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County of El Paso Agenda Item Details

Item Title:	Planning & Development - FY2025 TxDOT Federal 5311 Rural Areas Public Transportation Project Grant Agreement (PGA) (2024-0661)
Submitted By:	Michael McElroy, Director
Department:	Planning and Development
Department Phone Number:	915-273-3330
Subject:	GRANT AWARD – Approve and authorize the County Judge to sign the FY2025 Texas Department of Transportation (TxDOT) Federal 5311 Formula Rural Areas Public Transportation Project Grant Agreement (PGA) from September 1, 2024, through November 30, 2025, in the amount of \$2,984,231. Match funding in the amount of \$1,050,345 is required, of which \$525,173 is required in FY2025. Funding is available in GF-FED TRANSIT25-GRANT MATCH. (Contract No. 2024-0661)
Background:	The County submits an annual new application for funding for State and Federal sources for its Rural Transit District. This Federal grant will provide continued commuter bus service for the towns of Anthony and Clint, the Village of Vinton, Horizon City and the unincorporated areas of Westway, Canutillo, Montana Vista, Agua Dulce, Sparks, Fabens and Tornillo to the City of El Paso.
Fiscal Impact:	<p>Fiscal Impact Historical N/A</p> <p>Fiscal Impact Projected Grant: \$2,984,231; County match is required in the amount of \$1,050,345, of which only \$525,173 is required in FY2025. Remaining match of \$525,172 will be needed in FY2026. Funding is available in COGF-1000-0000000-43-10-0472-GRF25-800102- GF-FED TRANSIT25-GRANT MATCH</p> <p>Long Account Number: Amount:</p> <p>Long Account Number: COGF-1000-0000000-433-10-80000-</p>

0472-GRF25-800102- Amount: \$525,173.00

Budget or Unbudgeted Match: Match funding in the amount of \$1,050,345 is required, of which \$525,173 is required in FY2025. Funding is available in GF-FED TRANSIT25-GRANT MATCH

Recommendation: Approve and authorize the County Judge to sign the FY2025 Texas Department of Transportation (TxDOT) Federal 5311 Formula Rural Areas Public Transportation Project Grant Agreement (PGA) from September 1, 2024, through November 30, 2025, in the amount of \$2,984,231. Match funding in the amount of \$1,050,345 is required, of which \$525,173 is required in FY2025. Funding is available in GF-FED TRANSIT25-GRANT MATCH. (Contract No. 2024-0661)

Prior Action: On May 20, 2024; Item 4AF: Commissioners Court approved the Planning & Development Department to apply for the Texas Department of Transportation (TxDOT) 2025 Federal Transit Administration (FTA) Section 5311 Rural Areas Public Transportation Grant in the amount of \$2,984,231.

Strategic Plan: Goal:

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Objective:

Strategic Plan Information:

**Estimated Time Needed
For This Item:**

PGA: 08/01/2024
SUBRECIPIENT: El Paso, County of
SUBRECIPIENT UEI:
FAIN: TX-2024-076
FEDERAL AWARD DATE: 08/01/2024
CFDA #: 20.509
TXDOT PROJECT #: RPT 2501 (06) 076_25
PROJECT ID #: 51018010625
MASTER GRANT AGREEMENT #: MGA-2022-2026-EL PASO CO-030
FEDERAL TRANSIT ADMINISTRATION
NOT RESEARCH AND DEVELOPMENT

GH5 H9 C: H9 L5 G

7 CI BPMC: HF 5 J G

**RURAL AREA FEDERAL FORMULA 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 5311 provides that eligible recipients may receive federal funds through the Rural Public Transportation Grant Program, a federal assistance program administered by the Federal Transit Administration to enhance the access of persons living in rural areas to health care, shopping, education, recreation, public services, and employment by encouraging the maintenance, development, improvement, and use of passenger transportation systems; 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 5311 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) 116715; 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 11/30/2025, 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 \$4,536,263 and 0 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

Signature

Title

Date

THE STATE OF TEXAS

Signature

Public Transportation Coordinator

Title

Date

List of Attachments

A - Approved Project Description

B - Project Budget

ATTACHMENT A APPROVED PROJECT DESCRIPTION

As presented in the County of El Paso's FY24 Grant Application, the County of El Paso will provide public transportation throughout the rural transit district service area. The County of El Paso will provide commuter bus 6 days a week from the Towns of Anthony and Clint, the Village of Vinton, the Cities of Socorro and Horizon and the unincorporated areas of Westway, Canutillo, Montana Vista, Agua Dulce, Sparks, Fabens and Tornillo to the City of El Paso.

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	Operating - 30.09.01			\$1,074,632	\$501,687	\$572,945		\$2,149,264			0
2	Third Party Contract Capital Cost of Contracting - 11.71.12			\$1,341,840		\$335,460		\$1,677,300			0
3	Project Administration - 11.79.00			\$567,759		\$141,940		\$709,699			0
Totals:				\$2,984,231	\$501,687	\$1,050,345	\$0	\$4,536,263			0

ATTACHMENT C ACTIVE PGAs

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

Application PGA Name	FAIN	Federal Funding Amount	Begin Date	End Date
5311-2022-EL PASO CO-00076	TX-2022-051	\$1474000	09-01-2022	12-31-2024
5311-2020-EL PASO CO-00294	TX-2020-045	\$1753210	10-06-2023	12-31-2024
5311-2023-EL PASO CO-00083	TX-2023-108	\$2814669	10-06-2023	11-30-2024
5311-2022-EL PASO CO-00197	TX-2022-051	\$1400285	03-01-2024	12-31-2025



COMMISSIONERS COURT CONTRACT FORM

CONTRACT SUMMARY

ADDITIONAL BACKGROUND:

FISCAL IMPACT:

PRIOR COURT ACTION:

RECOMMENDATION:

BASIC CONTRACT DETAILS

CONTRACT NO.: 2024-0661

CONTRACT TITLE: FY25 Federal Transit Administration (FTA) / Federal 5311 / Rural Public Transportation / MGA-2022-2026-EL PASO CO-030 / Project ID 51018010625 / TxDOT Project RPT 2501 (06) 076_25 / Grant Agreement / Commuter Bus Service / Yr 2024-2025

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

CONTRACT TYPE: Grant Award/Agreement

TERM AND BUDGET DETAILS

TERM: Other - See Dates/Notes

EXTENSION OPTIONS: N/A - None Available/Remaining

EFFECTIVE DATE: 9/1/2024

MOD EFFECTIVE DATE (If Applicable):

EXPIRATION DATE: 11/30/2025

MOD EXPIRATION DATE (If Applicable):

EXTENSION DEADLINE DATE (If Applicable):

AMOUNT:

MOD AMOUNT (If Applicable):

APPROVALS

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: Michelle R. Martinez

LEGAL REVIEW: Approved as to Form as Submitted

LEGAL REVIEW NOTES (If Applicable):

DATE: 8/20/2024

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: