	Secondary		2
20 - 24	thousand	4	Collector		1
15 - 19	thousand	3			
10-14	thousand	2	MPAH Assessment Category		
5 - 9	thousand	1	<u>Range</u>		<u>Points</u>
<5	thousand	0	Category 1		10
			Category 2		8
			Category 3		6
			Category 4		4
			Category 5		2
VMT			Operational Efficiencies	Maximum 5 points	
<u>Range</u>		<u>Points</u>	Characteristics (i.e.)		<u>Points</u>
22+	thousand	10	Pedestrian Facilities (New)		3
18 - 21	thousand	8	Meets MPAH Configs.		3
14 - 17	thousand	6	Active Transit Route(s)		2
11 - 13	thousand	5	Bus Turnouts		2
8 - 10	thousand	4	Bike Lanes (New)		2
5 - 7	thousand	3	Median (Raised)		2
3 - 4	thousand	2	Remove On-Street Parking		1
1.5 - 2	thousand	1	Other		2
<1,500	thousand	0			
Current Project Readiness		Max Points: 5	<b>Benefit:</b>		<b>Points: 35</b>
<u>Range</u>		<u>Points</u>	Improvement Characteristics		<u>Points</u>
Right Of Way (All easement and titles)		3	Gap Closure		10
Right Of Way (All offers issued)		1	New Facility/Extension		8
Final Design (PS&E)		1	Bridge Crossing		8
Preliminary Design (35%)		1	Adds Capacity		6
Environmental Approvals		1	Improves Traffic Flow		2
			LOS Improvement	Max Points: 25	
Points are additive, ROW limited to highest qualifying designation			Calculation: LOS Imp x LOS Starting Pt.		
<b>Economic Effectiveness</b>		<b>Points: 20</b>	Existing LOS Starting Point		
Cost Benefit (Total \$/ADT)			<u>Range</u>		<u>Points</u>
<u>Range*</u>		<u>Points</u>	1.05+		5
<25		15	1.00 - 1.04		4
25-49		13	.95 - .99		3
50 - 74		11	.90 - .94		2
75 - 99		9	.80-.89		1
100 - 149		7			
150 - 199		5	LOS Improvement W/Project (exist. volume)		
200 - 249		4	<u>Range</u>		<u>Points</u>
250 - 299		3	.20+		5
300 - 349		2	.16-.19		4
350+		1	.1- .15		3
Funding Over-Match (local match/project cost) minus minimum local match requirement			.05 - .09		2
<u>Range*</u>		<u>Points</u>	<.05		1
30+ %		5			
25-29 %		4			
20 - 24 %		3			
15 - 19 %		2			
10 - 14 %		1			
0-9 %		0			
*Range refers to % points above agency minimum requirement					



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## **Section 7.2 – Intersection Capacity Enhancements (ICE)**

### **Overview**

The Master Plan of Arterial Highways (MPAH) serves as the backbone of Orange County's arterial street network. Intersections at each intersecting MPAH arterial throughout the County will continue to require improvements to mitigate current and future needs. The Intersection Capacity Enhancements (ICE) improvement category complements roadway improvement initiatives underway and supplements development mitigation opportunities.

Projects in the ICE improvement category are selected on a competitive basis. Projects must meet specific criteria in order to compete for funding through this program.

For the purposes of the ICE improvement category, the limits of an intersection shall be defined as the area that includes all necessary (or planned) through lanes, turn pockets, and associated transitions required for the intersection. Project limits of up to 600 feet for each intersection leg is recommended.

### **Objectives**

- Improve MPAH network capacity and throughput along MPAH facilities
- Relieve congestion at MPAH intersections by providing additional turn and through lane capacity
- Improve connectivity between neighboring jurisdiction by increasing throughput
- Provide timely investment of Renewed Measure M Revenues

### **Project Participation Categories**

The ICE category provides capital improvement funding (including planning, design, right of acquisition and construction) for intersection improvements on the MPAH network for the following:

- Intersection widening – constructing additional through lanes and turn lanes, extending turn lanes where appropriate, signal equipment
- Street to street grade separation projects

### **Eligible Activities**

- Planning, environmental clearance
- Design (plans, specifications, and estimates)



- Right of way acquisition
- Construction (including bus turnouts, curb ramps, median, and striping)

### **Potentially Eligible Items**

- Storm drains/catch basins
- Landscaping and other aesthetic enhancements (limited to 25% of construction cost)
- Signal equipment (as incidental component of program)

Environmental mitigation will be allowed only as required for the proposed roadway improvement, and only as contained in the environmental document. Program participation in environmental mitigation shall not exceed 50 percent of the total eligible project costs.

Longitudinal storm drains are eligible for program participation when, in the opinion of the TAC, the storm drain is an incidental part (cost is less than 50 percent of the total eligible improvement cost) of an eligible improvement. Program participation shall not exceed 25 percent of the cost of storm drain longitudinal/parallel and main lines. Storm drain inlets, connectors, laterals and cross culverts shall have full participation in ICE improvement category funding.

Soundwalls are eligible only if they are required as part of the environmental clearance for the proposed project. Program participation for soundwalls shall not exceed 50 percent of the total eligible project costs.

### **Funding Estimates**

Funding will be provided on a pay-as-you go basis. The RCP will make an estimated \$1.1 billion available (in 2005 dollars) during the 30-year Renewed Measure M program. Programming estimates are developed in conjunction with periodic calls for projects. Funding is shared with road widening, interchange and grade separation improvement categories. No predetermined funding set aside has been established for intersection improvements.

### **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications. Emphasis is placed on existing usage, level of services benefits, match funding and overall facility importance. Technical categories and point values are shown on Tables 7-3 and 7-4. Data sources and methodology are described below.



Average Daily Traffic (ADT): Sum of the Average ADT from current traffic count or OCTA Traffic Flow Map for each arterial. Average ADT for the east and west legs of the intersection will be added to the average ADT for the north and south legs.

Current Project Readiness: This category is additive. Points are earned for each satisfied readiness stage at the time applications are submitted. Right of Way (All easements and titles) applies where no ROW is needed for the project or where all ROW has been acquired/dedicated). Right of Way (all offers issued) applies where offers have been made for every parcel where acquisition is required and/or offers of dedication have been received by the jurisdiction. Final Design (PS&E) applies where the jurisdiction's City engineer or other authorized person has approved the final design. Preliminary design (35% level) will require certification from the City engineer and is subject to verification. Environmental Approvals applies where all environmental clearances have been obtained on the project.

Cost Benefit: Total project cost (included unfunded phases) divided by the existing ADT (or modeled ADT for new segments).

Funding Over-Match: The percentages shown apply to match rates above a jurisdiction's minimum match requirement. Renewed Measure M requires a 50% local match for RCP projects. This minimum match can be reduced by up to 25 percentage points if certain eligible components are met. If a jurisdiction's minimum match target is 30% and a local match of 45% is pledged, points are earned for the 15% over-match.

Coordination with Contiguous project: Projects that complement a proposed arterial improvement application with a similar implementation schedule earn points in this category.

Transportation Significance: Roadway classification as shown in the current Master Plan of Arterial Highways (MPAH).

MPAH Needs Assessment Category: Segment designation as shown in the Regional Capacity Program Assessment study.

Operational Efficiencies: This category is additive. Each category must be a new feature added as a part of the proposed project.

- Bike Lanes/Bus Turnouts: Extension of bike lanes (Class I or II) through intersection or construction of a bus turnout as a new feature.
- Lowers density: Addition of through travel lanes.
- Channels traffic: Addition and/or extension of turn pockets.



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- Pedestrian Facilities: Placement of a new sidewalk if none currently exists
- Grade separations: Street to street grade separations and do not apply to rail grade separation projects which are covered by a separation program category.

Level of Service (LOS) Improvement: This category is a product of the existing ICU score and the LOS improvement score. **Projects must meet a minimum existing peak hour LOS of “D” (.80 ICU) or worse to qualify for funding.**

### **Application Process**

Project allocations are determined through a competitive application process. Local agencies seeking funding must complete a formal application and provide supporting documentation that will be used to evaluate the project proposal as outline below.

- Complete application
  - Funding needs by phase and fiscal year
  - Match funding Source
  - Supporting technical information
  - Project development and implementation schedule
  - Right of way status and strategy for acquisition
  - Any additional information deemed relevant by the applicant
- Allocations subject to Master funding agreement

A call for projects for the initial funding cycle is expected to be issued in fall 2009 with project selection in spring 2010, or as determined by the OCTA Board of Directors. Complete project applications must be submitted by the established due date to be considered eligible for consideration.

Applications will be reviewed by the Authority for consistency, accuracy and concurrence. Once applications have been completed in accordance with the program requirements, the projects will be scored, ranked and submitted to the TSC, TAC and Board of Directors for consideration and funding approval.

### **Minimum Eligibility Requirements**

Projects must have a minimum peak hour LOS “D” or worse. Worst peak hour period is used for this evaluation and eligibility purposes.

All project roadways must be identified on the MPAH network. Local streets not shown on the MPAH are not eligible for funding through this program.



## **Matching Funds**

Local agencies are required to provide match funding for each phase of the project. As prescribed by Ordinance No. 3, the minimum local match requirement is 50% with potential to reduce this amount if certain eligibility requirements are met.

## **Other Application Materials**

Supporting documentation will be required to fully consider each project application. In addition to the funding plan described above, local agencies will be required to submit the following materials:

Council Approval: A Council Resolution or Minute Order action authorizing request for funding consideration with a commitment of project match funding (local sources) must be provided with the project application.

Project Documentation: If proposed project has completed initial planning activities (such as PSR or equivalent, EIR, or design), evidence of approval should be included with the application. Satisfactory evidence includes project approval signature page, engineer-stamped site plan, or other summary information to demonstrate completion or planning phases. The applicant will be asked for detailed information only if necessary to adequately evaluate the project application.

## **Reimbursements**

This program is administered on a reimbursement basis for capital improvements, planning, design, and right of way acquisition. Reimbursements will be disbursed upon review and approval of a complete initial payment submittal, final report and consistency with Master Funding Agreement.

## **Project Cancellation**

Projects deemed infeasible during the planning phase will be cancelled and further expenditures will be prohibited except where necessary to bring the current phase to a logical conclusion. Right of way acquired for projects which are cancelled prior to construction will require repayment to the contributing funding program(s) within a reasonable time as determined by the OCTA Board of Directors.

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.



**Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board of Directors.

Proceeds from the sale of excess right of way acquired with program funding must be paid back to the project fund as described in Chapter 10 and the Master Funding Agreement.

**TABLE 7-3**  
**Regional Capacity Program**  
**Intersection Improvement**

	<b>Category</b>	<b>Points Possible</b>	<b>Percentage</b>	
<b><i>Facility Usage</i></b>	Existing ADT	15	15%	<b>20%</b>
	Current Project Readiness	5	5%	
<b><i>Economic Effectiveness</i></b>	Cost Benefit	15	15%	<b>25%</b>
	Funding Over-Match	5	5%	
	Coordination with Contiguous Project	5	5%	
<b><i>Facility Importance</i></b>	Transportation Significance	5	5%	<b>25%</b>
	MPAH Assessment Category	10	10%	
	Operational Efficiency	10	10%	
<b><i>Benefit</i></b>	LOS Improvement	30	30%	<b>30%</b>
<b>TOTAL</b>		<b>100</b>	<b>100%</b>	



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**TABLE 7-4**  
**Point Breakdown for Intersection Capacity Enhancements**  
**Maximum Points = 100**

<b>Facility Usage</b>	<b>Points: 20</b>	<b>Facility Importance</b>	<b>Points: 25</b>
ADT		Transportation Significance	
<u>Range*</u>	<u>Points</u>	<u>Range</u>	<u>Points</u>
60+ thousand	15	Principal	5
55 - 59 thousand	13	Major	4
50 - 54 thousand	11	Primary	3
45 - 49 thousand	9	Secondary	2
40 - 44 thousand	7	Collector	1
35 - 39 thousand	5		
30 - 34 thousand	3	MPAH Assessment Category	
25 - 29 thousand	1	<u>Range</u>	<u>Points</u>
* Sum of AVG ADT for all four legs based upon OCTA Traffic Flow Map		Category 1	10
		Category 2	8
		Category 3	6
		Category 4	4
		Category 5	2
Current Project Readiness	Max Points: 5		
<u>Range*</u>	<u>Points</u>	Operational Efficiencies	
Right Of Way (All easement and titles)	4	<u>Characteristics (i.e.)</u>	<u>Points</u>
Right Of Way (All offers issued)	2	Bike lanes/bus turnouts	4
Final Design (PS&E)	1	Lowers density	3
Preliminary Design (35%)	1	Channels traffic	3
Environmental Approvals	1	Ped. facilities (new)	4
		Grade separations	10
Points are additive, ROW limited to highest qualifying designation		*contains a combination of the above	

**Economic Effectiveness** **Points: 25**

Cost Benefit (Total \$/user)	
<u>Range*</u>	<u>Points</u>
<10	15
11-20	12
21-30	9
31-50	7
51-75	5
76-100	3
>100	1
* = total cost / average ADT	
Funding Over-Match (local match/project cost)	
<u>Range</u>	<u>Points</u>
30+ %	5
25-29 %	4
20-24 %	3
15-19 %	2
10-14 %	1
0-9 %	0
Coordination with Contiguous Project	
<u>Range</u>	<u>Points</u>
yes	5
no	0

Coordination based upon similar project schedule

**Benefit:** **Points: 30**

LOS Improvement	Max Points: 30
Calculation: LOS Imp x LOS Starting Pt.	
Existing LOS (Peak Hour)	
<u>Range</u>	<u>Points</u>
1.05+	6
1.00 - 1.04	5
.95 - .99	4
.90 - .94	3
.85-.89	2
.80 - .84	1
LOS Reduction W/Project (exist. volume)	
<u>Range</u>	<u>Points</u>
.20+	5
.16-.19	4
.1-.15	3
.05-.09	2
<.05	1



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## **Section 7.3 – Freeway Arterial/Streets Transitions (FAST)**

### **Overview**

The Master Plan of Arterial Highways (MPAH) serves as the backbone of Orange County's arterial street network. Current and future needs at existing interchanges along MPAH highways and freeways will need to be addressed in order to improve connectivity between freeways and MPAH arterials. The interchange improvement program complements roadway improvement initiatives underway as well and supplements development mitigation opportunities.

Projects in the freeway/arterial street transitions (FAST) improvement category are selected on a competitive basis. Projects must meet specific criteria in order to compete for funding through this program.

### **Objectives**

- Improve transition to and from Orange County freeways
- Provide timely investment of Renewed Measure M Revenues

### **Project Participation Categories**

The FAST category provides capital improvement funding (including planning, design, right of way acquisition and construction) for interchange improvements on the MPAH network for the following:

- MPAH facility interchange connections to Orange County freeways (including on-ramp, off-ramp and arterial improvements)

### **Eligible Activities**

- Planning, environmental clearance
- Design
- Right of way acquisition
- Construction (including ramps, intersection and structural improvements/reconstruction incidental to project)
- Signal equipment (as incidental component of program)

### **Potentially Eligible Items**

- Landscaping and other aesthetic enhancements limited to 10% of project cost



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- Auxiliary lanes if necessitated by interchange improvements
- Soundwalls as mitigation for project

Environmental mitigation will be allowed only as required for the proposed roadway improvement, and only as contained in the environmental document. Program participation in environmental mitigation shall not exceed 50 percent of the total eligible project costs.

Longitudinal storm drains are eligible for program participation when, in the opinion of the TAC, the storm drain is an incidental part (cost is less than 50 percent of the total eligible improvement cost) of an eligible improvement. Program participation shall not exceed 25 percent of the cost of storm drain longitudinal/parallel and main lines. Storm drain inlets, connectors, laterals and cross culverts shall have full participation in FAST improvement category funding.

Soundwalls are eligible only if they are required as part of the environmental clearance for the proposed project. Program participation for soundwalls shall not exceed 50 percent of the total eligible project costs.

