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## County of El Paso Agenda Item Details

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<b>Item Title:</b>	Planning & Development - FY2025 TxDOT Planning Assistance Project Grant Agreement (PGA) (2024-0660)
<b>Submitted By:</b>	Michael McElroy, Director
<b>Department:</b>	Planning and Development
<b>Department Phone Number:</b>	915-273-3330
<b>Subject:</b>	GRANT AWARD – Approve and authorize the County Judge to sign the FY2025 Texas Department of Transportation (TxDOT) Planning Assistance Project Grant Agreement (PGA) in the amount of \$270,000, beginning September 1, 2024, to August 31, 2025. No County match is required. (Contract No. 2024-0660)
<b>Background:</b>	<p>The El Paso County Regional Transit Institutional Options Feasibility Study was conducted in two phases between 2017 and 2021. It resulted in recommended transit improvements consisting of new and/or realigned fixed-route bus lines, the introduction of the possibility of flex-route bus service in selected corridors, and general public demand-response (GPDR).</p> <p>Grant funds will be used to enhance El Paso County's transit services a.k.a. El Paso Transit Authority (ETA) by comprehensively analyzing trip generators, local needs, and existing services. The project will formulate specific demand response service recommendations for communities through public engagement, including service models, ridership forecasts, and cost considerations. The resulting plan will contribute to the development of a seamless transportation system that promotes opportunity for all residents in the region.</p>
<b>Fiscal Impact:</b>	<p>Fiscal Impact Historical N/A</p> <p>Fiscal Impact Projected Grant: \$270,000; No County match is required.</p> <p>Long Account Number: Amount:</p>

	Long Account Number: Amount:
<b>Budget or Unbudgeted Match:</b>	N/A
<b>Recommendation:</b>	Approve and authorize the County Judge to sign the FY2025 Texas Department of Transportation (TxDOT) Planning Assistance Project Grant Agreement (PGA) in the amount of \$270,000, beginning September 1, 2024, to August 31, 2025. No County match is required. (Contract 2024-0660)
<b>Prior Action:</b>	On January 8, 2024 – Item 4R: Commissioners Court approved the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) FY2024 Planning Assistance Grant in the amount of \$270,000 for a comprehensive analysis of local transit services to formulate specific demand response service recommendations.
<b>Strategic Plan:</b>	Goal:  null  Objective:
<b>Strategic Plan Information:</b>	
<b>Estimated Time Needed For This Item:</b>	



# COMMISSIONERS COURT CONTRACT FORM

## CONTRACT SUMMARY

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**ADDITIONAL BACKGROUND:**

**FISCAL IMPACT:**

**PRIOR COURT ACTION:**

**RECOMMENDATION:**

## BASIC CONTRACT DETAILS

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CONTRACT NO.: 2024-0660

CONTRACT TITLE: FY25 Planning Assistance Grant / MGA-2022-2026-EL PASO CO-030 / Project ID 51008020625 / TxDOT Project PLN 2502 (06) 060\_23 / Grant Agreement / Yr 2024-2025

SECOND PARTY: State of Texas, Department of Transportation(TxDOT)

CONTRACT TYPE: Grant Award/Agreement

## TERM AND BUDGET DETAILS

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TERM: 1 Year

EXTENSION OPTIONS: N/A - None Available/Remaining

EFFECTIVE DATE: 9/1/2024

MOD EFFECTIVE DATE (If Applicable):

EXPIRATION DATE: 08/31/2025

MOD EXPIRATION DATE (If Applicable):

EXTENSION DEADLINE DATE (If Applicable):

AMOUNT:

MOD AMOUNT (If Applicable):

## APPROVALS

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COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Vivian Arroyo

LEGAL REVIEW: Approved as to Form as Submitted

LEGAL REVIEW NOTES (If Applicable):

DATE: 8/19/2024

DIRECTOR/DEPARTMENT HEAD APPROVAL

The undersigned hereby certifies that he/she has read the contract, understands and approves the contract terms and conditions and further certifies that the contract conforms to the bid specification, if any, and acknowledges that he/she is responsible for administering all terms and conditions.

DIRECTOR/DEPARTMENT HEAD/DESIGNEE:

DEPARTMENT CONTACT: Reyna Mayorga

DEPARTMENT: Planning & Development

DATE:

PGA: SECTION 5304 FEDERAL-PLANNING  
SUBRECIPIENT: El Paso, County of  
SUBRECIPIENT UEI:  
FAIN: TX-2023-060  
FEDERAL AWARD DATE: 07/26/2023  
CFDA #: 20.505  
TXDOT PROJECT #: PLN 2502 (06) 060\_23  
PROJECT ID #: 51008020625  
MASTER GRANT AGREEMENT #: MGA-2022-2026-EL PASO CO-030  
FEDERAL TRANSIT ADMINISTRATION  
NOT RESEARCH AND DEVELOPMENT

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**FEDERAL PLANNING PROGRAM  
FISCAL YEAR 2025  
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 El Paso, County of, called the "Subrecipient".

**WITNESSETH**

**WHEREAS**, 49 United States Code Section 5304, Planning, provides that eligible recipients may receive federal funds for public transportation planning; and

**WHEREAS**, Texas Transportation Code Chapter 455 authorizes the State to assist the Subrecipient 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 the Texas Department of Transportation to receive federal funds under the Section 5304 grant program; and

**WHEREAS**, the Subrecipient submitted a Fiscal Year 2025 Grant Application (if applicable) for state financial assistance, and the Texas Transportation Commission approved the application by Minute Order Number(s) 116736; and,

**WHEREAS**, the Subrecipient must execute a Grant Application (if applicable) and Fiscal Year Certifications and Assurances each fiscal year grant period for consideration for new state and federal grants; and

**WHEREAS**, a Master Grant Agreement (MGA) between the Subrecipient 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 Subrecipient agree as follows:

## **AGREEMENT**

### **ARTICLE 1. GRANT TIME PERIOD**

This PGA becomes effective when fully executed by both parties or on 09/01/2024, whichever is later. This PGA shall remain in effect until 08/31/2025, 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 Subrecipient has submitted the Grant Application (if applicable) and Certification and Assurances 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 Subrecipient shall complete the public transportation project described in the Grant Application, 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 Subrecipient 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 Subrecipient 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 Subrecipient shall publicly open all bids or privately review proposals. The Subrecipient 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 Subrecipient 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 \$270,000 and 54,000 Transportation Development Credits, provided that expenditures are made in accordance with the amounts and for the purposes authorized in the Grant Application, the Attachment A, and the Attachment B.

Invoices are to be submitted electronically through the eGrants system.

### **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.

## **ARTICLE 7. ACCESS TO INFORMATION**

The Subrecipient is required to make any information created or exchanged with the state pursuant to this contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state.

**THIS AGREEMENT IS EXECUTED** by the State and the Subrecipient in duplicate.

### **THE SUBRECIPIENT**

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Signature

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Title

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Date

### **THE STATE OF TEXAS**

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Signature

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Public Transportation Coordinator

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Title

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Date

### **List of Attachments**

A - Approved Project Description

B - Project Budget

## **ATTACHMENT A APPROVED PROJECT DESCRIPTION**

This project is for a comprehensive demand response service planning initiative to establish a seamless and inclusive transportation system that enhances opportunities for all residents in El Paso County. The objective is to refine and tailor transit services to meet the specific needs of local communities and neighborhoods, incorporating public feedback.

Final products include:

- ✓ A detailed work plan
- ✓ A progress reports
- ✓ A technical memos
- ✓ A draft demand response service plan
- ✓ A final report with public-facing materials

Subrecipient shall comply with Article 13: Project Records and Reports 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.

Per Texas Administrative Code (TAC) 31.47, Audit and Project Close-Out Standards: The subrecipient shall make every reasonable effort to complete all project activities and request appropriate reimbursements within the time period specified in the project agreement. This PGA may be suspended or terminated for cause, mutual agreement, or convenience. Upon termination for convenience, the PGA may be cancelled without penalty by either party by providing thirty (30) days written notice to the other party. TxDOT will reimburse the subrecipient for eligible expenses up to the date specified in the notice of cancellation. Upon termination of a subgrant, the unexpended and unobligated funds awarded to the subgrantee immediately revert to the department.

TxDOT's Public Transportation Division's (PTN) sets a Federal Transit Administration overall Disadvantaged Business Enterprise (DBE) goal every three years for funds expended by grantees. The proposed overall goal for fiscal years 2024 - 2026 is 4.15 percent. This is not a contract specific goal but an overall goal for annual DBE participation. PTN grantees should undertake efforts to include DBE business whenever practicable. The full definition of DBE program requirements is found in Article 24 of the Master Grant Agreement.

# ATTACHMENT B PROJECT BUDGET

#	Description	Fuel Type	# of Units	Award Amount	State Match	Local Match	In-Kind Match	Total Funds	TDC	Match Ratio	TDC Amount
1	Short Range Transit Planning - 44.24.00			\$270,000				\$270,000	X	80/20	54,000
<b>Totals:</b>				\$270,000	\$0	\$0	\$0	\$270,000			54,000

## **ATTACHMENT C ACTIVE PGAs**

The information below represents federal obligations in Project Grant Agreements that are currently active.

<b>Application PGA Name</b>	<b>FAIN</b>	<b>Begin Date</b>	<b>End Date</b>
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