RESOLUTION NO. 2021-<mark>XX</mark>

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF <<mark>city</mark>> ADOPTING
CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL
CHAPTER 10: CONSULTANT SELECTION**

WHEREAS, the City of <mark><city></mark> is responsible for constructing transportation projects that are state and federally funded; 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, the State of California Department of Transportation (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 City of <mark><city></mark> has developed additional policies, dated <mark><date>,</mark> to ensure avoidance of conflict of interests in the performance of A&E services for state and federal funded transportation projects; and

WHEREAS, the City of <mark><city></mark> desires to adopt Caltrans's LAPM Chapter 10 and the City's conflict of interest policies for compliance with Federal regulations on the procurement and administration of A&E contracts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of <mark><city></mark> as follows:

Section 1. The above recitals are true and correct findings of the <mark><city></mark> City Council.

Section 2. The Local Assistance Procedures Manual, Chapter 10, Consultant Selection dated <mark><date></mark> or as amended in future updates, is approved and adopted.

Section 3. The A&E Services Administration and Procurement Policies developed by the City of <mark><city></mark> for State and Federal Funded Projects dated <mark><date>,</mark> are approved and adopted.

Section 4. Authorizes the City Manager to approve amendments to the City's adopted A&E Services Administration and Procurement Policies in consultation with the Federal Highways Administration.

Passed and adopted this <date>, by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

The foregoing resolution is hereby approved.

<div align="center">

APPROVED:

X _____

<name>, Mayor

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I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of <city> this <date>.

ATTEST:

X _____

<name>, City Clerk