



NC Capital Area Metropolitan Planning Organization

One Fenton Main St.
Suite 201
Cary NC 27511

Legislation Text

File #: ACT 21 -280, **Version:** 2

Wake Transit Work Plan Project Period of Performance Extensions - FYs 2018 and 2019

Bret Martin, MPO Staff

A number of project funding agreements that tie to project funding allocations authorized in the FY 2018 and the FY 2019 Wake Transit Work Plans expire on December 31, 2021, and September 30, 2021, respectively. Per the Wake Transit Governance Interlocal Agreement, the project funding agreements that tie to project funding allocations in Wake Transit Work Plans are a component of the Work Plan that the CAMPO Executive Board and GoTriangle Board of Trustees must approve/adopt each year. The agreement periods of performance are a key piece of the decision the boards make to allocate funds to projects, as the duration funds are made available to projects is an essential element for maintaining overall program control.

Further, the specific action the CAMPO Executive Board took to adopt the FYs 2018 and 2019 Wake Transit Work Plans included approval of the specific agreement templates for capital projects that detail a 42-month period of performance for FY 2018 Work Plan projects and a 39-month period of performance for FY 2019 Work Plan projects. Consequently, even though the currently adopted Wake Transit Work Plan Amendment Policy is silent on the issue, through consultation with CAMPO's attorney, CAMPO staff has determined that extending the periods of performance for project funding agreements that tie to the FYs 2018 and 2019 Wake Transit Work Plans effectively amounts to being a set of Wake Transit Work Plan amendments that require consideration and approval by the Wake Transit governing boards. CAMPO staff has also determined that the remaining balance of funds originally allocated to projects that were not expended before the expiration of the agreements will need to be re-allocated or re-encumbered to the applicable projects by action of the CAMPO Executive Board. The applicable projects under consideration for period of performance extensions and re-encumbrances of funds are provided in [Attachment 1](#).

The first opportunity the CAMPO Executive Board will have to consider approval of these extensions and re-encumbrances of funds is October 20th, which is 20 days after the original agreements expire. That the agreements will terminate before they have approval to be extended will result in the need for new agreements to be drafted once approval is granted. To fast-track consideration of these period of performance extensions, the TCC recommended their approval to the Executive Board at its October 7th regular meeting. The Wake County Transit Planning Advisory Committee (TPAC) recommended approval to the Wake Transit governing boards at its October 13th regular meeting.

Following the October 13th TPAC meeting, as well as the distribution of the Executive Board's October meeting materials, GoTriangle staff submitted additional information to be included in [Attachment 1](#), as the original information submitted by GoTriangle staff for a couple of GoTriangle projects was incorrect or incomplete. Consequently, [Attachment 1](#) has been updated after the original distribution of materials to the Executive Board to reflect this new information. [Attachment 2](#) is the original list of period of performance extensions and re-encumbrances of funds to be considered that was distributed to the Executive Board for its consideration. While the changes to the list reflected in [Attachment 1](#) were not recommended for approval by the TCC and the TPAC, the TPAC is aware of the proposed changes and did not signal concern or disapproval.

While it is definitely not preferable in most cases to process Wake Transit Work Plan amendments in a fast-tracked manner that does not comport with the specific protocols established in the adopted Wake Transit Work Plan Amendment Policy, time is of the essence to get this done to ensure the gap between agreements is as short as possible. Following up from the TPAC's and Executive Board's consideration of action, the

TPAC, in cooperation with CAMPO as the lead agency, will revisit the Wake Transit Work Plan Amendment Policy to establish more concrete policies and expectations for this type of amendment to get ahead of the issue well before agreements that tie to applicable projects expire.

Requested Action: Approve the period of performance extensions and re-allocation of leftover funds for the FYs 2018 and 2019 Wake Transit Work Plan project funding allocations, as detailed in **Attachment 1**, and authorize the Executive Director to execute any applicable agreements to which CAMPO is a party.