### **Ineligible Projects**

- Seismic retrofit projects (unless combined with eligible capacity enhancements)

### **Funding Estimates**

Funding will be provided on a pay-as-you go basis. The RCP will make an estimated \$1.1 billion available (in 2005 dollars) during the 30-year Renewed Measure M program. Programming estimates are developed in conjunction with periodic calls for projects. Funding is shared with road widening, intersection and grade separation improvement categories. No predetermined funding set aside has been established for interchange improvements.

### **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications. Emphasis is placed on existing usage, level of services benefits, match funding and overall facility importance. Technical categories and point values are shown on Tables 7-5 and 7-6. Data sources and methodology are described below.

Existing ADT: Current 24-hour traffic counts or OCTA Traffic Flow Map data for proposed arterial segment. "Current" counts are defined as those taken for a typical



mid-week period. Arterial ADT is added to exit ramp volume. Average ramp intersection volume for each interchange ramp will be used. New facilities will rely on projected ramp volume based upon Caltrans approved projection.

Current Project Readiness: This category is additive. Points are earned for each satisfied readiness stage at the time applications are submitted. Right of Way (All easements and titles) applies where no ROW is needed for the project or where all ROW has been acquired/dedicated). Right of Way (all offers issued) applies where offers have been made for every parcel where acquisition is required and/or offers of dedication have been received by the jurisdiction. Final Design (PS&E) applies where the jurisdiction's City engineer or other authorized person has approved the final design. Preliminary design (35% level) will require certification from the City engineer and is subject to verification. Project Approvals/Environmental Documentation (PA/ED) applies where a Project Report-level analysis has been completed and environmental approvals have been attained.

Cost Benefit: Total project cost (including unfunded phases) divided by the existing ADT (or modeled ADT for new segments).

Funding Over-Match: The percentages shown apply to match rates above a jurisdiction's minimum match requirement. Renewed Measure M requires a 50% local match for RCP projects. This minimum match can be reduced by up to 25 percentage points if certain eligible components are met. If a jurisdiction's minimum match target is 30% and a local match of 45% is pledged, points are earned for the 15% over-match.

Coordination with Freeway Project: Interchanges planned to coincide with or accommodate planned freeway improvements receive points in this category.

Transportation Significance: Roadway classification as shown in the current Master Plan of Arterial Highways (MPAH).

MPAH Needs Assessment Category: Segment designation as shown in the Regional Capacity Program Assessment study.

Operational Efficiencies: This category is additive. Each category, except Active Transit Routes, must be a new feature added as a part of the proposed project.

- Eliminate left turn conflicts: Ramp intersection reconfiguration which does not permit left turns onto ramps.
- Coordinated signal: Ramp intersections within a coordinated corridor where coordination did not previously exist.
- Add turn lanes: Increase in number of turn lanes on arterial.



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- Add traffic control: Signalization of ramp intersection.
- Enhanced ramp storage: Extension or widening of existing ramp to improvement off-street storage capacity.
- Pedestrian facilities: Add crosswalk and or sidewalk to ramp or bridge crossing within context of interchange improvements.

**Level of Service (LOS) Improvement:** This category is a product of the existing LOS based upon volume/capacity – or v/c -- and LOS improvement “with project”. **Projects must meet a minimum existing LOS of “D” (.80 v/c) to qualify for funding.**

Improvement Characteristics: Select the attribute that best fits your project definition.

- New facility: New interchange where none exists.
- Partial facility: New interchange which does not provide full access.
- Interchange reconstruction: improvement of existing interchange to provide additional arterial capacity (widening of overcrossing or undercrossing).
- Ramp reconfiguration: Widening of ramp or arterial to improve turning movements or other operational efficiencies.
- Ramp metering: Installation of metering on ramp.

### **Application Process**

Project allocations are determined through a competitive application process. Local agencies seeking funding must complete a formal application and provide supporting documentation that will be used to evaluate the project proposal as outline below.

- Complete application
  - Funding needs by phase and fiscal year
  - Match funding Source
  - Supporting technical information
  - Project development and implementation schedule
  - Right of way status and strategy for acquisition
  - Any additional information deemed relevant by the applicant
- Allocations subject to Master funding agreement

A call for projects for the initial funding cycle is expected to be issued in fall 2009 with project selection in spring 2010, or as determined by the OCTA Board of Directors. Complete project applications must be submitted by the established due date to be considered eligible for consideration.

Applications will be reviewed by the Authority for consistency, accuracy and concurrence. Once applications have been completed in accordance with the program



requirements, the projects will be scored, ranked and submitted to the TSC, TAC and Board of Directors for consideration and funding approval.

### **Minimum Eligibility Requirements**

Projects must have a minimum peak hour LOS “D” or worse. Worst peak hour period is used for this evaluation and eligibility purposes.

Caltrans is not eligible to submit applications or receive payment under this program. Only cities or the County may submit applications and receive funds. This program was designed to benefit local jurisdictions. However, the Orange County Transportation Authority wants to ensure that Caltrans facilities are not negatively affected.

### **Matching Funds**

Local agencies are required to provide match funding for each phase of the project. As prescribed by Ordinance No. 3, a 50% minimum match is required. A lower local match may be permitted if certain eligibility criteria are met.

### **Reimbursements**

This program is administered on a reimbursement basis for capital improvements, planning, design, and right of way acquisition. Reimbursements will be disbursed upon review and approval of a complete initial payment submittal, final report and consistency with Master Funding Agreement.

### **Caltrans Coordination**

Coordination with Caltrans will be essential for most, if not all, of the projects submitted for this program. Agencies should therefore establish contacts at Caltrans District 12 Office (Project Development Branch) to ensure that candidate projects have been reviewed and approved by Caltrans. All other affected jurisdictions should be consulted as well.

**Agencies submitting projects for this program must have confirmation from Caltrans that the proposed improvement is consistent with other freeway improvements.**

Applications should be submitted so that interchange projects are done in conjunction with construction of other freeway improvements whenever possible. However, if the interchange project can be done in advance of the freeway project, verification and/or



supporting documentation must be submitted showing the interchange improvement has merit for advanced construction and that it will be compatible with the freeway design and operation. Additionally, the interchange improvements should take into account the ultimate freeway improvements if the interchange is to be improved in advance.

### **Project Cancellation**

Projects deemed infeasible during the planning phase will be cancelled and further expenditures will be prohibited (except where necessary to bring the current phase to a logical conclusion. Right of way acquired for projects which are cancelled prior to construction will require repayment to the contributing funding program(s) within a reasonable time as determined by the OCTA Board of Directors.

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.

### **Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board of Directors.

Proceeds from the sale of excess right of way acquired with program funding must be paid back to the project fund as described in Chapter 10 and the Master Funding Agreement.

### **Other Application Materials**

Supporting documentation will be required to fully consider each project application. In addition to the funding plan described above, local agencies will be required to submit the following materials:

Council Resolution: A Council Resolution authorizing request for funding consideration with a commitment of project match funding (local sources) must be provided with the project application.



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Project Documentation: If proposed project has completed initial planning activities (such as PSR or equivalent, EIR, or design), evidence of approval should be included with the application. Satisfactory evidence includes project approval signature page, engineer-stamped site plan, or other summary information to demonstrate completion or planning phases. The applicant will be asked for detailed information only if necessary to adequately evaluate the project application.



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TABLE 7-5

**Freeway/Arterial Street Transitions  
Interchange Improvements**

	<b>Category</b>	<b>Points Possible</b>	<b>Percentage</b>
<b><i>Facility Usage</i></b>	Existing ADT	10	10%
	Current Project Readiness	10	10%
<b><i>Economic Effectiveness</i></b>	Cost Benefit	10	10%
	Matching Funds	10	10%
	Coordination with Freeway Project	5	5%
<b><i>Facility Importance</i></b>	Transportation Significance	5	5%
	MPAH Assessment Category	10	10%
	Operational Efficiencies	10	10%
<b><i>Benefit</i></b>	Existing LOS	10	10%
	LOS Reduction W/Project	10	10%
	Improvement Characteristics	10	10%
<b>TOTAL</b>		<b>100</b>	<b>90%</b>



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**TABLE 7-6**

**Point Breakdown for Freeway/Arterial Street Transitions Program  
Maximum Points = 100**

<p><b>Facility Usage</b> <span style="float: right;"><b>Points: 10</b></span></p> <p>ADT (Arterial plus daily exist volume)</p> <table border="0"> <tr> <td style="border-bottom: 1px solid black;">range</td> <td style="border-bottom: 1px solid black;">points</td> </tr> <tr> <td>55+ thousand</td> <td>10</td> </tr> <tr> <td>50 - 54 thousand</td> <td>9</td> </tr> <tr> <td>45 - 49 thousand</td> <td>8</td> </tr> <tr> <td>40 - 44 thousand</td> <td>6</td> </tr> <tr> <td>35 - 39 thousand</td> <td>4</td> </tr> <tr> <td>30 - 34 thousand</td> <td>3</td> </tr> <tr> <td>25 - 29 thousand</td> <td>2</td> </tr> <tr> <td>20 - 24 thousand</td> <td>1</td> </tr> <tr> <td>15 - 19 thousand</td> <td>0</td> </tr> <tr> <td>10-14 thousand</td> <td>0</td> </tr> <tr> <td>&lt;10 thousand</td> <td>0</td> </tr> </table> <p>Current Project Readiness <span style="float: right;">Max. 10 pts.</span></p> <table border="0"> <tr> <td style="border-bottom: 1px solid black;">range</td> <td style="border-bottom: 1px solid black;">points</td> </tr> <tr> <td>Right Of Way (All easement and titles)</td> <td>6</td> </tr> <tr> <td>Right Of Way (All offers issued)</td> <td>4</td> </tr> <tr> <td>Final Design (PS&amp;E)</td> <td>3</td> </tr> <tr> <td>PA/ED</td> <td>2</td> </tr> <tr> <td>Project Study Report or Equiv.</td> <td>1</td> </tr> </table> <p>Points are additive, ROW is highest qualifying designation</p>	range	points	55+ thousand	10	50 - 54 thousand	9	45 - 49 thousand	8	40 - 44 thousand	6	35 - 39 thousand	4	30 - 34 thousand	3	25 - 29 thousand	2	20 - 24 thousand	1	15 - 19 thousand	0	10-14 thousand	0	<10 thousand	0	range	points	Right Of Way (All easement and titles)	6	Right Of Way (All offers issued)	4	Final Design (PS&E)	3	PA/ED	2	Project Study Report or Equiv.	1	<p><b>Facility Importance</b> <span style="float: right;"><b>Points: 25</b></span></p> <p>Transportation Significance</p> <table border="0"> <tr> <td style="border-bottom: 1px solid black;">range</td> <td style="border-bottom: 1px solid black;">points</td> </tr> <tr> <td>Principal or CMP Route</td> <td>5</td> </tr> <tr> <td>Major</td> <td>4</td> </tr> <tr> <td>Primary</td> <td>3</td> </tr> <tr> <td>Secondary</td> <td>2</td> </tr> <tr> <td>Collector</td> <td>1</td> </tr> </table> <p>MPAH Assessment Category</p> <table border="0"> <tr> <td style="border-bottom: 1px solid black;">range</td> <td style="border-bottom: 1px solid black;">points</td> </tr> <tr> <td>Category 1</td> <td>10</td> </tr> <tr> <td>Category 2</td> <td>8</td> </tr> <tr> <td>Category 3</td> <td>6</td> </tr> <tr> <td>Category 4</td> <td>4</td> </tr> <tr> <td>Category 5</td> <td>2</td> </tr> </table> <p>Operational Efficiencies <span style="float: right;">Max. 10 pts.</span></p> <table border="0"> <tr> <td style="border-bottom: 1px solid black;">characteristic(s)</td> <td style="border-bottom: 1px solid black;">points</td> </tr> <tr> <td>Eliminate left turn conflict</td> <td>3</td> </tr> <tr> <td>Coordinated signal</td> <td>2</td> </tr> <tr> <td>Add turn lanes</td> <td>3</td> </tr> <tr> <td>Add traffic Control</td> <td>1</td> </tr> <tr> <td>Enhanced ramp storage</td> <td>3</td> </tr> <tr> <td>Pedestrian Facilities (New)</td> <td>3</td> </tr> </table> <p>*contains a combination of the above</p>	range	points	Principal or CMP Route	5	Major	4	Primary	3	Secondary	2	Collector	1	range	points	Category 1	10	Category 2	8	Category 3	6	Category 4	4	Category 5	2	characteristic(s)	points	Eliminate left turn conflict	3	Coordinated signal	2	Add turn lanes	3	Add traffic Control	1	Enhanced ramp storage	3	Pedestrian Facilities (New)	3
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## **Section 7.4 – Grade Separations**

### **Background**

The Master Plan of Arterial Highways (MPAH) serves as the backbone of Orange County's arterial street network. Current and future needs at existing rail crossings along MPAH facilities will need to be mitigated in order to provide arterial highway improvements which maximize capacity, relieve congestion and increase safety at rail crossings. The rail crossing improvements will complement roadway improvements initiatives currently underway.

Seven Trade Corridors Improvement Fund (TCIF) projects identified by the CTC are slated to receive funding first, with \$160 million in local funding currently allocated from Renewed Measure M. All TCIF projects must start construction by 2013 and meet new eligibility requirements before receiving funds.

Future calls for projects for grade separations are not anticipated in the near term but may be introduced during future funding cycles of Renewed Measure M. Proposed facilities must be on the Master Plan of Arterial Highways network as well as have approved Project Report or equivalent and current environmental clearances (including Value Analysis if required).

### **Objectives**

- Improve throughput capacity and safety on MPAH facilities
- Relieve congestion related to rail traffic
- Provide timely investment of Renewed Measure M Revenues

### **Project Participation Categories**

The Rail Crossings category provides capital improvement funding (including planning, design, right of way acquisition and construction) for rail grade crossings/separations on the MPAH network.

### **TCIF Project Requirements**

- All TCIF projects are subject to funding availability
- All TCIF projects must be found to have made significant progress towards completion by mid-2010 or risk de-funding
- All TCIF projects must begin construction by December 2013
- Initial allocations apply to TCIF projects



- If a future call for projects is warranted, project funding will be allocated on a sequential basis

### **Eligible Activities**

- Design / Planning
- Right of way acquisition
- Construction (including structural improvements and pavement reconstruction incidental to and necessitated by the proposed project)
- Bond financing expenses

### **Potentially Eligible Items**

- Landscaping and other aesthetic enhancements limited to 10% of project cost
- Storm drains/catch basins
- Sound walls (in conjunction with roadway improvements as part of environmental mitigation)

Environmental mitigation will be allowed only as required for the proposed roadway improvement, and only as contained in the environmental document. Program participation in environmental mitigation shall not exceed 50 percent of the total eligible project costs.

Longitudinal storm drains are eligible for program participation when, in the opinion of the TAC, the storm drain is an incidental part (cost is less than 50 percent of the total eligible improvement cost) of an eligible improvement. Program participation shall not exceed 25 percent of the cost of storm drain longitudinal/parallel and main lines. Storm drain inlets, connectors, laterals and cross culverts shall have full participation in funding.

Soundwalls are eligible only if they are required as part of the environmental clearance for the proposed project. Program participation for soundwalls shall not exceed 50 percent of the total eligible project costs.

### **Funding Estimates**

Funding will be provided on a pay-as-you-go basis. The RCP will make an estimated \$1.1 billion available (in 2005 dollars) during the 30-year Renewed Measure M program. Programming estimates are developed in conjunction with periodic calls for projects. Funding is shared with road widening, intersection and interchange improvement categories. Seven rail crossing projects identified by the CTC currently have funding



allocated and are slated to receive funding first. No funding for additional projects has been established for rail crossing projects.

### **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications for future competitive cycles. These criteria will be developed once a call for projects has been determined. Technical attributes that will be considered in future applications may include, but are not limited to, average daily traffic (ADT), match funding commitment, rail related vehicle delay, and California Public Utilities Commission (CPUC) grade separation fund priority list formula.

