

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION ADOPTING STATE OF CALIFORNIA DEPARTMENT OF
TRANSPORTATION ASSISTANCE PROCEDURES MANUAL CHAPTER 10
CONSULTANT SELECTION FOR STATE AND FEDERAL FUNDED
TRANSPORTATION PROJECTS**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the County of San Mateo is responsible for constructing transportation projects that are state and federally funded; and

WHEREAS, this Board did, on September 25, 2001, adopt Resolution No. 064819, which authorized authority to execute Master Agreements, Program Supplementals, Fund Exchange Agreements and/or Fund Transfers Agreements and other forms with the California Department of Transportation (Caltrans), to the Director of Public Works or their duly authorized representative; and

WHEREAS, these agreements and program supplements outline general conditions pertaining to utilizing state and federal funds; and

WHEREAS, in order to comply with the Federal regulations and due to limited staffing and expertise, certain services including Architectural and Engineering (A&E) are contracted out to qualified firms; and

WHEREAS, the Federal regulations set forth standards for procuring and administering A&E contracts; and

WHEREAS, the provisions of the Brooks Act (40 United States Code, Section 1104) requires local agencies to award federally funded engineering and design-related contracts, otherwise known as A&E contracts, on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 CFR 31.201-3); and

WHEREAS, pursuant to 23 CFR 172.5 (b), local agencies shall develop and sustain organizational capacity and provide the resources necessary for the procurement, management, and administration of engineering and design related consultant services, reimbursed in whole or in part with Federal-Aid Highway Program funding as specified in 23 U.S.C. 106(g)(4)(A); and

WHEREAS, the provision 23 CFR 172.5 (b)(1) requires local agencies to adopt written policies and procedures for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws and regulations; and

WHEREAS, Caltrans has developed the Local Assistance Procedures Manual (LAPM), Chapter 10, Consultant Selection which sets forth policies and procedures to be utilized by local agencies in the procurement and management of A&E contracts on state and federal funded transportation projects to ensure compliance with applicable Federal and State laws and regulations and to maintain eligibility for Federal-Aid reimbursement; and

WHEREAS, the County of San Mateo has developed additional policies, adopted by Ordinance No. 04781 on August 8, 2017 and contained in the San Mateo County Ordinance Code Section 2.83.170, to ensure avoidance of conflict of interests in

the performance of A&E services that would apply to state and federal funded transportation projects; and

WHEREAS, the County of San Mateo desires to adopt Caltrans's LAPM Chapter 10 and the County's conflict of interest policies for compliance with Federal regulations on the procurement and administration of A&E contracts.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. The above recitals are true and correct findings of the County of San Mateo Board of Supervisors.
2. The Local Assistance Procedures Manual, Chapter 10, Consultant Selection dated January 2021 or as amended in future updates, is approved and hereby adopted.
3. County of San Mateo Ordinance 2.83.170 "Conflict of Interest" adopted by Ordinance No. 04781 on August 8, 2017 applies to State and Federal Funded Projects.
4. The County Manager is hereby authorized to approve amendments to the County's adopted A&E Services Administration and Procurement Policies in consultation with the Federal Highways Administration.

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