



Lake County Illinois

Master

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Status: Consent Agenda

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Reference:

Controlling Body: Public Works and Transportation Committee

File Created Date : 09/26/2008

File Name: Lake County Passage, FFY '05 Funding: Amendment No. 1 IDOT Agreement

Final Action:

Title: Joint Resolution providing for the execution of an amendment to the agreement between the Illinois Department of Transportation (IDOT) and Lake County for the use of FFY '05 federal highway funds for a portion of the Lake County PASSAGE ITS Program. This amendment No. 1 provides for the extension of the agreement expiration date to December 31, 2009 to provide adequate time for engineering services to design and implement upgrades as set forth in the original implementation phasing plan from September 2003. This improvement is designated as Section 02-00268-05-EG.

Notes:

Sponsors:

Agenda Date:

Attachments: PASSAGE FFY 05 Funding_20080926084655.pdf

Enactment Number:

Authorizer:

Hearing Date:

Entered by: JCiechanowski@lakecountyil.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Public Works and Transportation Committee	10/01/2008	Approved and referred on to Financial and Administrative Committee				Pass
1	Financial and Administrative Committee	10/01/2008	Recommended for adoption to the Consent Agenda				Pass
1	Lake County Board	10/14/2008					

Text of Legislative File 08-0705

Title

Joint Resolution providing for the execution of an amendment to the agreement between the Illinois Department of Transportation (IDOT) and Lake County for the use of FFY '05 federal highway funds for a portion of the Lake County PASSAGE ITS Program. This amendment No. 1 provides for the extension of the agreement expiration date to December 31, 2009 to provide adequate time for engineering services to design and implement upgrades as set forth in the original implementation phasing plan from September 2003. This improvement is designated as Section 02-00268-05-EG.

Staff Summary

- Lake County Passage, FFY '05 Funding: Amendment No. 1 IDOT Agreement
- The Lake County Federal Legislative Program resulted in a FFY '05 earmark for the Lake County ITS Project, entitled the Lake County PASSAGE.
- FFY '05 funding administered through IDOT gives 50% reimbursement to the county has been put to contract.
- The funding is being used for a portion of the Lake County PASSAGE ITS program.
- The original completion date in the IDOT funding agreement was December 31, 2008 and IDOT amendment No. 1 provides for the completion date to be extended to December 31, 2009.

Body

WHEREAS, the State of Illinois and Lake County by prior resolution at its County Board meeting of September 12, 2006, entered into an agreement for the use of federal highway funds for a portion of the Lake County Intelligent Transportation Systems (*ITS*) program for a portion of the Lake County PASSAGE ITS Program and designated as Section 02-00268-05-EG; and

WHEREAS, this County Board of Lake County, Illinois, by prior resolution at its meeting of September 12, 2006, appropriated \$2,000,000.00 of Matching Tax funds and at its meeting of March 13, 2007 appropriated \$200,000.00 of Matching Tax funds for this improvement; and

WHEREAS, the State of Illinois and Lake County are desirous of extending the agreement expiration date to December 31, 2009, to provide adequate time to complete the above-said improvements.

NOW, THEREFORE BE IT RESOLVED that the Chair of the Lake County Board, the County Clerk, and the County Engineer of Lake County, are authorized, and they are directed to execute an amendment to the agreement pertaining to the financing of the above-named improvement, said amendment extending the agreement expiration date to December 31, 2009. The County Engineer shall transmit in writing the final amendment to be executed by the Chair of the Lake County Board and the County Clerk.

BE IT FURTHER RESOLVED that a copy of this amendment, when executed in its final form, be submitted to the Illinois Department of Transportation for their approval and final processing.

Dated at Waukegan, Illinois
this 14th day of October 2008



Intergovernmental Agreement Amendment

**FIRST AMENDMENT
FOR AGREEMENT WITH LAKE COUNTY
07T0147 (09-BOB-56)**

The undersigned DEPARTMENT and GOVERNMENTAL BODY (the parties) agree that the following shall amend the AGREEMENT referenced herein. All terms and conditions set forth in the original AGREEMENT, not amended herein, shall remain in full force and effect as written. In the event of conflict, the terms of this amendment shall prevail. This AGREEMENT AMENDMENT is in the best interest of the State and authorized by law.

1. **DESCRIPTION OF AGREEMENT:**
The agreement will fund the next phase of the Lake County Passage Program Integrated Corridor Initiative project.
2. **EFFECTIVE DATE OF AMENDMENT:**
Amendment is effective upon execution.
3. **DESCRIPTION OF AMENDMENT:**
Amendment extends the time needed to complete the Scope of Work to December 31, 2009. Also, Attachment A lists additional terms that are added and/or revised to Part 2 General Provisions, Part 3 Federally Funded Agreements, Part 4 Specific Provisions and Part 7 Agreement Award Information. The funding provision embodied in the original agreement is not altered by this amendment.
4. **ATTACHMENTS AND INCORPORATIONS:** The following Attachment is hereby incorporated and made part of this AMENDMENT.
Attachment A.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT AMENDMENT to be executed on the dates shown below by representatives authorized to bind the respective parties.