### **Reimbursements for Eligible TCIF Projects**

This program is administered on a reimbursement basis for capital improvements, planning, design, and right of way acquisition. Reimbursements will be disbursed upon review and approval of a complete initial payment submittal, final report and consistency with Master Funding Agreement.

### **Project Cancellation**

Projects deemed infeasible during the planning phase will be cancelled and further expenditures will be prohibited (except where necessary to bring the current phase to a logical conclusion. Right of way acquired for projects which are cancelled prior to construction will require repayment to the contributing funding program(s) within a reasonable time as determined by the OCTA Board of Directors.

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.

### **Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board of Directors.



## ***Chapter 7 – Regional Capacity Program***

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Proceeds from the sale of excess right of way acquired with program funding must be paid back to the project fund as described in Chapter 10 and the Master Funding Agreement.



## **Chapter 8 – Regional Traffic Synchronization Program**

### **Overview**

The Regional Traffic Signal Synchronization Program includes competitive capital funding for the coordination of traffic signals across jurisdictional boundaries in addition to operational and maintenance funding. The Authority will provide funding priority to programs and projects which are multijurisdictional in nature as well as encourage the State to participate in the Regional Traffic Synchronization program, giving priority to projects that use State discretionary funds as local matching funds.

Eligible jurisdictions must contribute matching local funds equal to twenty (20) percent of the project or program cost. This contribution can be satisfied all or in part by the jurisdiction providing in-kind services for the program or project. These in-kind services can include salaries and benefits of employees who perform work on the project or programs. They also must participate in Traffic Forums to facilitate in the planning of traffic signal synchronization programs and projects.

The Authority must adopt and maintain a Traffic Signal Synchronization Master Plan (TSSMP) as an element of the MPAH. The TSSMP will define the Regional Traffic Signal Synchronization Program, including traffic signal synchronization street routes and traffic signals within and across jurisdictional boundaries, funding and phasing of capital programs, and the means of implementing, operating and maintaining the programs and projects, including necessary governance and legal arrangements. The TSSMP will be reviewed and updated by the Authority every three years and will provide details on the status and performance of the traffic signal synchronization activities over that period.

Local jurisdictions are required to adopt the current TSSMP or adopt and maintain a Local Traffic Signal Synchronization Plan (LTSSP) that is consistent with the TSSMP. The local jurisdiction requirements for both options are summarized below:

#### *1. Adoption of the TSSMP*

The Authority will maintain the TSSMP regularly with reviews once every three years including updates to the plan as well as providing summary reports on the status and performance of all traffic signal synchronization activities. The review will demonstrate that the timing of traffic signals included as part of the TSSMP were evaluated and revised, if necessary, during that time. Every three years, the most recent TSSMP would need to be adopted by the jurisdiction and included in the city's certification as documented in Chapter 3 of this guidelines document.



### *2. Development of a LTSSP*

If the local jurisdiction elects to develop and adopt a LTSSP, it must identify traffic signal synchronization street routes and traffic signals and how they may be synchronized with traffic signals on the street routes of adjoining jurisdictions. The local plan must be demonstrated to be consistent with the TSSMP (see the TSSMP for more details on the consistency process and determination). Each plan will include a three-year plan showing cost, available funding and phasing of capital, operations, and maintenance. As part of the certification process, a local plan would need to be developed and adopted by the local jurisdiction and must be included in the city's certification as documented in Chapter 3 of this guidelines document. This local plan would need to be reviewed, updated, and readopted every three years. This local plan update must demonstrate that the timing of traffic signals included as part of the TSSMP were evaluated and revised, if necessary, during that time. The review must include reporting on the status and performance of traffic signal synchronization activities.

Eligible jurisdictions must issue a report every three years regarding the status and performance of traffic signal synchronization activities to participate in the competitive program.

Funding allocations and program administration requirements are documented in a separate guidance manual.



## **Chapter 9 – Application Materials**

### **Project Submittal**

A Regional Capacity Program (RCP) call for projects is tentatively planned for Fall 2009. Applications will be due in Winter 2010 with project approval expected in Spring 2010. A separate application package must be completed for each individual project. **One copy** of each application should be mailed or delivered to:

Orange County Transportation Authority  
550 South Main Street  
P.O. Box 14184  
Orange, California 92863-1584  
Attn: Roger Lopez

### **Application Review and Program Adoption**

1. OCTA staff will conduct a preliminary review of all applications for completeness and accuracy, request supplemental information (i.e., plans, aerial/strip maps, CEQA forms) for projects that appear to rank well during initial staff evaluations, and then prepare a recommended program for the Technical Steering Committee (TSC). In addition, OCTA may hire a consultant(s) to verify information within individual applications such as, but not limited to, project scope, cost estimates, ADT and Level of Service (LOS) information. These applications will be selected through a random process.
2. The TSC will receive and evaluate the project applications and funding allocations.
3. Based on recommendations from the TSC, a program will be presented to the Technical Advisory Committee (TAC) for review and endorsement.
4. Recommendations from the TAC will be presented to the OCTA Board of Directors, who will approve projects for funding under the CTP.
5. OCTA shall distribute copies of the approved program to all participating local jurisdictions with any qualifying conditions stipulated for the jurisdiction's funded project(s)



## **Recommended Project Guidelines**

The following are recommended guidelines that will be used in reviewing the scope of project applications. Any application that does not meet these minimum guidelines should include an explanation of why the guidelines cannot be met.

1. The travel lane width should be no less than 11 feet (12 feet if adjacent to a raised median or other obstruction) for all arterial highways.
2. For divided roadways, the minimum median width should be no less than 10 feet to allow for turning movements.
3. Arterial highways that are designated for uses in addition to automobile travel (e.g., bicycle, pedestrian, parking) should provide additional right-of-way consistent with local jurisdiction standards to facilitate such uses.
4. An eight-lane roadway should provide for a continuous median, protected dual or single left-turn pockets as warranted at signalized intersections, single left-turn pockets at non-signalized intersections, and a right-turn lane at signalized intersections where determined necessary by traffic volumes. Right-of-way for a free right-turn lane should be provided at locations warranted by traffic demand.
5. A six-lane divided roadway should provide a continuous median, protected dual or single left-turn pockets as warranted by existing traffic at all signalized intersections, and single left-turn pockets at non-signalized intersections. A dedicated right-turn option lane should also be provided as warranted by traffic demand.
6. A four-lane divided roadway should provide a continuous median, protected dual or single left-turn pockets at all signalized intersections, and a left-turn pocket at all non-signalized intersections. A right-turn lane should also be provided as warranted by traffic demand.
7. A four-lane undivided roadway shall provide for a single left-turn pocket at all intersections as warranted by traffic demand.

## **Application Instructions**

A single application should be submitted for all phases of a project which may require funding within the next three years, FY 2010-11 to FY 2012-13. **If funding is**



requested under multiple program components for a single project (i.e., arterials and intersections) a separate application must be prepared for each request. Final applications MUST be submitted in electronic and hard copy format.

### Checklist Guide

Since each funding program has slightly different application requirements, an "Internal Application Checklist Guide" has been provided. The checklist guide identifies the basic forms and documentation required for each of the program components. In addition, items required at the time of project submittal are differentiated from supplemental items due later. The appropriate checklist should be provided as a cover sheet for **each** application submitted. For any items that are required for the candidate project or program that are missing or incomplete, an explanation should be included in a cover letter with the application. In addition to this checklist guide, please review the **Attachments/Additional Information** section of each program component for a description of supplementary documentation which may be required to support your agency's project application in specific cases.

### Attachments

#### "Priority List of Projects" Form - CTP Application

Agencies must submit a "Priority List of Projects" with the application submittals. This document is created within the CTP Application. Although no points are assigned to your top project priorities, this information may be useful in the programming decision process.

#### "Project Cost Estimate" Form

Include a separate attachment listing all expenditures and costs for the project. Accurate unit prices and a detailed description of work, including design, will be critical when the candidate project is reviewed. For example, design applications should include major tasks that will be performed. ROW should list the parcels or square feet along with appraisal work. Construction should include a listing of biddable items. The anticipated disbursement of costs (e.g., Agency, Other, Non-Eligible) must also be completed. Agencies should reference the program from which funding is expected to be allocated when completing this portion of the form. Each of the funding programs described in this manual may have differing matching fund requirements.



If more than one project phase is requested to be funded, a separate project cost estimate form is to be completed for each phase, or each phase must be clearly indicated and a subtotal prepared on this form. Separate forms should also be prepared if funding for project phases is being requested over multiple fiscal years.

### **"Sample Resolution" Form**

A resolution or minute action must be approved by the local jurisdiction's governing body. A sample resolution is included as Exhibit 9-1. The mechanism selected shall serve as a formal request for Comprehensive Transportation Program funds and states that matching funds will be provided by the agency, if necessary. All project requests must be included in this action.

### **Additional Information**

The following documentation should be included with your completed project application:

If a project includes more than one jurisdiction and is being submitted as a joint application, one agency shall act as lead agency and must provide a resolution of support from the other agency.

1. Letters of support for the candidate project (not required).
2. Geotechnical\materials reports for all applicable candidate projects (e.g., widening, intersection improvement, new roadway). The reports should contain sufficient detail for an accurate assessment of improvements needed and costs, since funding will be jeopardized if a project is unable to meet proposed schedule and costs.
3. When preliminary plans are applicable for a project, the plans (1"=40' preferred) should include:
  - a. Existing and proposed right-of-way (include plat maps and legal descriptions for proposed acquisitions).
  - b. Agency boundaries, dimensions and station numbers.
  - c. Existing and proposed project features such as: pavement width and edge of pavement, curb, gutter and sidewalk, raised median, driveway reconstruction, signal pole locations, etc.



- d. Typical sections.
- e. Proposed striping.
- f. Structural sections per the materials report.
- g. Proposed traffic signals, storm drains, bridges, railroad crossing, safety lighting, etc.
- h. If requesting funds for traffic signals, include a traffic signal warrant(s) prepared by Traffic Engineer or City Engineer.
- i. If the project includes construction, relocation, alteration or widening of any railroad crossing or facility, include a copy of the letter of intent sent to the railroad, a copy of which must be sent to the Public Utilities Commission (PUC). Any project including work of interest to a railroad will not be considered for eligibility until the railroad and PUC have been notified. If the project is proposed as a staged project and additional funds will be necessary in subsequent calls for projects, the preliminary project statement should be accompanied with a complete preliminary estimate and schedule for the completion of the entire project.
- j. If the project is proposed as a safety improvement, provide justifying accident data for the past three years and show the expected decrease.



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**Exhibit 9-1**  
**Sample Resolution for Candidate Orange County**  
**Comprehensive Transportation Programs Projects**

A resolution of the \_\_\_\_\_ City Council approving the submittal of \_\_\_\_\_ improvement project(s) to the Orange County Transportation Authority for funding under the Comprehensive Transportation Program

THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_ HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS THAT:

(a) WHEREAS, the City of \_\_\_\_\_ desires to implement the transportation improvements listed below; and

(b) WHEREAS, the City of \_\_\_\_\_ has been declared by the Orange County Transportation Authority to meet the eligibility requirements to receive Measure M "turnback" funds; and

(c) WHEREAS, the City's Circulation Element is consistent with the County of Orange Master Plan of Arterial Highways; and

(d) WHEREAS, the City of \_\_\_\_\_ will provide matching funds for each project as required by the Orange County Comprehensive Transportation Program Procedures Manual; and

(e) WHEREAS, the Orange County Transportation Authority intends to allocate funds for transportation improvement projects within the incorporated cities and the County; and

(f) WHEREAS, the City of \_\_\_\_\_ will not use Measure M funds to supplant Developer Fees or other commitments; and

(g) WHEREAS, the City of \_\_\_\_\_ will use Arterial Highway Rehabilitation Funding as a supplement to the existing pavement management program; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The City Council of the City of \_\_\_\_\_ hereby requests the Orange County Transportation Authority allocate funds in the amounts specified in the City's application to said City from the Comprehensive Transportation Programs. Said funds shall be matched by funds from said City as required and shall be used as supplemental funding to aid the City in the improvement of the following street(s):

ADOPTED BY THE CITY COUNCIL on \_\_\_\_\_, 20\_\_\_\_.

SIGNED AND APPROVED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



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# **Placeholder for program-specific Application Checklist**



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## **Chapter 10 – Reimbursement Process and Reporting Requirements**

### **Procedures for Receiving Funds**

An implementing agency must obligate funds OCTA allocates to a project phase within the fiscal year of the phase allocation. An agency obligates funds by awarding a contract, completing the appraisal for one parcel of right-of-way, or by providing expense reports to prove an agency's workforce costs, provided that the agency intends to complete the phase with agency staff. OCTA shall consider the primary contract or the contract with the largest dollar amount, associated with the phase's tasks, when an agency uses a contract to show obligation of CTP funds. Once an agency obligates CTP funds for a phase, it can begin the process for receiving payment of the funds.<sup>2</sup>

OCTA will release funds through two payments. The initial payment will constitute 75 percent of the contract award or programmed amount, whichever is less, rounded down to the nearest thousand. OCTA will disburse the final payment, approximately 25 percent of eligible funds, after it approves the final report.

Agencies must submit payment requests through OCTA's online database, OCfundTracker: <http://ocfundtracker.octa.net>. Detailed instructions for OCfundTracker are available online. Staff is also available to assist agencies with this process. Agencies must upload appropriate backup documentation to the database. OCTA may request hardcopy payment requests.

### ***Availability of Funds***

The funds allocated by OCTA for each phase will be available on July 1, the first day of the fiscal year. After bids are opened and a contractor is selected, the final allocation will be the lesser amount of the original allocation or the revised project cost estimate.

### **Cancellation of Project**

If a local agency decides to cancel a project, for whatever reason, the agency shall notify OCTA as soon as possible. Projects deemed infeasible during the planning phase shall

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<sup>2</sup> Funds from state and federal sources funds will undertake a separate process. Local agencies must contact Caltrans Local Streets and Roads for reimbursement.

## ***Chapter 10 – Reimbursements and Reporting***

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bring that phase to a logical conclusion, final a final report, and cancel remaining phases so that remaining funds can be reprogrammed without penalty. ROW funding received for property acquisition prior to cancellation shall be repaid upon cancellation. Construction funding received prior to cancellation shall be repaid upon cancellation.



## **Section 10.1 – Initial Payment**

### **Payment Requests**

An agency shall use the provided *CTP Payment Processing Checklist* (checklist) in order to determine the documentation requirements for payment requests. Staff may request additional documentation that is not listed on the checklist prior to approving the request.

OCTA will release the remaining balance, approximately 25 percent of CTP funds, when the project is complete and OCTA accepts the final report. The balance is determined based on final costs for CTP eligible program expenditures. Prior to submitting the report, review the section in this manual discussing the final report process.

Measure M informational “Funded By” sign removal costs should be requested in the Final Report. OCTA will reimburse costs associated with the Measure M informational signs (fabrication, installation and removal) and do not count against a project’s allocation.

Below is additional information regarding the documentation requirements of payment requests:

1. Invoice – For initial payments, an agency shall invoice for 75 percent of the contract amount or programmed amount, whichever is less, rounded down to the nearest thousand dollars. For final payments, an agency shall invoice for the remaining balance of the contract amount or programmed amount, whichever is less. Final payment request invoices shall normally be approximately 25 percent of the eligible funds.
2. Project Certification Letter – The public works director, or appropriate equivalent, shall submit a certification letter, with applicable statements, as described in Exhibit 10-2
3. Minutes – The agency shall submit a minute order, agency resolution, or other council/board action showing award of the contract and the contract amount. The city clerk, clerk of the board, or appropriate equivalent shall certify minutes. Agencies that use on-call consultants shall submit a purchase order that includes the scope of work for the contractor.
4. Revised Cost Estimate – The agency shall use the same format provided in the application package.



