

DATE: April 10, 2012

ITEM: 7.B.

RE: CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY AMENDING THE TERMS OF A MEMORANDUM OF UNDERSTANDING WITH THE UTAH TRANSIT AUTHORITY AND SALT LAKE CITY FOR THE MANAGEMENT OF A FEDERAL TRANSIT ADMINISTRATION ALTERNATIVES ANALYSIS GRANT

PROJECT AREA: Central Business District, Depot District, Granary District, West Temple Gateway

PREPARED BY: Matt Dahl

EXECUTIVE SUMMARY: In December 2010, the Federal Transit Administration (FTA) awarded Salt Lake City a \$470,000 grant to perform an alternatives analysis (AA) for the proposed Downtown Streetcar project. Following the award it was determined that Salt Lake City (SLC) would not be able to administer the grant itself. FTA has indicated that Salt Lake City can enlist the Utah Transit Authority (UTA) to assist with administering the grant, provided the grant is still used for the Downtown Streetcar AA. The attached term sheet outlines the proposed terms of a memorandum of understanding (MOU) between the RDA, SLC, and UTA for the administration of the AA grant by UTA.

ALTERNATIVES: 1) Approve the resolution.
2) Do not approve the resolution.
3) Approve the resolution with changes.

ANALYSIS AND ISSUES: The Redevelopment Agency of Salt Lake City (RDA) has been the lead Agency in planning for streetcar projects in Salt Lake City. Over the past 24 months, the RDA has specifically been pursuing the preliminary planning for a Downtown Streetcar line. As part of that process, HDR Engineering (HDR) and Fehr & Peers (FP) completed a feasibility study in October 2010 that specifically looked at a Downtown Streetcar alignment. The findings of that study included an assessment of the likely project funding sources. The assessment indicated that federal funding would be required for the project. To pursue federal funding for the design and construction of the Downtown Streetcar line, an Alternatives Analysis would need to be conducted.

In July 2010, the Redevelopment Agency of Salt Lake City (RDA) submitted a \$477,000 grant application to the FTA in order to fund an Alternatives Analysis for the Downtown Streetcar

Project. The Alternatives Analysis (AA) will provide an in-depth analysis of transportation options that must be completed prior to applying for federal funds to construct a new transit project. The grant application indicated that the feasibility study completed by HDR and FP would be the starting point for the additional investigation that would be conducted as part of the AA. A preliminary budget for the AA estimated that the total cost would be \$597,279. The Grant guidelines require the recipient to provide a 20% match, which was estimated in the application to be \$119,457.

In December of 2010, the FTA announced the award of the grant to Salt Lake City in the amount of \$470,000. Given the cost estimate for the AA and the amount awarded by the FTA, Salt Lake City needed to provide funding in the amount of \$126,457. The RDA currently has \$941,175 allocated for Streetcar planning and construction in the Central Business District, Depot District, Granary District, and West Temple Gateway project area budgets. In March of 2011, the RDA Board passed a resolution approving the utilization of \$126,457 as matching funding for the grant.

Following the approval of the RDA's matching funding, RDA staff worked with the City to assemble the necessary approvals and documentation to move on to the next phase of the grant administration process. It was during this phase that staff was made aware of the FTA's requirement that the City have an official Title VI Civil Rights Program in order for the FTA to obligate the funds to the Downtown Streetcar AA. The FTA's Title VI requirement is different from that of other grants received by the City. The time and cost of creating and maintaining a Title VI program for the entire City would be disproportionate to the benefit provided by the grant. In 2011, staff pursued the option of having UTA administer the grant and manage the procurement process and having the RDA act as the project manager. This option was workable because UTA has a Title VI program and experience administering FTA grants. UTA was amenable to this arrangement and worked with staff to negotiate the terms of an MOU that would specify the roles and responsibilities of the parties. The RDA Board approved the MOU term sheet in December 2011.

Following the approval of the MOU term sheet, SLC and RDA staff determined that it would be appropriate to have the SLC Transportation Division manage the streetcar consultant, given that the City is hiring a Streetcar Manager that will focus on streetcar issues. The attached term sheet has been amended to change the role of SLC in the MOU.

Staff is seeking the Board's approval of the attached term sheet in order to move forward with the MOU and subsequently the Downtown Streetcar AA.

BACKGROUND:

- September 2009 – HDR Engineering and Fehr and Peers began Downtown Streetcar feasibility study.
- July 2010 – RDA staff submitted application for FTA Alternatives Analysis Grant
- October 2010 – Feasibility study completed and presented to RDA Board.

- January 2011 – FTA announced recipients of the Alternatives Analysis Grant.
- March 2011 – RDA approved using \$126,450 as the local match for the Alternatives Analysis Grant.
- December 2011 – The RDA Board approved the terms for a MOU between the RDA and UTA.

ATTACHMENTS: Resolution & Term Sheet

CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY AMENDING THE TERMS OF A MEMORANDUM OF UNDERSTANDING WITH THE UTAH TRANSIT AUTHORITY AND SALT LAKE CITY FOR THE MANAGEMENT OF A FEDERAL TRANSIT ADMINISTRATION ALTERNATIVES ANALYSIS GRANT

WHEREAS, the Redevelopment Agency of Salt Lake City (“Agency”) was created to transact the business and exercise the powers provided for in the Utah Community Development and Renewal Agencies Act; and

WHEREAS, the Agency is seeking to construct a streetcar line in Downtown Salt Lake City; and

WHEREAS, the Federal Transit Administration (FTA) offered grant funds for Alternatives Analyses under 49 U.S.C. 5339; and

WHEREAS, on July 12, 2010 Salt Lake City submitted an Alternatives Analysis Grant Application requesting \$477,000 to conduct an Alternatives Analysis for a Downtown Streetcar Project; and

WHEREAS, Salt Lake City was awarded a \$470,000 grant (AA Grant) under the Alternatives Analysis Grant Program; and

WHEREAS, the Agency anticipates that Salt Lake City (SLC) will transfer the AA Grant to the Utah Transit Authority (UTA); and

WHEREAS, the Agency approved Resolution 704.07 approving the terms for a Memorandum of Understanding (MOU) with UTA for the joint administration of the AA Grant; and

WHEREAS, UTA, SLC, and the Agency have negotiated an amended MOU term sheet for the joint administration of the the AA Grant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY, that we do hereby approve the terms in the Alternatives Analysis Grant Memorandum of Understanding Term Sheet attached hereto.

BE IT FURTHER RESOLVED, that we do hereby authorize the Chief Administrative Officer and the Executive Director to negotiate the form of a Memorandum of Understanding between the Redevelopment Agency of Salt Lake City and the Utah Transit Authority in accordance with the Term Sheet attached hereto. The Memorandum of Understanding shall also incorporate such other terms as recommended by Agency legal counsel.

Passed by the Board of Directors of the Redevelopment Agency of Salt Lake City, this 10th day of April, 2012.

Kyle LaMalfa, Chairperson

ATTEST:

D. J. Baxter, Executive Director

Transmitted to the Chief Administrative Officer on _____. The Chief Administrative Officer

___ does not request reconsideration

___ requests reconsideration at the next regular Agency meeting.

Ralph Becker, Chief Administrative Officer

ATTEST:

D. J. Baxter, Executive Director

Approved as to form: _____
Damon Georgelas

**Alternatives Analysis Grant
Memorandum of Agreement Term Sheet**

- Purpose:** To outline the terms of a Memorandum of Agreement (MOA) or interlocal agreement among the Utah Transit Authority, Salt Lake City, and the Redevelopment Agency of Salt Lake City for the administration and funding of an Alternatives Analysis (AA) Grant awarded by the Federal Transit Administration (FTA). The AA Grant will be used to fund an alternatives analysis for a Downtown Salt Lake City streetcar system. While the terms described herein memorialize the parties' intentions, further discussion and negotiation will be required to finalize a definitive agreement on the matters described herein and the details of administering the AA Grant.
- Parties:** Utah Transit Authority (UTA)
Redevelopment Agency of Salt Lake City (RDA)
Salt Lake City (SLC)
- Project Steering Committee:** A Project Steering Committee (PSC) will be established to provide policy guidance and resolve disputes among the Parties. The Committee shall be comprised of at least one representative from each Party.
- Technical Advisory Committee:** The Technical Advisory Committee (TAC) will be comprised of representatives from the Parties and other stakeholders agreed to by the Parties. SLC will direct and chair the TAC. TAC will provide technical guidance for the project, review consultant deliverables, screen alternatives, and assist with public processes. TAC Committee findings and decisions shall be used to advise SLC in the management of the AA.
- Funding:**
- 1) The FTA shall fund up to \$470,000 of the cost of the AA through the AA Grant.
 - 2) The RDA has committed to provide matching funds of up to \$126,450 (the "Match").
 - 3) The RDA shall transfer the requisite Match to UTA

prior to a notice to proceed being issued to the AA consultant.

- 4) UTA will hold the Match in a general ledger account as contributed capital to be paid to the AA consultant as the local match percentage of each approved invoice.
- 5) The Match shall not be used for any purpose other than the AA Grant's matching requirement without written approval from the RDA.
- 6) Within 45 days of making the final payment to the AA consultant or the termination of the AA consultant contract all unused Match funds shall be returned to the RDA.

Assignment of Grant:

The execution of the MOA shall be conditioned on SLC providing the FTA with a written notice that UTA will administer the AA Grant. RDA and SLC shall provide all necessary information to UTA for entering the grant into the FTA's grants management system (TEAM) with the understanding that obligation of the federal funds could take up to six weeks to process and must be completed by September 30, 2013 as noticed in the Federal Register on March 1, 2011. UTA will not select an AA consultant until the grant is obligated.

Alternatives Analysis Scope:

The RFP for an AA consultant will only be advertised after the Scope of Work for the Alternatives Analysis and all accompanying required documentation has been approved by the Parties.

Procurement:

UTA shall conduct the procurement and be responsible for ensuring that the procurement process, including preparing and marketing a Request for Proposals for Consultant Services (RFP), consultant contract preparation, and consultant contract administration, meets FTA requirements. UTA shall be the contracting entity with the consultant. RDA and SLC shall follow all UTA procurement rules.

Selection of Consultant:

- 1) A Procurement Committee comprised of representatives from the Parties and individuals agreed on by the Parties, shall review and approve all procurement decisions that obligate funding from the Alternatives Analysis Grant.
- 2) The selection of a consultant to perform the AA shall be made by the Procurement Committee.

- 3) The selection of the consultant shall be based on the terms included in the RFP and procurement rules as determined by UTA.
- 4) All Procurement Committee members shall agree to follow UTA's procurement rules.

Project Management:

The consultant contract shall be managed by SLC with consultation from UTA and RDA. All contract payments to the consultant will require UTA and RDA approval within the time allowed under the consultant contract.

Change Orders:

- 1) All change orders shall originate with SLC.
- 2) All change orders shall be funded by AA Grant Funds or other sources acceptable to the Parties.
- 3) Change orders shall have funding secured and be in compliance with FTA regulations before they will be processed by UTA.
- 4) All change orders shall be processed using UTA's own procedures.

Dispute Resolution

In the event that the Project Steering Committee is unable to settle a dispute, the issue will be addressed by the Executive Director of the RDA, the Director of SLC's Transportation Division, and the General Manager of UTA (the "Executives"). In the event the Executives are unable to resolve a given disputed issue within a reasonable time, then the Parties may, at either Party's request, bring in a mediator to assist in resolving the problem. The cost of such mediator shall be shared equally between the Parties.