



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 01/14/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/14/2010
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 12/30/09

Agenda Title: **Amendment 1 to Intergovernmental Revenue Agreement 0809195 with the Oregon Department of Transportation for Halsey Street and Stark Street Sidewalks in Multnomah County, Utilizing Funds from the American Recovery and Reinvestment Act (ARRA) of 2009**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: January 14, 2010 **Amount of Time Needed:** Consent Calendar
Department: Community Services **Division:** Land Use & Trans Program
Contact(s): Brian Vincent, PE, County Engineer
Phone: (503) 988-5050 **Ext.** 29642 **I/O Address:** #425/2nd Floor
Presenter(s): Brian Vincent, PE, County Engineer

General Information

1. What action are you requesting from the Board?

The Department of Community Services' Land Use and Transportation Program requests approval of an amendment to an Intergovernmental Agreement with Oregon Dept. of Transportation (ODOT) for Halsey Street and Stark Street Sidewalk Improvements in Multnomah County utilizing funds from the American Recovery and Reinvestment Act (ARRA) of 2009.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Upon bid opening and subsequent contract award for this project, the County was left with approximately \$580,000 of unneeded ARRA funding. Transportation staff quickly developed and submitted another qualifying project (Asphalt Overlays) to utilize this \$580,000. This amendment transfers the \$580,000 from this sidewalk project to the asphalt overlay project.

3. Explain the fiscal impact (current year and ongoing).

No impact. ARRA funds will fully compensate costs associated with this work.

4. Explain any legal and/or policy issues involved.

None

5. Explain any citizen and/or other government participation that has or will take place.

None required. There is no change to the project scope as it was reviewed and approved for selection via the East Multnomah County Transportation Committee (EMCTC), of which Multnomah County is a member.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 12/30/09

Jerry Elliot

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: **0809195**

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached

Amendment #: **1**

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Community Services

Division/

Program: Land Use & Transportation Program

Date: 12/23/09

Originator: Brian Vincent, County Engineer

Phone: (503) 988-5050 x29642

Bldg/Room: #425/Yeon

Contact: Cathy Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: #425/Yeon

Description of Contract: Amendment No. 1 to Intergovernmental Agreement No. 25499 with Oregon Dept. of Transportation (ODOT) for NE Halsey Street and SE Stark Street Sidewalks in Multnomah County, utilizing funds from the American Recovery and Reinvestment Act of 2009. Revenue IGA. The Amendment reflects a reduction in the total ARRA funding for the project.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT
EXEMPTION OR
CITATION # _____

ISSUE
DATE: _____

EFFECTIVE
DATE: _____

END
DATE: _____

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor <u>Oregon Dept. of Transportation</u>	Remittance address (If different) _____
Address <u>123 NW Flanders St.</u>	
City/State <u>Portland OR</u>	Payment Schedule / Terms:
ZIP Code <u>97209-4037</u>	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Phone <u>(503) 731-8238 (Tom Weatherford)</u>	<input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30
Employer ID# or SS# <u>N/A</u>	<input checked="" type="checkbox"/> Other \$ <u>Per Invoice</u> <input type="checkbox"/> Other
Contract Effective Date <u>01/01/2010</u> Term Date <u>09/30/2015</u>	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:
Amendment Effect Date _____ New Term Date _____	
Original Contract Amount <u>\$ 1,000,000.00 (Estimated)</u>	Original PA/Requirements Amount \$ _____
Total Amt of Previous Amendments <u>\$ 0</u>	Total Amt of Previous Amendments \$ _____
Amount of Amendment <u>\$ (580,000.00)</u>	Amount of Amendment \$ _____
Total Amount of Agreement \$ <u>\$ 417,440.00 (Estimated)</u>	Total PA/Requirements Amount \$ _____

REQUIRED SIGNATURES:

Department Manager [Signature]

DATE 12/30/09

County Attorney /s/ Matthew O. Ryan

DATE 11/12/09

CPCA Manager N/A

DATE _____

County Chair [Signature]

DATE 01/14/2010

Sheriff _____

DATE _____

Contract Administration N/A

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

COMMENTS: (WBS: BIKESWA4299 & BIKESWA4399)

AGENDA # C-1 DATE 01/14/2010
DEBORAH L. BOGSTAD, BOARD CLERK

-----Original Message-----

From: RYAN Matthew O
Sent: Wednesday, November 11, 2009 9:50 AM
To: VINCENT Brian S
Cc: KRAMER Cathey M
Subject: FW: 25499-01_MultnomahCo_ARRA_Halsey.doc
Importance: High

Brian, the attached IGA Amendment has been reviewed and is approved for submission to the BCC for its consideration. Thanks.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

From: VINCENT Brian S
Sent: Tuesday, November 10, 2009 3:11 PM
To: RYAN Matthew O
Subject: FW: 25499-01_MultnomahCo_ARRA_Halsey.doc
Importance: High

Matt

I would like to send this back with our approval. Any concerns?