5. Work Schedule – OCTA prefers a complete project schedule, but an agency may provide as little as the expected start and completion dates for preliminary engineering, final engineering, right-of-way, and construction phases.
6. Right-of-Way Documents – Each parcel shall include an appraiser's invoice, written offer letter, plat map, and legal description. Agencies attempting to acquire five or more parcels for a project shall include a parcel location map.
7. Plans, Specifications, & Estimate (PS&E) – Agencies shall submit a PS&E as described in Exhibit 10-2. The agency engineer shall certify that the local agency properly prepared and approved plans and specifications in accordance with authorized procedures and adopted standards, followed approved scope of work, and incorporated materials report.
8. Layout Plans – An agency shall not submit layout plans that print on paper larger than 11 inches by 17 inches.

### **Project Advancement**

Agencies that wish to expedite a CTP project by one or more fiscal years may request a programming advancement. The agency must demonstrate that it will award a contract during the fiscal year it is requesting the advance. Advancement requests will be considered if program funds are available. If approved, OCTA shall de-escalate the allocation for the project to remove inflation adjustments made for the original program year.

Agencies shall request advances during the semi-annual review. The TAC and OCTA Board of Directors shall approve advances. If approved, the agency must meet the new obligation deadline.

If OCTA is unable to accommodate programming advancement requests due to cash flow constraints, an agency may initiate the project using local funds and seek reimbursement during the fiscal year OCTA programmed the funds.

### **Reimbursement**

OCTA shall not reimburse for a project prior to the beginning of the fiscal year of the allocation. If an agency receives an advance and begins work prior to the start of the fiscal year of the allocation, the agency may request an initial payment against the allocation. If an agency receives an advance and completes a project prior to the start



of the fiscal year of the allocation, OCTA shall disburse the allocation in a single payment. OCTA must approve the final report prior to issuing a payment.

**Calculation of Payment**

Once an agency obligates Measure M funds, the agency may request a maximum of 75% of the contract amount or programmed amount, whichever is less, rounded down to the nearest thousand dollars. Examples of calculating the initial funding request are described below.

Example A - **Contract** is awarded for **less than** the estimated construction cost.

Given:

- \$200,000 = Total Combined Transportation Funds programmed for Project X
- \$200,000 = Estimated construction cost (CTP share)
- \$160,000 = Construction contract award (CTP share)

Calculations:

75 percent of contract amount =  $\$160,000 \times 0.75 = \underline{\$120,000}$ .

Example B - **Contract** is awarded for **more than** the estimated construction cost.

Given:

- \$200,000 = Total Combined Transportation Funds programmed for Project Y
- \$200,000 = Estimated construction cost (CTP share)
- \$280,000 = Construction contract award (CTP share)

Calculations:

- Construction costs = \$280,000
- Since this amount exceeds \$200,000 programmed, need to adjust down to \$200,000.
- 75 percent of contract amount =  $\$200,000 \times 0.75 = \underline{\$150,000}$ .

After completing the calculations, agencies must round down the initial payment request to the nearest thousand dollars.



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## EXHIBIT 10-1

### CTP Payment Processing Checklist

#### Payment Type

- |                                      |                                       |                                       |
|--------------------------------------|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Initial     | <input type="checkbox"/> Final        |                                       |
| <input type="checkbox"/> Engineering | <input type="checkbox"/> Right-of-Way | <input type="checkbox"/> Construction |

#### Documentation

##### Section A

- Invoice
- Project Certification Letter
- Minutes
- Revised Cost Estimate
- Work Schedule

##### Section B

- Appraiser's Invoice(s)
- Written Offer Letter(s)
- Legal Description(s)
- Plat Map(s)
- Parcel Location Map

##### Section C

- PS&E
- Layout Plans

##### Section D

- Final Report Form
- Project Expenditure Certification
- Proof of Project Payment

##### Section E

- Summary of Right-of-Way Acquisition

##### Section F

- Notice of Completion

#### Payment Request Documentation Requirements

Payment Type	Sections (s)					
	A	B	C	D	E	F
Initial Engineering	X					
Initial Right-of-Way	X	X				
Initial Construction	X		X			
Final Engineering	X		X	X		
Final Right of Way	X			X	X	
Final Construction	X			X		X



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### **Section 10.2 – Final Report and Payment Process**

The remaining 25% of CTP funds are made available to the lead agency *following completion of the final reporting process. This balance is determined based upon final costs of CTP eligible expenditures as stated in each applicable program. Prior to submitting the Final Report, review the following section which includes items important to the final reporting process.*

#### **Project Cost Changes**

If the contract price is lower than the amount programmed and the agency requested additional items and/or change orders during construction/study, OCTA may approve the additional costs during the review of the final report. OCTA and will review these reports to:

1. Determine that the agency submitted proper justification for the change order(s)
2. Determine if the items are eligible for reimbursement
3. Confirm that expenses are within the project's original scope of work
4. The lead agency should provide information supporting the need for the change orders in the final report. Changes in project limits for construction projects are not eligible for reimbursement.

#### **Additional Documentation Requirements**

The items listed below are to be submitted to complete the final reporting process. If the local jurisdiction has not submitted a final report for any previous phases of the project, the reporting requirements outlined in Section 10.1 must be followed in addition to the Final Report requirements listed below.

1. Final Report Form – The local agency shall prepare a final report form as described in Exhibit 10-4 for construction projects, Exhibit 10-5 for right-of-way projects, and Exhibit 10-6 for engineering (preliminary, final and/or right of way).
2. OCTA shall distribute general lump sum pay items, appraisal cost, design, and construction engineering in the same ratio as the total right-of-way acquisition or construction costs.



2. Project Expenditure Certification – Agencies shall submit a project certification letter as described in Exhibit 10-X
3. Proof of Project Payment – This documentation may include, but is not limited to approved contract invoices and supportive material for agency work forces, equipment, and material. Supportive material shall equal the division of costs totals that are located in the final report form.
4. Summary of Right-of-Way Acquisition – Agencies shall submit a summary of right-of-way acquisition as described in Exhibit 10-5.
5. Notice of Completion – An agency may submit a recorded Notice of Completion or a letter, as described in Exhibit 10-X, from the public works director, or appropriate equivalent, that certifies the project completion date.

### **Delinquent Final Report**

OCTA will work with jurisdictions to ensure the timeliness of final reports by utilizing the following procedures:

1. Require jurisdictions to notify OCTA of the project completion date within 30 days of the project completion or by submitting a final payment request within 30 days of the project completion date.
2. Require all jurisdictions to file a final report within 180 days of project phase completion date.
3. Issue a reminder notice to the public works directors or TAC representative(s) 90 days after the project completion date to remind jurisdictions that the final report is due in 90 days. The reminder notice should also include an offer from OCTA to assist in preparation of the final report by using consultant services. The agency shall reimburse OCTA for the consultant services.
4. Issue a final notice letter to the public works directors or TAC representative(s) with a copy to the agency's management and finance director if OCTA does not receive the final report or a request for an extension within 180 days of the project completion date. The final notice letter should inform the jurisdictions that if OCTA does not receive a response to the final notice letter then OCTA shall assume that the agency cancelled the project and OCTA shall request that the agency return disbursed funds.



5. Require the TSC and the TAC to review all final report extension requests.
6. Require OCTA to issue the final payment to jurisdictions within 60 days of receiving the final report and all supporting documentation.

### **Failure to Submit Final Report**

As stated in Precept 21 of this manual, agencies who fail to submit a Final Report will be required to repay applicable Renewed Measure M funds received for the project in a manner consistent with the master funding agreement.

### **Excess Right of Way**

Agencies that use Net Revenues (through CTP or Local Fair Share programs) to acquire project right-of-way shall dispose of land deemed in excess of the proposed transportation use. Excess land sold by the lead agency will be in accordance with Government Code, Article 8, Surplus Land, Section 54220-54232, et. Seg., and the agency shall return proceeds from the sale to OCTA. OCTA shall return the funds to the program of origin for future use.

Agencies shall submit right-of-way documents for all parcels utilizing Net Revenues. Agencies must submit the following documents:

- Summary of the right-of-way required for the project
- Plat maps and legal descriptions for right-of-way acquisitions
- Parcel location map
- Identification of anticipated excess right-of-way, if any
- Appraisal reports for excess right-of-way

OCTA shall consider excess right-of-way with a value of \$10,000.00 or less as an unsalable remnant. OCTA shall determine if excess right-of-way is an unsalable remnant.

The agency shall submit a fair market value appraisal report for the excess land of each parcel. Appraisers must conduct appraisals in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP). If an agency suspects that the excess right-of-way has a value of \$10,000.00 or less, the agency may conduct a limited fair market value appraisal to confirm the value of the excess right-of-way. The agency shall submit the appraisals with the right-of-way final report.

## Chapter 10 – Reimbursements and Reporting



OCTA shall retain from the final payment the value of excess right-of-way that is proportional to OCTA's percentage match rate to the project up to OCTA's match rate of right-of-way allocation.

An agency may include incidental expenditures from the disposal of property in their final report for the right-of-way allocation.

An agency shall begin the process to sell excess right-of-way within 60 days after acceptance of the construction improvements.

OCTA shall not close-out the right-of-way allocation or construction allocation until the agency and OCTA resolve questions regarding excess right-of-way.

### **Example:**

OCTA's right-of-way (ROW) allocation:	\$500,000
OCTA allocation match rate	75%

#### Parcel Costs:

Cost – Parcel 1:	\$300,000
Cost – Parcel 2:	\$380,000
Cost – Parcel 3:	\$120,000
Cost – Parcel 4:	<u>\$100,000</u>
Total ROW Costs:	\$900,000

Payment with no excess ROW:	\$500,000
-----------------------------	-----------

#### Excess right-of-way:

Value of excess ROW for parcel 1:	\$200,000
Value of excess ROW for parcel 2:	\$105,000
Value of excess ROW for parcel 3:	\$ 0
Value of excess ROW for parcel 4:	<u>\$ 0</u>
Total Value of excess ROW:	\$305,000

#### OCTA contribution to ROW acquisition:

CTP ROW contribution	÷	Agency total cost of ROW
\$500,000	÷	\$900,000 = 56%

#### OCTA's shall reduce the final ROW payment by:

Parcel 1:	\$200,000 x 56% =	\$112,000
Parcel 2:	\$105,000 x 56% = +	<u>\$ 58,800</u>
Total:		\$170,800



Payment (incorporating excess ROW):	\$500,000
	<u>\$170,800</u>
	\$329,200

**Agency Workforce and Equipment Rental**

An agency must provide supporting documentation for work completed by agency staff. The agency shall multiple the fully burden rate by the number of labor hours for each staff person assigned to the project. An agency may add up to 30 percent of the fully burden rate for overhead expenses.

An agency must provide supporting documentation for equipment used by local agency staff. An agency may use local agency or Caltrans surcharge and equipment rental rates.

**Audit**

Once an agency submits a final report for a project, OCTA shall review the report for compliance with the CTP guidelines and may conduct a field review. OCTA will use the project cost estimate forms submitted with the application and revised where appropriate, project accounting records and the final report as the primary items to conduct the review. Agencies must maintain separate records for projects (i.e., expenditures, interest) to ensure compliance. OCTA will only reimburse eligible CTP items listed on the cost estimate.

## Exhibit 10-2

### SAMPLE AGENCY RESOLUTION REQUESTING FUNDS FOR APPROVED PROJECT

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL/BOARD OF THE CITY/COUNTY OF \_\_\_\_\_ REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE COMBINED TRANSPORTATION PROGRAM FUNDS FOR \_\_\_\_\_ STREET BETWEEN \_\_\_\_\_ AND \_\_\_\_\_.

WHEREAS, the Orange County Transportation Authority approved a Comprehensive Transportation Program (CTP) for fiscal year \_\_\_\_\_; and

WHEREAS, the program includes \$ \_\_\_\_\_ in fiscal year \_\_\_\_\_ (year) for a \_\_\_\_\_ (type) project on \_\_\_\_\_ Street between \_\_\_\_\_ (limit) and \_\_\_\_\_ (limit); and

WHEREAS, the City/County of \_\_\_\_\_ has adopted a General Plan Circulation Element which does not preclude implementation of the MPAH within its jurisdiction, and

NOW, THEREFORE, BE IT RESOLVED that the City/County of \_\_\_\_\_, hereby requests the Orange County Transportation Authority allocate \$ \_\_\_\_\_ of CTP funds from the \_\_\_\_\_ Program for construction of said project to the City/County. This request is in conformance with the CTP allocation process and does not exceed seventy-five (75) percent of the programmed amount or ninety (90) percent of the construction contract.

BE IT FURTHER RESOLVED that the City/County of \_\_\_\_\_, agrees to fund its share of the improvement costs of the above indicated fiscal year and any additional costs over the identified programmed amount.

BE IT FURTHER RESOLVED, that the City/County of \_\_\_\_\_, has awarded the contract for the project on \_\_\_\_\_, 20\_\_ for \$ \_\_\_\_\_.

BE IT FURTHER RESOLVED that the City/County of \_\_\_\_\_ has: 1) designed the project improvements, and 2) completed required preparatory work in accordance with the standards required by the City/County and other affected jurisdictions involved with said project.

BE IT FURTHER RESOLVED, that the remaining twenty-five (25) percent in CTP funds will be transferred to the City/County of \_\_\_\_\_ when construction is completed and a Final Report on the project is accepted by the Orange County Transportation Authority. The City/County of \_\_\_\_\_ agrees to submit the final report to the Orange County

Transportation Authority within one hundred twenty (120) days after the City's acceptance of the improvements.

PASSED AND ADOPTED BY THE CITY COUNCIL/COUNTY BOARD OF THE CITY/COUNTY OF \_\_\_\_\_ AT A REGULAR MEETING HELD ON \_\_\_\_\_.

MAYOR/CHAIRMAN OF THE CITY/COUNTY OF \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY/COUNTY CLERK OF THE CITY/COUNTY OF \_\_\_\_\_

## Exhibit 10-3

### PLANS, SPECIFICATIONS, AND ESTIMATE CERTIFICATION

The City/County of \_\_\_\_\_ hereby certifies in connection with Project No. \_\_\_\_\_, \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, that:

1. All proposed work is within existing right-of-way and no additional right-of-way is necessary.
2. Existing improvements (check which apply):

No building improvement or utility conflicts in the right-of-way area.  
The following improvements do exist in the right-of-way area but will be removed before the contractor enters to perform the construction:

\_\_\_\_\_

Utilities which have prior rights and will require relocation are as follows:

\_\_\_\_\_

3. Plans and Specifications for subject project have been properly prepared and approved in accordance with authorized procedures.
4. The division of costs as shown in the Engineer's Estimate has been based on the Transportation Funding Program scope of work as approved by the Orange County Transportation Authority.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
City Engineer



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# Exhibit 10-4

## FINAL REPORT

CITY OF \_\_\_\_\_

PROJECT NUMBER \_\_\_\_\_

### FINAL REPORT FOR IMPROVEMENT OF

\_\_\_\_\_  
(Street or Road Name)

Type of Improvement: \_\_\_\_\_

Description of Work Performed:

Length in Miles: \_\_\_\_\_

Contractor: \_\_\_\_\_

Engineer in Charge: \_\_\_\_\_

\_\_\_\_\_  
Public Works Director

Date Work Began: \_\_\_\_\_

Date Work Completed: \_\_\_\_\_

**CONTRACT COST**

<u>Item No.</u>	<u>Item of Work</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Amount</u>
-----------------	---------------------	-----------------	-------------------	---------------------

TOTAL CONTRACT COST:

**EXTRA WORK AND CHANGE ORDERS\***

<u>Item No.</u>	<u>Item of Work</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Amount</u>
-----------------	---------------------	-----------------	-------------------	---------------------

TOTAL EXTRA WORK:

**WORK BY LOCAL AGENCY FORCES**  
(and/or OTHERS)

Construction and Engineering

Labor  
Equipment  
Materials, supplies and others

Overhead at allowable rate up to 30%  
of payroll and fringe benefits

TOTAL WORK BY LOCAL  
AGENCY (OR OTHERS)

TOTAL COST OF PROJECT

\* Note: Unless a change to the original project is approved by the TAC, these expenditures are ineligible for Transportation Program funds.