For The GOVERNMENTAL BODY:

Signature of Authorized Representative	Type or Print Name of Authorized Representative	Date
Title of Authorized Representative		
Governmental Body Lake County		
Legal Address 600 W. Winchester Road		
City, State, Zip Libertyville, IL 60048		

For The DEPARTMENT:

Richard J. Smith, Director, Planning & Programming	Ellen Schanzle-Haskins, Chief Counsel (Approved as to form)	Date
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FOR STATE USE ONLY

Contract: 07T0147 BoBS: 09-BOB-56

Source Selection:

IFB (including Multi-step) RFP RFP/P&A

Small Sole Source Emergency

Exempt from Code Other (describe)

By: _____

Ann L. Schneider, Director of Finance & Administration	Date
By: _____	
Milton R. Sees, P. E., Secretary of Transportation	Date
By: _____	

DRAFT

ATTACHMENT A

The following clause revises Part 2-General Provisions, Paragraph F contained in the original AGREEMENT:

- F. Subcontracting/Procurement Procedures/Employment of Department Personnel
1. Subcontracting. Subcontracting, assignment or transfer of all or part of the interests of the GOVERNMENTAL BODY concerning any of the obligations covered by this Agreement is prohibited without prior written consent of the DEPARTMENT.
 2. Procurement of Goods or Services – Federal Funds. For purchases of products or services with any Federal funds that cost more than \$3,000.00 but less than the simplified acquisition threshold fixed at 41 U.S.C 403(11), (currently set at \$100,000.00) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any Federal funds that are in excess of the simplified acquisition threshold fixed at 41 U.S.C. 403(11), (currently set at \$100,000.00) will require the GOVERNMENTAL BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used, provided that the procurement procedures conform to the provisions in Part 3(K) below. The GOVERNMENTAL BODY may only procure products or services from one source with any Federal funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) after solicitation of a number of sources, competition is determined inadequate.
 3. Procurement of Goods or Services – State Funds. For purchases of products or services with any State of Illinois funds that cost more than \$10,000.00, (\$5,000.00 for professional and artistic services) but less than the small purchase amount set by the Illinois Procurement Code Rules, (currently set at \$31,300.00 and \$20,000.00 for professional and artistic services) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any State of Illinois funds in excess of the small purchase amount (currently set at \$31,300.00 for goods and services and \$20,000.00 for professional and artistic services) will require the GOVERNMENTAL BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used. The GOVERNMENTAL BODY may only procure products or services from one source with any State of Illinois funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) after solicitation of a number of sources, competition is determined inadequate.
- The GOVERNMENTAL BODY shall include a requirement in all contracts with third parties that the contractor or consultant will comply with the requirements of this Agreement in performing such contract, and that the contract is subject to the terms and conditions of this Agreement.
4. EMPLOYMENT OF DEPARTMENT PERSONNEL. GOVERNMENTAL BODY will not employ any person or persons currently employed by the DEPARTMENT for any work required by the terms of this Agreement.

The following clauses revise Part 3-Federal Funded Agreements, Paragraphs D, E and L contained in the original AGREEMENT:

- D. Control of Property. GOVERNMENTAL BODY certifies that the control, utilization and disposition of property or equipment acquired using federal funds is maintained according to the provisions of OMB Circular A-102 Common Rule.
- E. Cost Principles. The cost principles of this Agreement are governed by the cost principles found in Title 49, Code of Federal Regulations, Part 18.22 and OMB Circular A-87, State, local or Indian tribal government and all costs included in this Agreement are allowable under Title 49, Code of Federal Regulations, Part 18.22 and OMB Circular A-87, State, local or Indian tribal government.
- L. Intelligent Transportation Systems Program. As used in this assurance, the term Intelligent Transportation Systems (ITS) project is defined to include any project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture."
1. In accordance with Section 5307(c) of SAFETEA-LU, 23 U.S.C. 502 note, the GOVERNMENTAL BODY assures it will comply with all applicable requirements of Section V (Regional ITS Architecture and Section VI (Project Implementation)) of FTA Notice, "FTA National ITS Architecture Policy on Transit Projects," at 66 *Fed. Reg.* 1455 *et seq.*, January 8, 2001, and other FTA requirements that may be issued in connection with any ITS

project it undertakes financed with Highway Trust Funds (including funds from the mass transit account) or funds made available for the Intelligent Transportation Systems Program authorized by SAFETEA-LU, 23 U.S.C. 502 note.

2. With respect to any ITS project financed with Federal assistance derived from a source other than Highway Trust Funds (including funds from the Mass Transit Account) or SAFETEA-LU, U.S.C. 502 note, the GOVERNMENTAL BODY assures that it will use its best efforts to ensure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

The following clause revises Part 4-Specific Provisions, Paragraph A contained in the original AGREEMENT:

A. Invoices. The amount shown on each invoice shall be in accordance with the rates established in Part 6. All non-labor costs, if allowable, shall be listed and itemized as provided in Part 6.

