

PGA: SECTION 5310 FEDERAL-ENHANCED MOBILITY OF SENIORS & INDIVIDUALS WITH DISABILITIES
TRANSIT PROVIDER: **Webb County Community Action Agency**
FTA GRANT #: **TX-16-0015-00**
CFDA #: **20.513**
TXDOT PROJECT #: **ED 1502 (22) 15**
PROJECT GRANT AGREEMENT #: **51522F7121**
MASTER GRANT AGREEMENT #: **512XXF7144**
FEDERAL TRANSIT ADMINISTRATION
NOT RESEARCH AND DEVELOPMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

**FEDERAL ENHANCED MOBILITY OF SENIORS
AND INDIVIDUALS WITH DISABILITIES
FISCAL YEAR 2015
PROJECT GRANT AGREEMENT**

THIS PROJECT GRANT AGREEMENT (PGA) is made by and between the State of Texas, acting through the Texas Department of Transportation, called the "State," and **Webb County Community Action Agency**, called the "Transit Provider."

WITNESSETH

WHEREAS, 49 United States Code Section 5310 authorizes the U.S. Secretary of Transportation to make grants to state governments to help them provide mass transportation service planned, designed, and carried out to enhance the mobility of seniors and individuals with disabilities; and

WHEREAS, Texas Transportation Code Chapter 455 authorizes the State to assist the Transit Provider in procuring aid for the purpose of establishing and maintaining public and mass transportation projects and to administer funds appropriated for public transportation under Transportation Code Chapter 456; and

WHEREAS, the U.S. Secretary of Transportation approved the State's request for funding; and

WHEREAS, the Governor of the State of Texas has designated Texas Department of Transportation to receive federal funds under the Section 5310 grant program; and

WHEREAS, the Transit Provider submitted a Fiscal Year 2014 Grant Application, Part I (GA Part I) (if applicable) for state financial assistance, and the Texas Transportation Commission approved the application by Minute Order Number **113930**; and

WHEREAS, the Transit Provider must execute a GA Part I (if applicable) and a Fiscal Year Grant Application, Part II (GA Part II) each fiscal year grant period for consideration for new state and federal grants; and

WHEREAS, a Master Grant Agreement (MGA) between the Transit Provider and the State has been adopted and states the general terms and conditions for grant projects developed through this PGA;

NOW THEREFORE, the State and the Transit Provider agree as follows:

AGREEMENT

ARTICLE 1. GRANT TIME PERIOD

This PGA becomes effective when fully executed by both parties or on **September 1, 2014** whichever is later. This PGA shall remain in effect until **December 31, 2015**, unless terminated or otherwise modified in an Amendment. This PGA will not be considered fully executed until both parties have executed a MGA, and the Transit Provider has submitted the GA Part I (if applicable) and the GA Part II (federal funds only) to the State. The time period of this PGA cannot be extended past the MGA, without exception. Any cost incurred before or after the contract period shall be ineligible for reimbursement.

ARTICLE 2. PROJECT DESCRIPTION

- A.** The Transit Provider shall complete the public transportation project described in the GA Part I, the Attachment A - Approved Project Description, and the Attachment B – Project Budget. Attachments A and B are attached to and made a part of this agreement. The Transit Provider shall complete the project in accordance with all of the documents associated with the MGA and with all applicable federal and state laws and regulations.
- B.** If applicable, the Transit Provider shall begin competitive procurement procedures by issuing an invitation for bids or a request for proposals no later than sixty (60) days after the effective date of this grant agreement for the purchase of the approved line items referenced in Attachment A. No later than sixty (60) days after the issuance of public notification, the Transit Provider shall publicly open all bids or privately review proposals. The Transit Provider shall enter into a binding agreement with a supplier no later than thirty (30) days after the opening of an acceptable bid or proposal. The Transit Provider shall notify the department in writing when it is necessary to exceed these deadlines.

ARTICLE 3. COMPENSATION

The maximum amount payable under this PGA without modification is **\$ 37,400 and 7,480** Transportation Development Credits, provided that expenditures are made in accordance with the amounts and for the purposes authorized in the GA Part I, Attachment A, and Attachment B - Master Budget Page.