**DIVISION OF COSTS**

	CTP FUNDS	LOCAL AGENCY FUNDS*	OTHER AMOUNT	TOTAL
Contract Cost	_____	_____	_____	_____
Extra Work & Change Orders				
Work by Local Agency Forces (and/or others)	_____	_____	_____	_____
	=====	=====	=====	=====

## **REMARKS**

(Give explanation for any changes in work from approved plans or for any additional or extra work done. Also, explain any major variation from estimated quantities.)

## PICTURES

Before

After

Before

After

## PROJECT EXPENDITURES CERTIFICATION

I hereby certify that the above is a true and correct statement of the work performed and costs incurred on the above project.

---

Date

---

Signed

---

Title

## Exhibit 10-5

AGENCY \_\_\_\_\_  
PROJECT NO. \_\_\_\_\_  
FINAL REPORT OF RIGHT-OF-WAY ACQUISITION FOR  
\_\_\_\_\_  
(Street Name and Limits)

Official Responsible for Acquisition \_\_\_\_\_

Title \_\_\_\_\_

Total Width of Street Right-of-Way \_\_\_\_\_ Length in Miles \_\_\_\_\_

Date Work Began \_\_\_\_\_

Date Work Completed \_\_\_\_\_

	CTP	AGENCY	OTHER	TOTAL
Budgeted	\$	\$	\$	\$
Expended				
Unexpended	\$	\$	\$	\$

### SUMMARY OF EXPENDITURES

Payment to property owners \$  
Value paid - including damages  
Relocation costs  
Operating expenses  
Other costs (Describe)  
  
TOTAL COST \$

I hereby certify that the above is a true and correct statement of the transactions and expenditures of funds incurred on the above project.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Title

**SUMMARY OF RIGHT-OF-WAY ACQUISITION**

Parcel Number	CTP <u>FUNDS</u>	<u>FUNDS</u>	AGENCY MATCHING <u>FUNDS</u>	OTHER <u>AMOUNT</u>	TOTAL
	_____		_____	_____	_____
	\$		\$	\$	\$

Provide the following information for each parcel:

ASSESSOR'S PARCEL NUMBER: A  
 Grantor:  
 Grantor's Address:

Description of Parcel Obtained:

Value Paid for Land	\$	B
Relocation Costs		C
Operating Expenses (Itemize)		D
Moving or Restoring Improvements	E	
CREDITS		F
TOTAL	\$	
Appraised Value	\$	G

Explanation: H

## RIGHT-OF-WAY DEFINITIONS

- A. Assessor's Parcel Number
- B. Value paid for land - any compensation made for obtaining required land, including value of any improvements made in lieu of cash payments.
- C. Relocation assistance payments made pursuant to state law.
- D. Operating expenses - expenses incurred in obtaining required land including court costs in condemnation proceedings, the cost of title searches and reports, the salaries, transportation, and expenses of right-of-way agents. Includes necessary maintenance of property and buildings prior to construction.
- E. Moving or restoring improvements - the cost removing, demolishing, moving, resettling and altering obstructing utilities, buildings, structures and other improvements. This only applies where payment is not made to owner (in appraised value) for having work done.
- F. Credits - value received for disposition of all surplus land, buildings, etc., together with any income from rental of property.
- G. Appraised value of property from appraisal report.
- H. Explanation - indicate whether property acquired through negotiation or court decision. Explain fully the costs and credits. Explain fully if value paid for land and improvement exceeds appraised value.



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# Exhibit 10-6

## FINAL REPORT

AGENCY \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

FINAL REPORT FOR ENGINEERING (PRELIMINARY, FINAL AND RIGHT OF WAY)  
FOR

\_\_\_\_\_  
(Project Location and Limits)

Type of Improvement: \_\_\_\_\_

Consultant or Agency Staff Scope of Work:

Date Work Began: \_\_\_\_\_

Date Work Completed: \_\_\_\_\_

**CONSULTANT CONTRACT COST**

<u>Consultant</u>	<u>Description of Work/Task</u>	<u>Unit Price</u>	<u>Total Amount</u>
-------------------	---------------------------------	-------------------	---------------------

**LOCAL AGENCY STAFF COST**

Personnel

<u>Position Classification</u>	<u>Fully Burdened Hourly Rate</u>	<u>Total Cost</u>
--------------------------------	-----------------------------------	-------------------

Subtotal:

**EQUIPMENT**

<u>Description</u>	<u>Unit Cost</u>	<u>Total Cost</u>
--------------------	------------------	-------------------

Subtotal:

**MATERIALS, SUPPLIES & OTHER**

<u>Description</u>	<u>Quantity</u>	<u>Total Cost</u>
--------------------	-----------------	-------------------

Subtotal:

Overhead at allowable rate up to 30%  
of payroll and fringe benefits

Total:

TOTAL WORK BY LOCAL  
AGENCY STAFF

Total:

TOTAL COST OF PROJECT

Total:

**DIVISION OF COSTS**

	<u>CTP FUNDS</u>	<u>LOCAL AGENCY FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL AMOUNT</u>
Contract Cost				
Extra Work & Contract Amendments				
Work by Local Agency Forces (and/or others)	_____	_____	_____	_____
	=====	=====	=====	=====

**REMARKS**

Give explanation for any changes in work from approved scope or for any additional or extra work done.

## PROJECT EXPENDITURES CERTIFICATION

I hereby certify that the above is a true and correct statement of the work performed and costs incurred on the above project.

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Date

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Signed

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Title



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## Chapter 11 – Audits

### Audit Process Overview

Once an agency submits a final report for a project, OCTA shall review the report for compliance with the CTP guidelines and may conduct a field review. OCTA will use the project cost estimate forms submitted with the application and revised where appropriate, project accounting records and the final report as the primary items to conduct the review. Agencies must maintain separate records for projects (i.e., expenditures, interest) to ensure compliance. OCTA will only reimburse eligible CTP items listed on the cost estimate.

If possible, it will occur simultaneously with the Measure M audit. All programs, including the AHRP, will require an audit of project expenditures. Only CTP eligible items listed on a project's cost estimate form will be reimbursed.

The project information on file at OCTA will serve as the preliminary source of information for each audit. If necessary, additional information may be requested of local jurisdictions.

The local agency may also be requested to participate in a field review of the completed project. Consequently, accurate records detailing specific expenditures for each CTP project must be maintained by local jurisdictions. These records must show that proper accounting and cash management procedures were followed, the project was completed in accordance with the application, and that all records and documentation related to the project were adequately maintained. Consistent with the Measure M ordinance, local jurisdictions must also establish a separate fund accounting system for Measure M funds transactions and expenditures.

Local jurisdictions must cooperate with OCTA or its agent during the audit process and comply with the recommendations of the Measure M financial and compliance audits. Project records must be maintained for five (5) years after project completion after acceptance of final report.

### Technical Review

At the time of the final report or shortly thereafter, OCTA may conduct a technical review of a CTP project. OCTA may:

- review right-of-way acquisitions and the potential for excess right-of-way
- compare hourly breakdown of staff time compared to staff time sheets
- conduct a project field review – ensure improvements are within scope



- review items that agencies self-certify
- review other items not part of a normal audit

OCTA will have 180 days past the final project disbursement to begin a technical review. OCTA may review all phases of the project.

### **Records Requirements for Audit Compliance**

A description of the required records is given below. OCTA will notify your agency of the audit results. Any discrepancies in, or noncompliance with, Transportation Funding Programs policies and procedures will be discussed with each agency to determine the necessary actions to resolve issues. A closeout letter will be sent upon verification of compliance signifying that no further funds will be disbursed for the project.

### **Contracts**

For all contract expenses the following records must be maintained:

1. The original executed contract
2. Evidence of the competitive bid procedures and selection criteria used
3. All contractor invoices received
4. All contract change order documents
5. Proof of payment to contractors
6. Project “as built” or other final plans
7. Sign-off on completion by Local Agency (letter of acceptance)

### **Materials and other**

For all materials and other miscellaneous expenses charged to the Comprehensive Transportation Programs project, the following records must be maintained:

1. Original invoice and purchase order
2. Proof of delivery
3. Evidence of reasonableness of price, if total cost of purchase is over \$1,000
4. Proof of payment

### **Direct labor**

For all direct labor charged to a project, including engineering labor, the following records must be maintained:

1. Summary time sheets showing total time charged to the project by the different individuals working on it
2. Individual time sheets or time cards showing the total time worked by the individual for each period (day, week, etc.) and the different tasks to which the individual's time was charged
3. Personnel files showing the individuals' pay rates



4. Payroll reports showing the computations of paychecks for the applicable periods

### **Equipment**

Equipment rental charges related to a project shall be documented by the following records:

1. Vendor's or local agency's invoice showing hours, rate, and type of equipment and location of rented equipment
2. Evidence of quotes obtained to determine best rate. (Documented phone quotes are acceptable)
3. Documentation of project need for equipment

### **Local agency force work**

For all work performed by local agency forces and the decision that local agency forces could perform the work more cost effectively or timely than a contractor must be documented.

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**SECTION IV**

**EXHIBIT A: SCOPE OF WORK**

**ATTACHMENT B: REGIONAL TRAFFIC SIGNAL  
SYNCHRONIZATION PROGRAM**



**September 8, 2010**

**To:** Transportation 2020 Committee  
**From:** Will Kempton, Chief Executive Officer  
**Subject:** Measure M2 Project P (Regional Traffic Signal Synchronization Program) Funding Guidelines

### **Overview**

Measure M2 includes competitive grant funding programs for local streets and roads projects. These programs include Measure M2's Project P (Regional Traffic Signal Synchronization Program). Staff has worked with the members of the Technical Advisory Committee to develop funding guidelines for this competitive program to implement regional signal synchronization. Draft funding guidelines are presented for approval.

### **Recommendations**

- A. Approve the Project P (Regional Traffic Signal Synchronization Program) funding guidelines for eligible signal synchronization projects.
- B. Direct staff to develop detailed revenue estimates and return for authorization to issue the Project P call for projects.

### **Background**

Measure M2 (M2) Project P is a competitive grant program that provides funding for regional signal synchronization projects. Funding guidelines for the competitive signal synchronization program have been developed consistent of M2 Ordinance Number 3 and with the guidance and approval of the Technical Advisory Committee (TAC). Project P, in combination with matching funds, provides a funding source for multi-agency, corridor-based signal synchronization along Orange County streets and roads. The program allocates funds through a competitive process and targets projects that improve traffic by considering multiple factors. The Comprehensive Transportation Funding Program will serve as the mechanism for the Orange County Transportation Authority (OCTA) to administer Project P.

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***Discussion***

Project P funding guidelines are meant to provide procedures necessary for Orange County agencies to apply for transportation funding for the M2 competitive Regional Traffic Signal Synchronization Program (Program). The Program funds the synchronization of traffic signals across jurisdictional boundaries in addition to operational and maintenance funding.

With the Program, local agencies will be subject to similar requirements that preceded with Measure M and must abide by additional policies established in accordance with the M2 Ordinance. Staff has developed the funding guidelines to reflect the direction of the OCTA Board of Directors and procedures consistent with the M2 Ordinance. The funding guidelines are designed to meet the following objectives for Project P: synchronize traffic signals across jurisdictions, synchronize signals on a corridor basis reflecting existing traffic patterns, and monitor, and regularly improve synchronization. The program targets over 2,000 intersections across Orange County for coordinated operations.

Staff worked with the OCTA TAC to approve the guidelines during the July 2010 meeting. The guidelines (Attachment A) address the project eligibility requirements, eligible activities, funding assumptions, and selection criteria for eligible projects. The key components of the guidelines are summarized below.

**Project Eligibility Requirements**

The goal of Project P is to provide regional signal synchronization on a corridor basis regardless of jurisdictional boundaries. To be eligible for funding as part of Project P, a project must be part of the Regional Signal Synchronization Master Plan. Priority synchronization corridors will receive higher ranking for funding. Corridors on the Master Plan of Arterial Highways (MPAH) can also compete provided they are consistent with local signal synchronization plans.

All M2 eligible Orange County cities and the County of Orange may participate in this Program. Projects are to be administered through a single lead agency. Local cities are encouraged to administer projects, although cities have the option of having OCTA assist in the implementation. The California Department of Transportation (Caltrans) may participate and its facilities are also eligible for funding as part of this Program, but Caltrans cannot receive funding as a lead agency.

Eligible Activities

Projects must result in field-implemented signal synchronization timing along corridors and may include design, engineering, construction, and management components. Projects may consist of single or multiple corridors along the signal synchronization network, priority corridor network, or the MPAH. Projects may also include additional components along the corridor to mitigate certain conditions for signal synchronization. The following are the eligible activities as part of the Program:

1. Develop and field-implement signal synchronization timing
2. New or upgraded detection
3. New or upgraded communication systems
4. Communication and detection support
5. Intersection/field system modernization and replacement
6. Minor signal operational improvements such as emergency vehicle preemption and transit signal priority equipment, etc.
7. Traffic management and traffic operations centers
8. Real-time traffic actuated operations and demonstration projects

These eligible activities were developed in accordance with Project P goals.

Funding Assumptions

Project P will make an estimated \$270 million (2009 dollars) available over the 30-year course of M2. Programming estimates are developed in conjunction with a three-year call for projects cycle corresponding to concurrent funding agreements with all local agencies. Agencies will be required to provide a minimum of 20 percent matching funds or labor (or both) for eligible project activities. A project cap of \$30,000 per signal or \$50,000 per project corridor mile (whichever is higher) has been established. This funding cap is based on experience with implementation of prior signal synchronization projects and input from members of the TAC.

Selection Criteria for Eligible Projects

Specific selection criteria patterned after the initial Measure M will be used to evaluate competitive program project applications. Emphasis is placed on furthering the overall goal of multi-jurisdictional, corridor-based signal synchronization. A total of 100 points are possible. Points are awarded based on the following categories.

1. **Vehicle Miles Traveled (VMT)**  
This category can contribute up to 20 points of the total score of a project. Points are awarded for the VMT along the project corridor length. Projects with longer lengths or higher traffic volumes will receive more points relative to projects with shorter lengths or lower traffic volumes.
2. **Benefit Cost Ratio**  
This category can contribute up to 20 points of the total score of a project. Points are awarded for the cost benefit of a project. Benefit cost ratio is calculated by VMT divided by cost. Projects that benefit greater amount of traffic with a lower project cost will rate higher relative to those that benefit less traffic at a higher cost.
3. **Project Characteristics**  
This category can contribute up to 15 points of the total score of a project. Points are awarded for including multiple eligible activities as part of the project. Projects that include more components will benefit relative to those with less components.
4. **Transportation Significance**  
This category can contribute up to 15 points of the total score of a project. Points are awarded to a project in the following rank order: priority corridor network, signal synchronization network, and MPAH.
5. **Project Scale**  
This category can contribute up to ten points of the total score of a project. Scoring is divided into two parts. Points are awarded to a project based on the ratio of signals being retimed to the length of the corridor. Points are also awarded based on the percent of the total corridor signals being retimed as part of the project.
6. **Number of Jurisdictions**  
This category can contribute up to ten points of the total score of a project. Points are awarded for those projects that include multiple agencies relative to those projects that include a single agency.
7. **Current Project Readiness**  
This category can contribute up to five points of the total score of a project. Points are awarded based on the start date of the project. Projects with earlier start dates benefit relative to projects with later start dates.

**8. Funding Over-Match**

This category can contribute up to five points of the total score of a project. Points are awarded for projects that offer a higher match rate relative to a minimum match rate of 20 percent as required by M2.

The above provides a snapshot of the selection criteria from eligible projects. Additional details including the number and makeup of the scoring categories is provided in Attachment B.

Staff is seeking approval of Project P funding guidelines and selection criteria. With approval, staff will begin work on a call for projects for the Program. Staff will return to the Transportation 2020 Committee by March 2011 for authorization to issue the Project P call for projects.

***Summary***

M2 provides for signal synchronization competitive funding to enhance street operations and to reduce congestion. The funding guidelines will serve as the mechanism OCTA uses to administer the Program. These funding guidelines are being presented for review and approval.