Any invoices/bills issued by the GOVERNMENTAL BODY to the DEPARTMENT pursuant to this Agreement shall be sent to the following address:

**Illinois Department of Transportation
ITS Program Office
ATTN: Charles Sikaras
201 West Center Court
Schaumburg, Illinois 60196**

All invoices shall be signed by an authorized representative of the GOVERNMENTAL BODY.

Part 7-Agreement Award Notification is added to the Agreement

PART 7

AGREEMENT AWARD NOTIFICATION

REQUIRED FOR ALL PROJECTS

Does this project receive Federal funds? Yes No

State Obligation Number **07T0147**

Amount of Federal funds: \$896,636
Federal Project Number: ITS-0517 (102)
CFDA Number* 20.205
Federal Agency Federal Highway Administration
Program Title Intelligent Transportation Systems
State Job Number C-75-018-06

Description: Second Phase of the Lake County Passage Program

*For CFDA (Catalog of Federal Domestic Assistance) Number, refer to original Federal Award/Grant Agreement.

ANNUAL CERTIFICATION FOR COMPLIANCE WITH FEDERAL OMB-CIRCULAR A-133

NOTE: ANNUAL COMPLIANCE WITH THIS REQUIREMENT IS MANDATORY FOR EVERY YEAR IN WHICH THE DEPARTMENT REIMBURSES COSTS FOR THIS PROJECT TO ANY STATES, LOCAL GOVERNMENTS OR NONPROFIT ORGANIZATIONS. FAILURE TO COMPLY WITH THE ANNUAL CERTIFICATION TO THE DEPARTMENT WILL RESULT IN THE SUSPENSION OF PAYMENTS TO REIMBURSE PROJECT COSTS.

In accordance with OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, such non-federal entities that expend \$500,000 or more in federal awards in a year are required to have a single audit performed in accordance with OMB Circular A-133. The Illinois Department of Transportation (IDOT) is required by Federal law to obtain and review the single audit of all entities that had any Federally participating funds pass through it, irrespective of the amount provided by IDOT. It is the responsibility of the agencies expending Federal funds to comply with the requirements of OMB Circular A-133 and determine whether they are required to have a single audit performed.

In order to comply with this requirement, your agency must provide the following information to the Department on an annual basis for every year in which you receive reimbursement from the Department for costs associated with this project:

1. If your agency expended \$500,000 (or the current OMB Circular A-133 qualifying amount) or more in federal awards from all sources, including other agencies, in a year, you are required to have a single audit performed in accordance with OMB Circular A-133 and submit a copy of the report to the Department within the earlier of 30 days after completion of the single audit or no more than nine months after the end of your fiscal year end. **This is an annual requirement for every year in which you receive payments to reimburse costs for this project.**
2. If your agency did not expend \$500,000 (or the current OMB Circular A-133 qualifying amount) or more in federal awards from all sources, including other agencies, in any fiscal year for which you expend payments from the Department for reimbursement of project costs and were not required to conduct a single audit, you must complete and return the certification statement on the following page. **This is an annual requirement for every year in which you receive payments to reimburse costs for this project.**
3. If your agency receives multiple awards from the Department, only one annual submittal of this information is required.

Please submit a copy of your OMB Circular A-133 single audit or the Single Audit Not Required Certification to:

Illinois Department of Transportation
Audit Section, Rm. 124
2300 South Dirksen Parkway
Springfield, IL 62764

Attn: Julie Brooks

The single audit must be comprised of four parts. You have the option of including the four parts in one report or a combination of reports. The four parts are commonly known as:

1. Comprehensive Annual Financial Report (Financial Statements).
2. Schedule of Expenditures of Federal Awards and Independent Auditor's Report thereon.
3. Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements performed in accordance with Government Auditing Standards.
4. Independent Auditor's Report on Compliance with Requirements Applicable to each Major Program and on Internal Control over Compliance in accordance with OMB Circular A-133.

Additional information which should be submitted:

1. Corrective Action Plan(s), if applicable.
2. Management Letter, if applicable.
3. Status of Prior Year Findings, if applicable.

For your convenience, you may also submit the information via email to Julie Brooks at Julie.Brooks@illinois.gov or via fax at 217/785-7624. If you have any questions, please contact Julie Brooks or me at 217/782-5148.

Single Audit Not Required

I certify that _____ did not expend \$500,000 or more in federal awards in our fiscal year _____, and was not required to have a single audit conducted.

(Signature)

(Title)

Subrecipient Contact Information

Subrecipient: Lake County

Contact Person: _____

Title: _____

Address: _____

Phone No. _____

_____, IL

Fax No. _____

Fiscal Year End: _____

Email address: _____