The original and one copy of the invoice are to be submitted to the following address:

Texas Department of Transportation
Attn: Bolivar Bolanos
Public Transportation Coordinator
P.O. Box 29928
San Antonio, Texas 78229-0928

ARTICLE 4. AMENDMENTS

Except as noted in the MGA, changes in the scope, objectives, cost, or duration of the project authorized in this agreement shall be enacted by written amendment approved by the parties before additional work may be performed or additional costs incurred. Any amendment must be executed by both parties within the grant period specified in Article 1, Grant Time Period.

ARTICLE 5. INCORPORATION OF MGA PROVISIONS.

This PGA incorporates all of the governing provisions of the MGA in effect on the date of final execution of this PGA, unless an exception has been made in this agreement.

ARTICLE 6. SIGNATORY WARRANTY

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Transit Provider in duplicate.

THE TRANSIT PROVIDER

Signature

Typed, Printed, or Stamped Name

Title

Date

THE STATE OF TEXAS

Signature

Bolivar Bolanos

Typed, Printed, or Stamped Name

Public Transportation Coordinator

Title

Date

List of Attachments

A - Approved Project Description

B - Project Budget

ATTEST:

Danny Valdez
Webb County Judge

Margie Ramirez Ibarra
Webb County Clerk

APPROVED AS TO FORM:

Marco A. Montemayor
Webb County Attorney

***By law, the county attorney's office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).**

ATTACHMENT A APPROVED PROJECT DESCRIPTION

Required Project Description Statements:

Per Texas Administrative Code 31.17: Failure to expend funds in a timely manner may cause the department to terminate the grant and re-award the unobligated balance to another project.

Transit provider shall comply with Article 13 of the Master Grant Agreement requiring procurement and project milestones / quarterly progress reports. Within 30 days of PGA execution, the subrecipient will provide the TxDOT Public Transportation Coordinator with a project milestone plan that delineates fund expenditures throughout the contract period.

TxDOT's goal for DBE Participation in public transportation projects for fiscal years 2015 - 2017 is 4.57 percent of funds expended in U.S. Department of Transportation, Federal Transit Administration (FTA) assisted contracts. This is not a contract specific goal but is the goal for annual DBE participation for FTA funds. The full definition of DBE program requirements is found in Article 16 of the Master Grant Agreement.

Attachment A

El Aguila Rural Transportation currently provides transportation service to rural residents of Webb County into the city of Laredo. El Aguila provides transportation to Colonia locations and townships in Webb County. These locations include the townships of Oilton, Mirando, Bruni and Aguilares in the Eastern Webb County, El Cenizo and Rio Bravo in Southern Webb County and Colonias of Penitas, Los Minerales and Antonio Santos in Western Webb County. Furthermore, transportation is provided to colonias of Tanquesitos 1 & 2, Ranchitos Hwy. 359 and Pueblo Nuevo of Laredo adjacent to S.H. 359, Colonias Las Lomas and Centenario located East of Laredo on S.H.59. In addition, El Aguila serves residents of the City of Encinal in La Salle County North of Laredo adjacent to Interstate Highway 35. El Aguila as the designated 5311 rural transportation entity in Webb County provides fixed stops and demand medical response to the rural community of Webb County.

The existing complementary transportation services in the Webb County Service area include: Border Area Nutrition Council, which transports elderly to and from senior centers. However, transportation is not currently provided for persons less than 65 years of age and only for those residents of the senior centers who are enrolled in the nutrition program. South Texas Development Council provides transportation to limited areas of Webb County and do not service all the areas that El Aguila serves. El Aguila Rural Transit will work closely with S.T.D.C. for this year in where El Aguila will administer a schedule of clients on a day to day basis to S.T.D.C. for pick-up and delivery of clients to and from areas through Webb County.

The growing population of rural residents and corresponding growth in demand medical services in Webb County represent the need for a 5310 Elderly and Disable route to the medical facilities and clinics in Webb County and the City of Laredo.