All these documents are inter-related and ultimately will cost of reimbursement \$\$ the longer we wait.
Brian

Matt

Can you please look at this IGA amendment?

Basic premise is to move \$\$ from the ARRA sidewalk project to the ARRA paving project (the draft IGA which I forwarded the other day)

-----Original Message-----

From: WEATHERFORD Thomas L [<mailto:Thomas.L.WEATHERFORD@odot.state.or.us>]
Sent: Friday, November 06, 2009 4:55 PM
To: VINCENT Brian S; SOPLOP Adam; Bilyeu, Don; mccooy@ci.gresham.or.us; Shelley, Jeff; Coolidge, Trevor
Cc: REDDEN Julie K; LEE Penelope A * Penny
Subject: FW: 25499-01_MultnomahCo_ARRA_Halsey.doc

Brian,

Attached below is a draft copy of the ARRA project agreement amendment for Multnomah County's HALSEY ST & STARK ST SIDEWALKS (MULTNOMAH CO), Key #16458, project. This amendment moves ARRA funding to MULTNOMAH COUNTY STREET OVERLAYS project, Key #16943.

Please have County staff and legal counsel review and let us know by return email whether the County has any questions, comments, or suggested changes. It is important to reply by email even should you have no comment as we will take no further action until we hear from you in writing.

AMENDMENT NUMBER 01
American Recovery and Reinvestment Act of 2009
Halsey Street Sidewalks
Multnomah County

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "State," and the Multnomah County, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on April 21, 2009. Said Agreement covers sidewalk construction.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to reduce the total ARRA funding by \$580,000. The \$580,000 will be applied to Multnomah County's contingency project, Multnomah County Streets Overlay project, Agreement No. 26312. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

TERMS OF AGREEMENT, Paragraph 2, Page 2, which reads:

2. The Project shall be conducted as a part of the ARRA Program under Title 23, United States Code. The total Project cost is estimated at \$1,000,000, which is subject to change. ARRA Program funds for this Project shall be limited to \$989,960. The Project will be financed with ARRA funds at 100 percent of the maximum allowable federal participating amount. Agency will not be required to provide a match for the ARRA funds but will be responsible for any non-participating costs, including all costs in excess of the available federal funds. No ARRA funded invoices will be accepted and no ARRA funded payments will be made after September 30, 2015.

Shall be deleted in its entirety and replaced with the following:

2. The Project shall be conducted as a part of the ARRA Program under Title 23, United States Code. The total Project cost is estimated at \$417,440, which is subject to change. ARRA Program funds for this Project shall be limited to \$409,960. The Project will be financed with ARRA funds at 100 percent of the maximum allowable federal participating amount. Agency will not be required to provide a match for the ARRA funds but will be responsible for any non-participating costs, including all costs in excess of the available federal funds. No ARRA funded invoices will be accepted and no ARRA funded payments will be made after September 30, 2015.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

**Agency/State
Agreement No. 25499-Amendment 1**

THE PARTIES, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

This Project is amended into the 2008-2011 Statewide Transportation Improvement Program, Key No. 16458 that was approved by the Oregon Transportation Commission on November 14, 2007 or will subsequently be approved by amendment to the STIP.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

On September 15, 2008, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways, to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

Agency/State
Agreement No. 25499-Amendment 1

Multnomah County, by and through its
elected officials

By Ted Wheeler, Chair

Date JANUARY 14, 2010

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By /s/ Matthew O. Ryan
Agency Counsel Assistant County
Attorney

Date 11/12/09

Agency Contact:
Brian S. Vincent, PE, County Engineer
1620 SE 190th Ave.
Portland, OR 97233
Brian.s.vincent@co.multnomah.or.us
(503) 988.5050 ext 29642

State Contact:
Tom Weatherford, ODOT Region 1
123 NW Flanders Street
Portland, OR, 97209-4012
Thomas.L.WEATHERFORD@odot.state
.or.us
503.731.8238

STATE OF OREGON, by and through
its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Local Government Section Manager

Date _____

By _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 01/14/2010
DEBORAH L. BOGSTAD, BOARD CLERK