***Attachments***

- A. Project P (Regional Traffic Signal Synchronization Program) Funding Guidelines
- B. Project P Selection Criteria for Eligible Projects

**Prepared by:**

Anup Kulkarni  
Section Manager, Regional Modeling  
(714) 560-5867

**Approved by:**

Kia Mortazavi  
Executive Director, Planning  
(714) 560-5741

**Project P (Regional Traffic Signal Synchronization Program)  
Funding Guidelines**

**Overview**

The Regional Traffic Signal Synchronization Program (Program) will provide local agencies funding for multi-jurisdictional signal synchronization program projects along corridors throughout Orange County. The goal of the Program is to relieve traffic congestion, increase travel speeds, reduce delay, and decrease emissions.

Projects funded through the Program must meet specific criteria in order to compete for funding through this Program. Funded projects are selected on a competitive basis.

**Objectives**

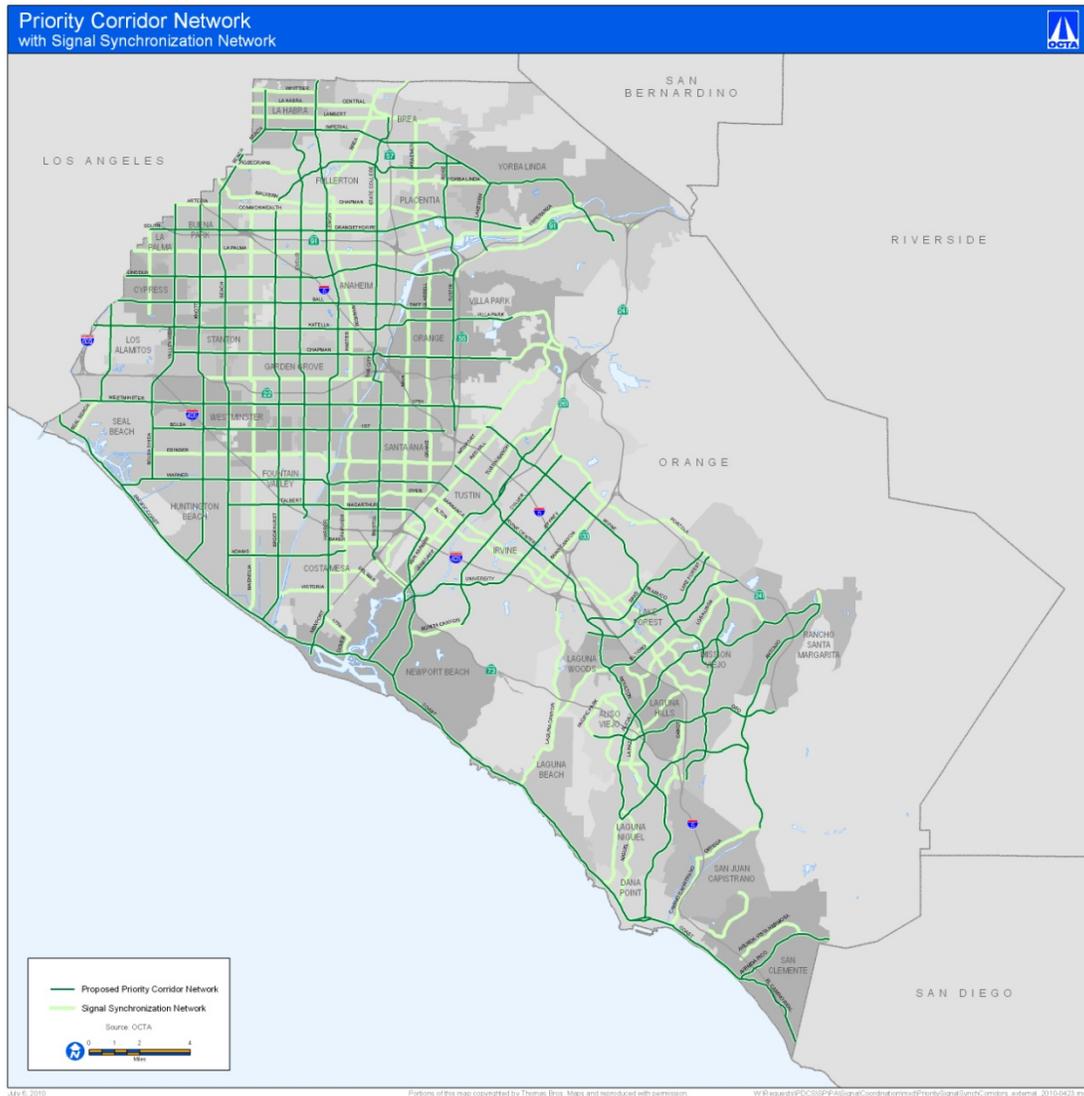
- Synchronize traffic signals across jurisdictions
- Monitor and regularly improve the synchronization
- Synchronize signals on a corridor basis reflecting existing traffic patterns

**Project Definition**

Local agencies are required to submit complete projects that, at minimum, must result in field-implemented coordinated timing. Project tasks that are eligible for funding can consist of design, engineering, construction, and construction management. Partial projects that design improvements and do not implement them are ineligible.

Projects must consist of a single or multiple corridors along the priority corridor network, signal synchronization network, or the Master Plan of Arterial Highways (MPAH). Figure 1 shows the signal synchronization network with the priority corridor network. The priority corridor network and the signal synchronization network are further defined in the Regional Traffic Signal Synchronization Master Plan. They can be the full length of the corridor or a segment that complies with the requirements listed below. If multiple corridors are proposed, each corridor must also comply with the below requirements. Note, communication system improvements that directly benefit signal synchronization along the project corridor limits, but are not physically within the project corridor, are eligible for inclusion in a project.

**FIGURE 1: Signal Synchronization Network with Priority Corridor Network**



## Eligible Activities

The primary purpose of the Program is to provide funding for projects that develop and maintain corridor-based, multi-jurisdictional signal synchronization along corridors throughout Orange County. All projects funded by this Program must be corridor-based and have a signal coordination component that includes the following:

- Signal Coordination (new or 3+ years since funded)
  - Developing and implementing signal synchronization timing and parameters

- Monitor (minimum quarterly/maximum monthly) and improve the signal synchronization timing and parameters for a duration of three years after project signal timing is implemented
- “Before” and “after” studies for the project using travel times, average speeds, green lights to red lights, and average stops per mile

In addition to developing optimized signal timing, a project may include other improvements as long as they contribute to the goal of multi-agency signal synchronization corridors throughout Orange County. These improvements are restricted to the signal synchronization project limits, with the exception of communications that are installed from a central location to the project corridor. All improvements must be designed to enhance the specific project. The following are a list of potentially eligible items as part of a signal coordination project:

- New or upgraded detection (new or 6+ years since funded)
  - Upgrade detection along the signal synchronization corridors to ensure necessary conditions for signal synchronization: inductive loops, video detection, other types of detection systems
- New or upgraded communication systems (new or 6+ years since funded)
  - Contemporary communication system improvements (e.g. Ethernet)
  - Replacement fiber optic or copper cabling for network communication
  - Software and hardware for system traffic control
  - Control and monitoring interconnect conduit (including upgrades or replacement of existing systems)
- Communications and detection support (maximum three years)
  - Monitor, maintain, and repair communication and detection along synchronized corridors to ensure necessary conditions for signal synchronization including interconnect and communications equipment
- Intersection/field system modernization and replacement (new or 6+ years since funded)
  - Traffic signal controller replacement of antiquated units
  - Controller cabinet replacements that can be shown to enhanced signal synchronization
  - Closed circuit television (CCTV)
- Minor signal operational improvements (new)
  - Emergency vehicle preempt (signal equipment only)
  - Transit signal priority (signal equipment only)

- Channelization improvements required for traffic signal phasing but not requiring street construction
- Traffic signal phasing improvements that will improve traffic flow and system performance including protective permissive left turns
- Improvements to comply with new federal or state standards for traffic signal design as related to signal synchronization
- Traffic management center (TMC)/traffic operations centers (TOC) and motorist information (new or 6+ years since funded)
  - New TMCs or TOCs (any project funded under this category must be planned or built to be center-to-center communication “ready” with nearby agencies and/or OCTA)
  - Upgrades to existing TMCs or TOCs (any project funded under this category must be planned or built to be center-to-center communication “ready” with nearby agencies and/or OCTA)
  - Motorist information systems (up to 10 percent of total project costs)
- Real-time traffic actuated operations and demonstration projects (new or 6+ years since funded)
  - Adaptive traffic signal systems

In addition, expenditures related to the design of systems, permitting, and environmental clearance are eligible for funding.

### **Ineligible Expenditures**

- Isolated traffic signal improvements
- Traffic hardware (pole, mast arms, lights, electrical, signs, etc.)
- Regular signal operation and maintenance (such as replacement of light bulbs)
- Display equipment
- Feasibility studies
- Relocation of utilities
- Battery backup systems
- Right-of-way

### **Funding Estimates**

The streets and roads component of Measure M2 (M2) is to receive 32 percent of net revenues, 4 percent of which are allocated for Project P or the Program. The Program will make an estimated \$270 million (2009 dollars) available over the course of the 30-year M2 Program. Programming estimates are developed in conjunction with a call for projects cycle corresponding to concurrent funding agreements with all local agencies.

The Program targets over 2,000 intersections across Orange County for coordinated operations. Because of the limited amount of funds available for Project P, project cap of \$30,000 per signal or \$50,000 per project corridor mile included as part of each project (whichever is higher) has been established for the initial call for projects.

### **Selection Criteria**

Specific selection criteria will be used to evaluate competitive program project applications. Emphasis is placed on furthering the overall goal of multi-jurisdictional, corridor-based signal synchronization.

Vehicle Miles Traveled (VMT): Centerline length of segment(s) proposed for the synchronization corridor multiplied by the existing average daily traffic (ADT) for the proposed segment(s) length. For instance, for a three-mile segment with one-mile interval ADT data at of 200 vehicles, 300 vehicles, and 400 vehicles, the VMT would be calculated as

- $200 \text{ vehicles} * 1 \text{ mile} + 300 \text{ vehicles} * 1 \text{ mile} + 400 \text{ vehicles} * 1 \text{ mile} = 900 \text{ vehicle miles.}$

VMT should be calculated by the smallest segments on which the city typically collects ADT data. (maximum: 20 points)

Benefit Cost Ratio: Existing VMT divided by total project cost (including unfunded phases). (maximum: 20 points)

Project Characteristics: Points are awarded based on the type and relevance of proposed project. For instance, if a signal synchronization project is combined with improvements as defined in the “Eligible Activities” section above. (maximum: 15 points)

Transportation Significance: Points are earned based on the corridor being on the priority corridor network, signal synchronization network, or MPAH. (maximum: 15 points)

Project Scale: Points are earned for including more intersections along priority corridor network, signal synchronization network, or MPAH as part of the project. (maximum: 10 points)

Number of Jurisdictions: Points are earned for including jurisdictions as part of the project. (maximum: 10 points)

Current Project Readiness: This category is additive. Points are earned for each satisfied readiness stage at the time applications are submitted. (maximum: 5 points)

Funding Over-Match: The percentages shown apply to match rates above a jurisdiction's minimum match requirement. M2 requires a 20 percent local match for Program projects. Project over-match is limited to dollar match only. (maximum: 5 points)

## **Application Process**

Project allocations are determined through a competitive application process administered by OCTA. Local agencies seeking funding must complete a formal application and provide supporting documentation that will be used to evaluate the project proposal as outline below.

1. Complete application
  - a. Funding needs by phase and fiscal year
  - b. 20 percent matching funds type, source, and description
  - c. Lead agency Option 1 (default – local agency) or Option 2 (OCTA)
  - d. Lead and supporting agencies names
  - e. Supporting technical information
  - f. Project development and implementation schedule
  - g. Environmental clearances and other permits
  - h. Any additional information deemed relevant by the applicant
2. Allocations subject to funding agreements

A call for projects for the funding cycle will be issued as determined by the OCTA Board of Directors (Board). Complete project applications must be submitted by the established due dates to be considered eligible for consideration.

Applications will be reviewed by OCTA for consistency, accuracy, and concurrence. Once applications have been completed in accordance with the Program requirements, the projects will be scored, ranked, and submitted to the Technical Steering Committee, Technical Advisory Committee, and the Board for consideration and funding approval. OCTA reserves the right to evaluate submitted project costs for reasonableness as part of the review and selection process and suggest potential revisions to make the cost more appropriate.

## **Minimum Eligibility Requirements**

All M2 eligible Orange County cities and the County of Orange may participate in this Program. Caltrans facilities are eligible for this Program, but Caltrans cannot act as the lead agency. Agencies will be required to provide a minimum of 20 percent matching funds for eligible projects (see definition of matching funds below).

The goal of Project P is to provide regional signal synchronization on a corridor basis regardless of jurisdictional boundaries. To facilitate this goal, to be eligible for funding through this Program, a project must meet the following requirements:

1. Be on a corridor that is part of the priority corridor network, signal synchronization network, or the MPAH. The project must be consistent with Local Signal Synchronization Plans and support the Regional Traffic Signal Synchronization Master Plan goals of signal synchronization that is corridor-based, multi-jurisdictional, and emphasizes local control.
2. Be multi-jurisdictional and have documented support from all participating jurisdictions (local cities, County of Orange, or Caltrans) and a minimum of 20 signals, or cover a distance of five miles

or

Include at minimum three jurisdictions, have documented support from all participating jurisdictions (local cities, County of Orange, or Caltrans), and have a minimum intersection density of five intersections per mile with a minimum of five signals

or

If within a single jurisdiction, include the full length of the priority corridor, signal synchronization network corridor, or MPAH corridor

### **Matching Funds**

Local agencies along the corridor are required to provide minimum match funding of 20 percent for each project. As prescribed by Ordinance Number 3, this includes local sources, Measure M turn-back, and other public or private sources (herein referred to as a “dollar match”). Additionally, this also can potentially include in-kind services provided by local agency staff. In-kind services are defined as those actions that local agencies will do in support of the project including labor (calculated by number of hours multiplied by staff hourly wage including benefits) and new signal system investment related to improved signal synchronization. Examples of labor include, but are not limited to, implementation of intersection or system timing parameters, review of timing documentation, meeting participation, conducting or assisting in before/after studies, and other similar efforts. Allowable signal system investment would be improvements that are “eligible activities” per the funding guidelines, which can be shown to improve signal synchronization and would not include any prior investments made by the agency. The specific matching requirement by project category type is listed below:

<b>Project category</b>	<b>Type of matching allowed</b>
Signal coordination	In-kind or dollar match
New or upgraded detection	In-kind or dollar match
New or upgraded communications systems	In-kind or dollar match
Communications and detection support	In-kind or dollar match
Intersection/field system modernization and replacement	In-kind or dollar match
Minor signal operational improvements	In-kind or dollar match
Traffic management center/traffic operations centers and motorist information systems	Dollar match only
Real-time traffic actuated operations and demonstration projects	Dollar match only

In-kind services are subject to audit.

### **Other Application Materials**

Supporting documentation will be required to fully consider each project application. In addition to the funding plan described above, local agencies will be required to submit the following materials:

Lead Agency: Lead agency for the project must be identified: local agency or OCTA.

Participating Agencies: All participating agencies must be identified.

Council Approval: A Council Resolution or Minute Order action authorizing request for funding consideration with a commitment of project match funding (local sources) must be provided with the project application from all participating agencies.

Project Support: If proposed project has completed initial planning activities (such as project study report or equivalent, environmental impact report, or design), evidence of approval should be included with the application. Satisfactory evidence includes project approval signature page, engineer-stamped site plan, or other summary information to demonstrate completion or planning phases. The applicant will be asked for detailed information only if necessary to adequately evaluate the project application.

## **Lead Agency**

This Program is administered through a single lead agency: a local city or OCTA.

