

AMENDMENT NUMBER 03
Oregon Department of Transportation
LOCAL AGENCY CERTIFICATION PROGRAM
Supplemental Project Agreement No. 28483
FLEXIBLE FUNDS PROGRAM 2011
CONGESTION MITIGATION AND AIR QUALITY PROGRAM
ARATA RD: 223RD - 238TH (FAIRVIEW/WOOD VILLAGE)
Multnomah County

This is Amendment No. 03 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State,” and **MULTNOMAH COUNTY**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into an Agreement on April 2, 2013 and Amendment Number 01 executed on January 28, 2016, and Amendment Number 02 executed on August 17, 2016. Said Agreement covers production of design plans and construction of improvements for Arata Road including sidewalks, cross-walks, bike facilities, street lighting, landscaping, and green street drainage.

It has now been determined by State and County that the Agreement referenced above shall be amended to update the Project Milestones date for #3 “Obligation for the Construction Phase. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**

Exhibit B, Section 4, Project Milestones, Page 9, which reads:

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of STP Flexible Funds for the Preliminary Engineering phase of Project	6/19/2013
2	Obligation (Federal Authorization) of STP Flexible Funds for the Right-of-Way phase of the Project	4/2/2015
3	Obligation (Federal Authorization) of STP Flexible Funds for the Construction phase of Project	8/15/2016
4	Project Completion based on County issuing Project	11/30/2017

	Acceptance or "Second Note"	
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Shall be deleted in its entirety and replaced with the following:

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of STP Flexible Funds for the Preliminary Engineering phase of Project	6/19/2013
2	Obligation (Federal Authorization) of STP Flexible Funds for the Right-of-Way phase of the Project	4/2/2015
3	Obligation (Federal Authorization) of STP Flexible Funds for the Construction phase of Project	1/15/2017
4	Project Completion based on County issuing Project Acceptance or "Second Note"	11/30/2017

Insert new Exhibit B, Section 4, Paragraph 6, to read as follows:

6. Americans with Disabilities Act Compliance:

- a. **General:** Agency agrees to comply with the Americans with Disabilities Act of 1990 ("ADA") as identified in paragraph 1 of the General Provisions section of Local Agency's Certification Program Agreement, and to utilize ODOT standards to assess and ensure Project compliance with the ADA.
- b. **ADA Design Standards and Construction Specifications:** Agency agrees to comply with ODOT's current, ADA-related design standards, construction specifications, and design exception documentation and approval requirements for design, modification, upgrade, or construction of Project sidewalks, curb ramps, and pedestrian activated signals on both the Oregon State Highway System (State highway) and on the local agency system, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, and current ODOT Curb Ramp Inspection form.
- i. **State's ADA Inspection Forms:** Prior to issuing the Second Notification pursuant to Oregon Standard Specification 00180.50(g), or Agency's approved equivalent, Agency agrees to submit an ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Regional Local Agency Liason for each curb ramp designed, constructed, upgraded, or modified for this Project. The completed

form is the required documentation from Agency showing that each curb ramp meets ODOT standards and is ADA compliant.

ODOT's fillable Curb Ramp Inspection Form 734-5020 and instructions are available at the following website:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForm s1.aspx>

- ii. **State inspection:** Agency shall promptly notify State of Project completion and allow State to inspect Project sidewalks, curb ramps, and pedestrian-activated signals located on or along a State highway prior to acceptance of Project by Agency and prior to release of any Agency contractor.
 - c. **Reimbursement:** State will not reimburse Agency for work that does not meet the applicable ODOT standards without an approved design exception, regardless of whether the work is on a State-owned or an Agency-owned facility.
 - d. **On-going Inspection Obligation:** Agency shall, at its own expense, periodically inspect and maintain any Project sidewalks, curb ramps, and pedestrian activated signals on portions of the Project under Agency's maintenance jurisdiction upon Project completion and throughout the useful life of the Project to ensure continuing compliance with ADA standards. This provision shall survive termination of the Agreement.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #18019) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

SIGNATURE PAGE TO FOLLOW

MULTNOMAH COUNTY, by and
through its elected officials

By _____
Deborah Kafoury, Chair of the County
Board
Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Courtney Lords
Assistant County Attorney
Date _____

County Contact:

Ian B. Cannon, County Engineer
Multnomah County Transportation
1620 SE 190th Avenue
Portland, OR 97233
503-704-5170
ian.b.cannon@multco.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Director
Date _____

APPROVAL RECOMMENDED

By _____
Active Transportation Section Manager
Date _____

By _____
Region 1 Manager
Date _____

By _____
Region 1 Project Services Manager
Date _____

State Contact:

Reem Khaki, Local Agency Liaison
123 NW Flanders Street
Portland, OR 97209
Phone: (503) 731-8501
Email: Reem.D.KHAKI@odot.state.or.us