**ATTACHMENT B
PROJECT BUDGET**

[Insert Budget Page]

Attachment B

El Aguila Rural Transportation program is currently providing transportation for clients who reside in Webb County and the City of Encinal, Texas (La Salle County). The clients range from infants to elderly who need access to medical services through our demand response program. El Aguila provides non-emergency demand response service and a fixed route service with a fleet of (9) radio equipped vehicles all which are ramp access for wheelchair and comply with all requirements of the Americans with Disabilities Act (ADA). El Aguila employs thirteen (13) full time drivers to operate the rural transportation program.

Demand response destinations include but are not limited to the following locations: Mercy Regional Medical Center, Columbia Doctors Hospital, Ruthe B Cowl Rehabilitation Center, Laredo Ambulatory Diagnostic service, Laredo Kidney Center, Veterans Administration Clinic, Laredo State Center, medical supply centers, laboratories and pharmacies. During the period of September 1, 2000 to August 31, 2001, El Aguila's demand response service traveled 115,140 miles and provided a total of 139,177 trips, 7,401 passengers to medical facilities in Laredo. Round trips vary in distance from 20 to 75 miles for the flat fee of \$1.00.

El Aguila Rural Transportation will coordinate the purchase of service agreement between South Texas Development Council (S.T.D.C.) for the amount of \$10,000.00. El Aguila will schedule, administer and allocate \$833.00 per month, for 12 months, for services from S.T.D.C., to execute pick-up and delivery of clients within the Webb County area.

El Aguila will advise S.T.D.C. which clients need to be picked-up and delivered on a day to day basis for each month for twelve months. Once said allocation of \$10,000.00 is exhausted, El Aguila will once again continue to service the area(s) that S.T.D.C. was serving through agreement from El Aguila.

FY 2015 Budget (Attachment B)

SUBRECIPIENT: Webb County Community Action Agency

TxDOT PROJECT NO: ED 1502 (22) 15

PGA: 51522F7121

TERMINATION DATE: 12/31/2015

District	Description	ALI	Item	Final Apportionment (MO 113930)			
				Total	Federal	Local	TDC
	PM	11.7A.00		\$ 25,000	\$ 25,000	\$ -	5,000
	ADA Equipment	11.42.43		\$ 5,400	\$ 5,400	\$ -	1,080
	Communications	11.62.02		\$ 7,000	\$ 7,000	\$ -	1,400
			Total:	\$ 37,400	\$ 37,400	\$ -	7,480

District	Description	ALI	Item	Total	Federal	Local	TDC
				\$	\$	\$	\$
				\$ -	\$ -	\$ -	-
				\$ -	\$ -	\$ -	-
				\$ -	\$ -	\$ -	-
			Total:	\$ -	\$ -	\$ -	-

District	Description	ALI	Item	Total Apportionment			
				Total	Federal	Local	TDC
	PM	11.7A.00		\$ 25,000	\$ 25,000	\$ -	5,000
	ADA Equipment	11.42.43		\$ 5,400	\$ 5,400	\$ -	1,080
	Communications	11.62.02		\$ 7,000	\$ 7,000	\$ -	1,400
			Total:	\$ 37,400	\$ 37,400	\$ -	7,480

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

Page 1 of 2

ALL Districts

The Texas Transportation Commission (commission) takes special note of its designation by the governor as the administering agency for the Federal Transit Administration (FTA) grant program, "Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities" (49 U.S.C. §5310), in a letter dated October 4, 2005; and further acknowledges that federal program regulations require the Texas Department of Transportation (department) to ensure that grant funds are distributed fairly and equitably within the state.

Awards to transit operators are calculated in accordance with the formula in Title 43, Texas Administrative Code (TAC), §31.31. Projects are recommended at the district level following a consultation process with local parties, including any existing Metropolitan Planning Organizations, and a local planning and development process. The department selects the final projects and award amounts for funding.

Projects also meet the requirements of inclusion in a coordinated transportation plan as required in 49 U.S.C. §5310, and administered through the provisions of Transportation Code, Chapter 461. Project recipients recommended for award are described in Exhibit A which includes funding for transit vehicles, information technology, preventive maintenance, purchase of service, and transit operations.

The commission recognizes that state and federal law permits the substitution of Transportation Development Credits (TDC) as the required non-federal match for projects. Title 43 TAC §5.109 establishes a process by which TDC may be awarded at the discretion of the commission.