Local Agency Lead: If a local city is the lead agency, then only the lead agency will receive payments in accordance to the Comprehensive Transportation Funding Guidelines regarding payment for costs related to project for optimized signal timing development, capital improvements, planning, and related design. Payments will be disbursed consistent with M2 guidelines regarding payment. The lead agency is responsible for reimbursing other agencies as part of the effort. Additionally, the lead agency is also responsible for ensuring that all agencies participating in the project provide the 20 percent match.

OCTA Lead: If OCTA is the lead agency, then OCTA will be responsible for all costs related to project for optimized signal timing development, capital improvements, planning, and related design. OCTA will be responsible for ensuring that all agencies participating in the project provide the 20 percent match.

## **Special Project P Certification**

The Combined Transportation Funding Program (CTFP) Guideline includes provisions for payment for projects under M2. Project P requires additional provisions beyond those specified in the CTFP Guidelines. Specifically, Project P eligible activities will require certification of completion to be presented at the time of the semi-annual review. A template of the certification document will be provided at a later date.

## **Project Cancellation**

Projects deemed infeasible will be cancelled and further expenditures will be prohibited (except where necessary to bring the current phase to a logical conclusion).

Cancelled projects will be eligible for re-application upon resolution of issues that led to original project termination.

## **Audits**

All M2 payments are subject to audit. Local agencies must follow established accounting requirements and applicable laws regarding the use of public funds. Failure to submit to an audit in a timely manner may result in loss of future funding. Misuse or misrepresentation of M2 funding will require remediation which may include repayment, reduction in overall allocation, and/or other sanctions to be determined. Audits shall be conducted by OCTA Internal Audit

Department or other authorized agent either through the normal annual process or on a schedule to be determined by the OCTA Board.

### **Data Compatibility**

All count data collected as part of any funded project shall be provided to OCTA in one of the two following digital formats: 1) NDS/Southland Car Counters style excel spreadsheet; or 2) JAMAR comma separated value style text file. Any count data provided to OCTA shall be consistent with one of these two formats. The data shall then be able to be loaded into the OCTA Roadway Operations and Analysis Database System (ROADS). Any data files containing numeric intersection or node identifiers shall use the same node identification (ID) numbers as is stored in the ROADS database. OCTA shall provide a listing of intersections and corresponding unique node ID numbers. Each count data file shall adhere to the following file naming or csv. As an example, a turning movement count file for the intersection of Harbor Boulevard and Wilson Street in Costa Mesa would be given the filename CostaMesa\_Harbor-Wilson\_4534.csv.

All traffic signal synchronization data collected and compiled as part of any funded project for both existing (before) and final optimized (after) conditions shall be provided to OCTA in Synchro version 6 csv Universal Traffic Data Format (UTDF) format and version 7 combined data UTDF format. This data shall include the network layout, node, link, lane, volume, timing, and phase data for all coordinated times. All such data shall be consistent with the OCTA ROADS database.

**Project P Selection Criteria for Eligible Projects**

**Vehicle Miles Traveled (VMT) (20 points)**

<b>VMT</b>	
250,000 or above	20
200,000 to 249,999	15
150,000 to 199,999	10
100,000 to 149,999	6
50,000 to 99,999	3
49,999 or below	1
	<b>20</b>

Calculation: (ADT \* D<sub>1</sub>) + (ADT \* D<sub>2</sub>) ... + (ADT \* D<sub>n</sub>) = Total Project VMT

**Benefit Cost Ratio (20 points)**

<b>Total Project Cost (information only)</b>	
\$ (capital)	<i>(No Points)</i>
<b>VMT / Project Cost</b>	
0.81 or above	20
0.71 to 0.80	16
0.61 to 0.70	12
0.51 to 0.60	8
0.41 to 0.50	4
0.40 or below	1
	<b>20</b>

**Project Characteristics (15 points)**

Signal coordination	7
Communication and detection support	5
TMC/TOC and motorist information	3
New or upgraded communication systems	2
New or upgraded detection	1
Intersection/field system modernization and replacement	1
Minor signal operational improvements	1
Real-time traffic actuated operations and demonstration projects	1
	<b>15</b>

Add all elements included as part of submitted project  
Up to a maximum of 15 points

**Transportation Significance (15 points)**

<b>Corridor Type</b>	
Priority Corridor	15
Signal Synchronization	10
Network Corridor	
MPAH Corridor	5
	<b>15</b>

**Project Scale (10 points)**

<b>Signals Being Retimed per Mile</b>	
5 or above	5
4.0 to 4.9	4
3.0 to 3.9	3
2.0 to 2.9	2
1.9 or below	1
	<b>5</b>

Calculation: number of signals coordinated divided by the project length (in miles)

**AND**

<b>Percent of Corridor Signals Being Retimed</b>	
90% or above	5
80% to 89%	4
70% to 79%	3
60% to 69%	2
50% to 59%	1
	<b>5</b>

Calculation: number of signals coordinated divided by total number of signals along the full corridor length

**Number of Jurisdictions (10 points)**

<b>Total Number of Involved Jurisdictions</b>	
5 or above	10
4	8
3	6
2	4
	<b>10</b>

**OR**

<b>% of Corridor Jurisdictions Involved</b>	
100%	10
75% to 99%	6
50% to 75%	3
	<b>10</b>

**Current Project Readiness (5 points)**

<b>Estimated Project Start</b>	
Within 12 months	5
Within 24 months	3
Within 36 months	1
	<b>5</b>

**Funding Over-Match (5 points)**

<b>Funding Over-Match</b>	
50% or above	5
40%-49%	4
35%-39%	3
30%-34%	2
25%-29%	1
	<b>5</b>

**SECTION V**

**EXHIBIT B: COST AND PRICE FORMS**

**PRICE SUMMARY SHEET**

**REQUEST FOR PROPOSALS (RFP) 0-1766**

Enter below the proposed price for each of the work phases described in the Scope of Work, Section IV. Prices shall include direct costs, indirect costs, and profits. The Authority's intention is to award a firm-fixed price contract. Please denote the basis on which the prices are quoted.

<b>TASK</b>	<b>REGIONAL CAPACITY PROGRAM</b>	<b>REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM</b>
1. Call for Projects	\$ _____	\$ _____
2. Application Review	\$ _____	\$ _____
3. Administration	\$ _____	\$ _____
<b>Total Firm Fixed Price (sum of both programs):</b>		<b>\$ _____</b>

The undersigned, upon acceptance, agrees to provide the service in accordance with the terms, conditions, and requirements as contained in RFP 0-1766 and the supporting documents for all prices proposed.

1. I acknowledge receipt of RFP 0-1766 and Addenda No.(s) \_\_\_\_\_
2. This offer shall remain firm for \_\_\_\_\_ days from the date of proposal  
(Minimum 120)

COMPANY NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

EMAIL \_\_\_\_\_

SIGNATURE OF PERSON  
AUTHORIZED TO BIND OFFEROR \_\_\_\_\_

SIGNATURE'S NAME AND TITLE \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

**SECTION VI**  
**PROPOSED AGREEMENT**

1 **PROPOSED AGREEMENT NO. C-0-1766**

2 **BETWEEN**

3 **ORANGE COUNTY TRANSPORTATION AUTHORITY**

4 **AND**

5 \_\_\_\_\_  
6 **THIS AGREEMENT** is effective this \_\_\_\_ day of \_\_\_\_\_, 2010, by and  
7 between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange,  
8 California 92863-1584, a public corporation of the state of California (hereinafter referred to as  
9 "AUTHORITY"), and \_\_\_\_\_, \_\_\_\_\_, (hereinafter referred to as "CONSULTANT").

10 **WITNESSETH:**

11 **WHEREAS**, AUTHORITY requires assistance from CONSULTANT to provide proposal  
12 evaluation services in conjunction with forthcoming AUTHORITY Calls for Projects; and

13 **WHEREAS**, said work cannot be performed by the regular employees of AUTHORITY; and

14 **WHEREAS**, CONSULTANT has represented that it has the requisite personnel and experience,  
15 and is capable of performing such services; and

16 **WHEREAS**, CONSULTANT wishes to perform these services;

17 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CONSULTANT  
18 as follows:

19 **ARTICLE 1. COMPLETE AGREEMENT**

20 A. This Agreement, including all exhibits and documents incorporated herein and made  
21 applicable by reference, constitutes the complete and exclusive statement of the terms and conditions  
22 of this Agreement between AUTHORITY and CONSULTANT and it supersedes all prior  
23 representations, understandings and communications. The invalidity in whole or in part of any term or  
24 condition of this Agreement shall not affect the validity of other terms or conditions.

25 B. AUTHORITY's failure to insist in any one or more instances upon CONSULTANT's  
26 performance of any terms or conditions of this Agreement shall not be construed as a waiver or

1 relinquishment of AUTHORITY's right to such performance or to future performance of such terms or  
2 conditions and CONSULTANT's obligation in respect thereto shall continue in full force and effect.  
3 Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when  
4 specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written  
5 amendment to this Agreement and issued in accordance with the provisions of this Agreement.

6 **ARTICLE 2. AUTHORITY DESIGNEE**

7 The Chief Executive Officer of AUTHORITY, or designee, shall have the authority to act for and  
8 exercise any of the rights of AUTHORITY as set forth in this Agreement.

9 **ARTICLE 3. SCOPE OF WORK**

10 A. CONSULTANT shall perform the work necessary to complete in a manner satisfactory to  
11 AUTHORITY the services set forth in Exhibit A, entitled "Scope of Work," attached to and, by this  
12 reference, incorporated in and made a part of this Agreement. All services shall be provided at the  
13 times and places designated by AUTHORITY.

14 B. CONSULTANT shall provide the personnel listed below to perform the above-specified  
15 services, which persons are hereby designated as key personnel under this Agreement.

16 **Names** **Functions**

17  
18  
19  
20  
21 C. No person named in paragraph B of this Article, or his/her successor approved by  
22 AUTHORITY, shall be removed or replaced by CONSULTANT, nor shall his/her agreed-upon function  
23 or level of commitment hereunder be changed, without the prior written consent of AUTHORITY.  
24 Should the services of any key person become no longer available to CONSULTANT, the resume and  
25 qualifications of the proposed replacement shall be submitted to AUTHORITY for approval as soon as  
26 possible, but in no event later than seven (7) calendar days prior to the departure of the incumbent key

1 person, unless CONSULTANT is not provided with such notice by the departing employee.  
 2 AUTHORITY shall respond to CONSULTANT within seven (7) calendar days following receipt of these  
 3 qualifications concerning acceptance of the candidate for replacement.

4 **ARTICLE 4. TERM OF AGREEMENT**

5 This Agreement shall commence upon execution by both parties, and shall continue in full force  
 6 and effect through October 31, 2011, unless earlier terminated or extended as provided in this  
 7 Agreement.

8 **ARTICLE 5. PAYMENT**

9 A. For CONSULTANT's full and complete performance of its obligations under this Agreement  
 10 and subject to the maximum cumulative payment obligation provisions set forth in Article E.6,  
 11 AUTHORITY shall pay CONSULTANT on a firm fixed price basis in accordance with the following  
 12 provisions.

13 B. The following schedule shall establish the firm fixed payment to CONSULTANT by  
 14 AUTHORITY for each work task set forth in the Scope of Work. The schedule shall not include any  
 15 CONSULTANT expenses not approved by AUTHORITY, including, but not limited to reimbursement for  
 16 local meals.

<u>Tasks</u>	<u>Description</u>	<u>Firm Fixed Price</u>
1	Call For Projects	.00
2	Application Review	.00
3	Administration	<u>.00</u>
<b>TOTAL FIRM FIXED PRICE PAYMENT</b>		<b><u>.00</u></b>

22 C. CONSULTANT shall invoice AUTHORITY on a monthly basis for payments corresponding  
 23 to the work actually completed by CONSULTANT. Percentage of work completed shall be documented  
 24 in a monthly progress report prepared by CONSULTANT, which shall accompany each invoice  
 25 submitted by CONSULTANT. CONSULTANT shall also furnish such other information as may be  
 26 requested by AUTHORITY to substantiate the validity of an invoice. At its sole discretion, AUTHORITY

1 may decline to make full payment for any task listed in paragraph B of this Article until such time as  
2 CONSULTANT has documented to AUTHORITY's satisfaction, that CONSULTANT has fully  
3 completed all work required under the task. AUTHORITY's payment in full for any task completed shall  
4 not constitute AUTHORITY's final acceptance of CONSULTANT's work under such task; final  
5 acceptance shall occur only when AUTHORITY's release of the retention described in paragraph D.

6 D. As partial security against CONSULTANT's failure to satisfactorily fulfill all of its obligations  
7 under this Agreement, AUTHORITY shall retain ten percent (10%) of the amount of each invoice  
8 submitted for payment by CONSULTANT. All retained funds shall be released by AUTHORITY and  
9 shall be paid to CONSULTANT within sixty (60) calendar days of payment of final invoice, unless  
10 AUTHORITY elects to audit CONSULTANT's records in accordance with Article 16 of this Agreement.  
11 If AUTHORITY elects to audit, retained funds shall be paid to CONSULTANT within thirty (30) calendar  
12 days of completion of such audit in an amount reflecting any adjustment required by such audit.

13 E. Invoices shall be submitted by CONSULTANT on a monthly basis and shall be submitted in  
14 duplicate to AUTHORITY's Accounts Payable office. Each invoice shall be accompanied by the  
15 monthly progress report specified in paragraph C of this Article. AUTHORITY shall remit payment  
16 within thirty (30) calendar days of the receipt and approval of each invoice. Each invoice shall include  
17 the following information:

- 18 1. Agreement No. C-0-1766;
- 19 2. Specify the task number for which payment is being requested;
- 20 3. The time period covered by the invoice;
- 21 4. Total monthly invoice (including project-to-date cumulative invoice amount); and  
22 retention;
- 23 5. Monthly Progress Report;
- 24 6. Certification signed by the CONSULTANT or his/her designated alternate that a)  
25 The invoice is a true, complete and correct statement of reimbursable costs and progress; b) The  
26 backup information included with the invoice is true, complete and correct in all material respects; c) All

1 payments due and owing to subcontractors and suppliers have been made; d) Timely payments will  
2 be made to subcontractors and suppliers from the proceeds of the payments covered by the  
3 certification and; e) The invoice does not include any amount which CONSULTANT intends to withhold  
4 or retain from a subcontractor or supplier unless so identified on the invoice.

5 7. Any other information as agreed or requested by AUTHORITY to substantiate the  
6 validity of an invoice.

7 **ARTICLE 6. MAXIMUM OBLIGATION**

8 Notwithstanding any provisions of this Agreement to the contrary, AUTHORITY and  
9 CONSULTANT mutually agree that AUTHORITY's maximum cumulative payment obligation (including  
10 obligation for CONSULTANT's profit) shall be \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00) which shall include all  
11 amounts payable to CONSULTANT for its subcontracts, leases, materials and costs arising from, or  
12 due to termination of, this Agreement.

13 **ARTICLE 7. NOTICES**

14 All notices hereunder and communications regarding the interpretation of the terms of this  
15 Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing  
16 said notices in the U.S. mail, registered or certified mail, returned receipt requested, postage prepaid  
17 and addressed as follows:

18 To CONSULTANT:

To AUTHORITY:

Orange County Transportation Authority

550 South Main Street

P.O. Box 14184

Orange, CA 92863-1584

23 ATTENTION:

ATTENTION: Grant Gager

(714) 560 – 5743

Email: ggager@octa.net

26 **ARTICLE 8. INDEPENDENT CONTRACTOR**

1           CONSULTANT's relationship to AUTHORITY in the performance of this Agreement is that of an  
2 independent contractor. CONSULTANT's personnel performing services under this Agreement shall at  
3 all times be under CONSULTANT's exclusive direction and control and shall be employees of  
4 CONSULTANT and not employees of AUTHORITY. CONSULTANT shall pay all wages, salaries and  
5 other amounts due its employees in connection with this Agreement and shall be responsible for all  
6 reports and obligations respecting them, such as social security, income tax withholding, unemployment  
7 compensation, workers' compensation and similar matters.