In making the TDC award, the commission has considered the potential of the projects to expand the availability of funding for public transportation projects and finds that the projects meet the established program goals set forth in 43 TAC §5.102 to support public transit.

The commission finds that the projects in Exhibit A are eligible for funding and awards a total of \$7,244,098 in federal funds and 1,420,000 in TDC.

The commission also finds that the projects in Exhibit B are eligible for funding and awards a total of \$115,716 in federal funds.

Transportation Code, Chapter 455, assigns a broad spectrum of public transportation roles and missions to the department.

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

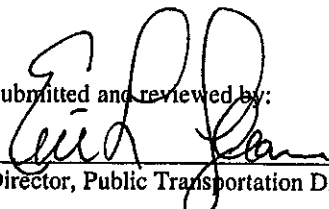
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ALL Districts

Transportation Code, Chapter 456, authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the director's designee is directed to proceed with the awards as described in Exhibits A and B, submit the necessary state application to FTA, and enter into the necessary contracts for the FY 2014 program of projects.

Submitted and reviewed by:


Director, Public Transportation Division

Recommended by:


Executive Director

213930 MAY 29 10

Minute
Number

Date
Passed

EXHIBIT A
FEDERAL §5310
FISCAL YEAR 2014 PROGRAM of PROJECTS
FOR THE SMALL URBAN AND RURAL AREAS

Transit Operators	Federal Total
Abilene, City of	\$185,000
Alamo Area Council of Governments	96,750
Ark-Tex Council of Governments	315,000
Aspermont Small Business Development Center, Inc	47,500
Bastrop County Emergency Food Pantry and Support Center	6,500
Bee County Community Action Agency	46,579
Bluebonnet Trails Community MHMR Center	62,500
Brazos Transit District	430,663
Capital Area Rural Transportation System (CARTS)	170,000
Central Texas Rural Transit District	101,887
Coastal Bend Center for Independent Living	15,000
Colorado Valley Transit, Inc	222,000
Community Services, Inc.	140,000
Concho Valley Transit District	224,348
Del Rio, City of	50,313
East Texas Council of Governments	298,495
Golden Crescent Regional Planning Commission	255,191
Greater Randolph Area Service Program Inc. (GRASP)	38,200
Gulf Coast Center	150,000
Heart of Texas Council of Governments	70,000
Hill Country Transit District	270,000
Houston Kiddie Express Transit Service	148,909
Jim Hogg County	8,000
Longview, City of	81,932
Lower Rio Grande Development Council	45,164
Metrocrest Services	20,000

EXHIBIT A
FEDERAL §5310
FISCAL YEAR 2014 PROGRAM of PROJECTS
FOR THE SMALL URBAN AND RURAL AREAS

Transit Operators	Federal Total
Montgomery County Committee on Aging dba The Friendship Center	172,000
Mounting Horizons	120,000
NDMJ Ltd Transportation	120,000
Odessa, City of	123,204
Panhandle Community Services	76,770
Panhandle Independent Living Center	112,067
Public Transit Service	30,000
Rural Economic Assistance League, Inc	238,330
Rolling Plains Management Corporation	227,665
Senior Center Resources and Public Transit, Inc.	44,000
Smith County	93,000
South Padre Island, City of	220,000
South Plains Community Action Association	199,091
Southeast Texas Regional Planning Commission	340,000
Southwest Area Regional Transit District	156,500
SPAN, Inc.	30,000
Star Transit	30,000
Starr County	56,132
Texoma Area Paratransit System, Inc.	475,012
The Transit System, Inc	96,104
Tyler, City of	180,676
University of Texas Health Science Center at Tyler	96,000
Waco, City of	200,000
Webb County Community Action Agency	37,400
West Texas Opportunities, Inc.	262,216
Zapata County	8,000
Total Programmed	\$7,244,098

EXHIBIT B
FEDERAL §5310
FISCAL YEAR 2014 PROGRAM of PROJECTS
FOR THE LAREDO URBANIZED AREAS

Urbanized Area	Federal Total
Laredo	
Border Area Nutrition Council	\$16,000
City of Laredo	99,716
Total Programmed	\$115,716