8           **ARTICLE 9. INSURANCE**

9           A. CONSULTANT shall procure and maintain insurance coverage during the entire term of this  
10 Agreement. Coverage shall be full coverage and not subject to self-insurance provisions.  
11 CONSULTANT shall provide the following insurance coverage:

12           1. Commercial General Liability, to include Products/Completed Operations,  
13 Independent Contractors', Contractual Liability, and Personal Injury Liability, and Property Damage with  
14 a minimum limit of \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate.

15           2. Automobile Liability Insurance to include owned, hired and non-owned autos with a  
16 combined single limit of \$1,000,000.00 each accident;

17           3. Workers' Compensation with limits as required by the State of California including a  
18 waiver of subrogation in favor of AUTHORITY, its officers, directors, employees or agents;

19           4. Employers' Liability with minimum limits of \$1,000,000.00; and

20           5. Professional Liability with minimum limits of \$1,000,000.00 per claim.

21           B. Proof of such coverage, in the form of an insurance company issued policy endorsement  
22 and a broker-issued insurance certificate, must be received by AUTHORITY prior to commencement of  
23 any work. Proof of insurance coverage must be received by AUTHORITY within ten (10) calendar days  
24 from the effective date of this Agreement with the AUTHORITY, its officers, directors, employees and  
25 agents designated as additional insured on the general and automobile liability. Such insurance shall  
26 be primary and non-contributive to any insurance or self-insurance maintained by the AUTHORITY.

1 C. CONSULTANT shall include on the face of the Certificate of Insurance the Agreement  
2 Number C-0-1766; and Grant Gager, Contract Administrator.

3 D. CONSULTANT shall also include in each subcontract the stipulation that subcontractors  
4 shall maintain insurance coverage in the amounts required from CONSULTANT as provided in this  
5 Agreement.

6 **ARTICLE 10. ORDER OF PRECEDENCE**

7 Conflicting provisions hereof, if any, shall prevail in the following descending order of  
8 precedence: (1) the provisions of this Agreement, including all exhibits; (2) the provisions of RFP 0-  
9 1766;(3) CONSULTANT's proposal dated October 11, 2010; (4) all other documents, if any, cited herein  
10 or incorporated by reference.

11 **ARTICLE 11. CHANGES**

12 By written notice or order, AUTHORITY may, from time to time, order work suspension and/or  
13 make changes in the general scope of this Agreement, including, but not limited to, the services  
14 furnished to AUTHORITY by CONSULTANT as described in the Scope of Work. If any such work  
15 suspension or change causes an increase or decrease in the price of this Agreement, or in the time  
16 required for its performance, CONSULTANT shall promptly notify AUTHORITY thereof and assert its  
17 claim for adjustment within ten (10) calendar days after the change or work suspension is ordered, and  
18 an equitable adjustment shall be negotiated. However, nothing in this clause shall excuse  
19 CONSULTANT from proceeding immediately with the agreement as changed.

20 **ARTICLE 12. DISPUTES**

21 A. Except as otherwise provided in this Agreement, any dispute concerning a question of fact  
22 arising under this Agreement which is not disposed of by supplemental agreement shall be decided by  
23 AUTHORITY's Director, Contracts Administration and Materials Management (CAMM), who shall  
24 reduce the decision to writing and mail or otherwise furnish a copy thereof to CONSULTANT. The  
25 decision of the Director, CAMM, shall be final and conclusive.

26 B. The provisions of this Article shall not be pleaded in any suit involving a question of fact

1 arising under this Agreement as limiting judicial review of any such decision to cases where fraud by  
2 such official or his representative or board is alleged, provided, however, that any such decision shall  
3 be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous  
4 as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any  
5 appeal proceeding under this Article, CONSULTANT shall be afforded an opportunity to be heard and  
6 to offer evidence in support of its appeal.

7 C. Pending final decision of a dispute hereunder, CONSULTANT shall proceed diligently with  
8 the performance of this Agreement and in accordance with the decision of AUTHORITY's Director,  
9 CAMM. This Disputes clause does not preclude consideration of questions of law in connection with  
10 decisions provided for above. Nothing in this Agreement, however, shall be construed as making final  
11 the decision of any AUTHORITY official or representative on a question of law, which questions shall be  
12 settled in accordance with the laws of the state of California.

13 **ARTICLE 13. TERMINATION**

14 A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or  
15 part, by giving CONSULTANT written notice thereof. Upon said notice, AUTHORITY shall pay  
16 CONSULTANT its allowable costs incurred to date of termination and those allowable costs determined  
17 by AUTHORITY to be reasonably necessary to effect such termination. Thereafter, CONSULTANT  
18 shall have no further claims against AUTHORITY under this Agreement.

19 B. AUTHORITY may terminate this Agreement for CONSULTANT's default if a federal or state  
20 proceeding for the relief of debtors is undertaken by or against CONSULTANT, or if CONSULTANT  
21 makes an assignment for the benefit of creditors, or for cause, or if CONSULTANT breaches any  
22 term(s) or violates any provision(s) of this Agreement and does not cure such breach or violation within  
23 ten (10) calendar days after written notice thereof by AUTHORITY, or if CONSULTANT fails to perform  
24 in accordance with the Scope of Work. CONSULTANT shall be liable for all reasonable costs incurred  
25 by AUTHORITY as a result of such default or breach including, but not limited to, reprourement costs  
26 of the same or similar services defaulted by CONSULTANT under this Agreement.

**ARTICLE 14. INDEMNIFICATION**

CONSULTANT shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents from and against any and all claims (including attorneys' fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to or loss of use of property caused by the negligent acts, omissions or willful misconduct by CONSULTANT, its officers, directors, employees, agents, subcontractors or suppliers in connection with or arising out of the performance of this Agreement.

**ARTICLE 15. ASSIGNMENTS AND SUBCONTRACTS**

A. Neither this Agreement nor any interest herein nor claim hereunder may be assigned by CONSULTANT either voluntarily or by operation of law, nor may all or any part of this Agreement be subcontracted by CONSULTANT, without the prior written consent of AUTHORITY. Consent by AUTHORITY shall not be deemed to relieve CONSULTANT of its obligations to comply fully with all terms and conditions of this Agreement.

B. AUTHORITY hereby consents to CONSULTANT's subcontracting portions of the Scope of Work to the parties identified below for the functions described in CONSULTANT's proposal. CONSULTANT shall include in the subcontract agreement the stipulation that CONSULTANT, not AUTHORITY, is solely responsible for payment to the subcontractor for the amounts owing and that the subcontractor shall have no claim, and shall take no action, against AUTHORITY, its officers, directors, employees or sureties for nonpayment by CONSULTANT.

<b><u>Subcontractor Name/Addresses</u></b>	<b><u>Subcontractor Amounts</u></b>
	.00
	.00

**ARTICLE 16. AUDIT AND INSPECTION OF RECORDS**

CONSULTANT shall provide AUTHORITY, or other agents of AUTHORITY, such access to CONSULTANT's accounting books, records, payroll documents and facilities, as AUTHORITY deems necessary. CONSULTANT shall maintain such books, records, data and documents in accordance

1 with generally accepted accounting principles and shall clearly identify and make such items readily  
2 accessible to such parties during CONSULTANT's performance hereunder and for a period of four (4)  
3 years from the date of final payment by AUTHORITY. AUTHORITY's right to audit books and records  
4 directly related to this Agreement shall also extend to all first-tier subcontractors identified in Article 15  
5 of this Agreement. Consultant shall permit any of the foregoing parties to reproduce documents by any  
6 means whatsoever or to copy excerpts and transcriptions as reasonably necessary.

7 **ARTICLE 17. CONFLICT OF INTEREST**

8 CONSULTANT agrees to avoid organizational conflicts of interest. An organizational conflict  
9 of interest means that due to other activities, relationships or contracts, the CONSULTANT is  
10 unable, or potentially unable to render impartial assistance or advice to the Authority;  
11 CONSULTANT's objectivity in performing the work identified in the Scope of Work is or might be  
12 otherwise impaired; or the CONSULTANT has an unfair competitive advantage. CONSULTANT is  
13 obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they  
14 are known to the CONSULTANT. All disclosures must be submitted in writing to AUTHORITY  
15 pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this  
16 Agreement.

17 **ARTICLE 18. CODE OF CONDUCT**

18 CONSULTANT agrees to comply with the AUTHORITY's Code of Conduct as it relates to  
19 Third-Party contracts which is hereby referenced and by this reference is incorporated herein.  
20 CONSULTANT agrees to include these requirements in all of its subcontracts.

21 **ARTICLE 19. FEDERAL, STATE AND LOCAL LAWS**

22 CONSULTANT warrants that in the performance of this Agreement, it shall comply with all  
23 applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and  
24 regulations promulgated thereunder.

25 **ARTICLE 20. EQUAL EMPLOYMENT OPPORTUNITY**

26 In connection with its performance under this Agreement, CONSULTANT shall not discriminate

1 against any employee or applicant for employment because of race, religion, color, sex, age or national  
2 origin. CONSULTANT shall take affirmative action to ensure that applicants are employed, and that  
3 employees are treated during their employment, without regard to their race, religion, color, sex, age or  
4 national origin. Such actions shall include, but not be limited to, the following: employment, upgrading,  
5 demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other  
6 forms of compensation; and selection for training, including apprenticeship.

7 **ARTICLE 21. PROHIBITED INTERESTS**

8 CONSULTANT covenants that, for the term of this Agreement, no director, member, officer or  
9 employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter shall have any  
10 interest, direct or indirect, in this Agreement or the proceeds thereof.

11 **ARTICLE 22. OWNERSHIP OF REPORTS AND DOCUMENTS**

12 A. The originals of all letters, documents, reports and other products and data produced under  
13 this Agreement shall be delivered to, and become the property of AUTHORITY. Copies may be made  
14 for CONSULTANT's records but shall not be furnished to others without written authorization from  
15 AUTHORITY. Such deliverables shall be deemed works made for hire and all rights in copyright therein  
16 shall be retained by AUTHORITY.

17 B. All ideas, memoranda, specifications, plans, manufacturing, procedures, drawings,  
18 descriptions, and all other written information submitted to CONSULTANT in connection with the  
19 performance of this Agreement shall not, without prior written approval of AUTHORITY, be used for any  
20 purposes other than the performance under this Agreement, nor be disclosed to an entity not connected  
21 with the performance of the project. CONSULTANT shall comply with AUTHORITY's policies regarding  
22 such material. Nothing furnished to CONSULTANT, which is otherwise known to CONSULTANT or is  
23 or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall  
24 not use AUTHORITY's name, photographs of the project, or any other publicity pertaining to the project  
25 in any professional publication, magazine, trade paper, newspaper, seminar or other medium without  
26 the express written consent of AUTHORITY.

1 C. No copies, sketches, computer graphics or graphs, including graphic artwork, are to be  
2 released by CONSULTANT to any other person or agency except after prior written approval by  
3 AUTHORITY, except as necessary for the performance of services under this Agreement. All press  
4 releases, including graphic display information to be published in newspapers, magazines, etc., are to  
5 be handled only by AUTHORITY unless otherwise agreed to by CONSULTANT and AUTHORITY.

6 **ARTICLE 23. PATENT AND COPYRIGHT INFRINGEMENT**

7 A. In lieu of any other warranty by AUTHORITY or CONSULTANT against patent or copyright  
8 infringement, statutory or otherwise, it is agreed that CONSULTANT shall defend at its expense any  
9 claim or suit against AUTHORITY on account of any allegation that any item furnished under this  
10 Agreement or the normal use or sale thereof arising out of the performance of this Agreement, infringes  
11 upon any presently existing U. S. letters patent or copyright and CONSULTANT shall pay all costs and  
12 damages finally awarded in any such suit or claim, provided that CONSULTANT is promptly notified in  
13 writing of the suit or claim and given authority, information and assistance at CONSULTANT's expense  
14 for the defense of same. However, CONSULTANT will not indemnify AUTHORITY if the suit or claim  
15 results from: (1) AUTHORITY's alteration of a deliverable, such that said deliverable in its altered form  
16 infringes upon any presently existing U.S. letters patent or copyright; or (2) the use of a deliverable in  
17 combination with other material not provided by CONSULTANT when such use in combination infringes  
18 upon an existing U.S. letters patent or copyright.

19 B. CONSULTANT shall have sole control of the defense of any such claim or suit and all  
20 negotiations for settlement thereof. CONSULTANT shall not be obligated to indemnify AUTHORITY  
21 under any settlement made without CONSULTANT's consent or in the event AUTHORITY fails to  
22 cooperate fully in the defense of any suit or claim, provided, however, that said defense shall be at  
23 CONSULTANT's expense. If the use or sale of said item is enjoined as a result of such suit or claim,  
24 CONSULTANT, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell  
25 said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent and  
26 copyright indemnity thereto.

1                   **ARTICLE 24. FINISHED AND PRELIMINARY DATA**

2                   A. All of CONSULTANT's finished technical data, including but not limited to illustrations,  
3                   photographs, tapes, software, software design documents, including without limitation source code,  
4                   binary code, all media, technical documentation and user documentation, photoprints and other graphic  
5                   information required to be furnished under this Agreement, shall be AUTHORITY's property upon  
6                   payment and shall be furnished with unlimited rights and, as such, shall be free from proprietary  
7                   restriction except as elsewhere authorized in this Agreement. CONSULTANT further agrees that it  
8                   shall have no interest or claim to such finished, AUTHORITY-owned, technical data; furthermore, said  
9                   data is subject to the provisions of the Freedom of Information Act, 5 USC 552.

10                  B. It is expressly understood that any title to preliminary technical data is not passed to  
11                  AUTHORITY but is retained by CONSULTANT. Preliminary data includes roughs, visualizations,  
12                  software design documents, layouts and comprehensives prepared by CONSULTANT solely for the  
13                  purpose of demonstrating an idea or message for AUTHORITY's acceptance before approval is given  
14                  for preparation of finished artwork. Preliminary data title and right thereto shall be made available to  
15                  AUTHORITY if CONSULTANT causes AUTHORITY to exercise Article 11, and a price shall be  
16                  negotiated for all preliminary data.

17                   **ARTICLE 25. FORCE MAJEURE**

18                  Either party shall be excused from performing its obligations under this Agreement during the  
19                  time and to the extent that it is prevented from performing by an unforeseeable cause beyond its  
20                  control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material,  
21                  products, plants or facilities by the federal, state or local government; national fuel shortage; or a  
22                  material act or omission by the other party; when satisfactory evidence of such cause is presented to  
23                  the other party, and provided further that such nonperformance is unforeseeable, beyond the control  
24                  and is not due to the fault or negligence of the party not performing.

25                  This Agreement shall be made effective upon execution by both parties.

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**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement No. C-0-1766 to be executed on the date first above written.

**CONSULTANT**

**ORANGE COUNTY TRANSPORTATION AUTHORITY**

By \_\_\_\_\_

By \_\_\_\_\_

Meena Katakia  
Manager, Capital Projects

APPROVED AS TO FORM:

By \_\_\_\_\_

Kennard R. Smart, Jr.  
General Counsel

**SECTION VII**

**FORMS**

**Status of Past and Present Contracts Form**

On the form provided below, Offeror shall list the status of past and present contracts where the firm has either provided services as a prime contractor or a subcontractor during the past five (5) years in which the contract has ended or will end in a termination, settlement or in legal action. A separate form must be completed for each contract. Offeror shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value.

If the contract was terminated, list the reason for termination. Offeror must also identify and state the status of any litigation, claims or settlement agreements related to any of the identified contracts. Each form must be signed by an officer of the Offeror confirming that the information provided is true and accurate.

<b>Project city/agency/other:</b>	
<b>Contact name:</b>	<b>Phone:</b>
<b>Project award date:</b>	<b>Original Contract Value:</b>
<b>Term of Contract:</b>	
<b>1) Status of contract:</b>	
<b>2) Identify claims/litigation or settlements associated with the contract:</b>	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

Name \_\_\_\_\_  
 Title \_\_\_\_\_

\_\_\_\_\_ Date