AGENDA REQUEST AND STAFF REPORT

For Board Business Meeting of: March 2, 2016

DATE: February 18, 2016

FROM: Chris Doty, PE
Road Department
Phone: 541.322.7105

TITLE OF AGENDA ITEM:
Consideration of Board Approval of Amendment #1 to the Cooperative Improvement Agreement with ODOT and Crook County concerning George Millican Road.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:
In June of 2015 Deschutes County entered into a Cooperative Improvement Agreement with ODOT and Crook County regarding improvements to George Millican Road. ODOT and Crook County desire to amend the agreement to allow ODOT to acquire right-of-way for the project. Given the multi-agency agreement format, all amendments require signature of all original signing parties – even though this change does not materially affect Deschutes County.

FISCAL IMPLICATIONS:
None. Deschutes County has fulfilled its obligation per the original agreement.

RECOMMENDATION AND ACTION REQUESTED:
Suggested motion: “I move Board approval of Amendment #1 to Cooperative Improvement Agreement No. 30429 with ODOT and Crook County.”

ATTENDANCE: Chris Doty

DISTRIBUTION OF DOCUMENTS:
Return signed documents to:
Darrell Newton
Local Agency Liaison, Reg. 4
63055 N Hwy 97, Building M
Bend, Oregon 97701
(541) 388-6272
AMENDMENT NUMBER 01
COOPERATIVE IMPROVEMENT AGREEMENT
George Millican Rd: OR126-Reservoir Rd
Crook County and Deschutes County

This is Amendment No. 01 to the Agreement between the State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as “State,” Crook County acting by and through its elected officials, hereinafter referred to as “Crook County”, and Deschutes County, acting by and through its elected officials, hereinafter referred to as “Deschutes County,” all herein referred to collectively as “Parties”, entered into an Agreement on June 3, 2015.

It has now been determined by Parties that the Agreement referenced above shall be amended to have State perform all needed right of way activities on behalf of Crook County.

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.

Insert new CROOK COUNTY OBLIGATIONS, Paragraphs 7 and 8, to read as follows:

7. Crook County and State agree to enter into and execute a separate Right of Way Services agreement referencing this Agreement number 30429.

8. Crook County, upon completion of the Project, shall accept as a portion of its county road system, that right of way acquired by State for the purpose of completing the Project.

CROOK COUNTY OBLIGATIONS, Paragraphs 7 through 14, shall be hereinafter re-numbered as Paragraphs 9 through 16.

Insert new DESCHUTES COUNTY OBLIGATIONS, Paragraphs 3, to read as follows:

3. Deschutes County’s Project Manager for this Project is Chris Doty – Public Works Director, 6150 SE 27th Street, Bend, OR 97702, (541) 504-2001, chris.doty@co.deschutes.or.us, or assigned designee upon individual’s absence. Deschutes County shall notify the other Parties in writing of any contact information changes during the term of this 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 #18446) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

Signature Page to Follow
CROOK COUNTY, by and through its elected officials

By____________________
Judge Mike McCabe

Date 2-17-16

By____________________
Commissioner Ken Fahlgren

Date 2-17-16

By____________________
Commissioner Seth Crawford

Date 2-17-16

APPROVED AS TO LEGAL SUFFICIENCY

By____________________
Counsel Jeffrey M. Wilson

Date 2-8-16

STATE OF OREGON, by and through its Department of Transportation

By____________________
Highway Division Administrator

Date____________________

APPROVAL RECOMMENDED

By____________________
Region 4 Manager

Date____________________

By____________________
Central Oregon Area Manager

Date____________________

By____________________
Region 4 Right of Way Manager

Date____________________

APPROVED AS TO LEGAL SUFFICIENCY

By____________________
Chair

Date____________________
Commissioner

By____________________
Commissioner

Date____________________

APPROVED AS TO LEGAL SUFFICIENCY

By____________________
Counsel

Date____________________

DESHUTES COUNTY, by and through its elected officials

By____________________
Chair

Date____________________
Commissioner

By____________________
Commissioner

Date____________________
Crook County/Deschutes County/ODOT
Agreement No. 30429-1

**Crook County Contact:**
Bob O’Neal – Roadmaster
1306 N. Main Street
Prineville, OR 97754
(541) 447-4644
Bob.oneal@co.crook.or.us

**Deschutes County Contact:**
Chris Doty – Public Works Director
6150 SE 27th Street
Bend, OR 97702
(541) 504-2001
Chris.doty@co.deschutes.or.us

**State Contact:**
Darrell Newton - Local Agency
Programs Coordinator
63055 N. Highway 97, Bldg M
Bend OR, 97701-5765
(541) 388-6272
darrell.r.newton@odot.state.or.us
Please complete all sections above the Official Review line.

**Date:** 02/18/16  
**Department:** Road

**Contractor/Supplier/Consultant Name:** ODOT/Crook County  
**Contractor Contact:** Darrell Newton  
**Contractor Phone #:** 541.382.6272

**Type of Document:** Cooperative Improvement Agreement Amendment

**Goods and/or Services:** Allows changes requested by CC and ODOT. Does not affect Deschutes County

**Background & History:** Amends agreement approved in June 2015 pertaining to the George Millican Road Project

**Agreement Starting Date:** 02/29/16  
**Ending Date:** 02/28/26

**Annual Value or Total Payment:** $0

☐ Insurance Certificate Received (check box)  
Insurance Expiration Date: ______________

Check all that apply:
☐ RFP, Solicitation or Bid Process  
☐ Informal quotes (<$150K)  
☒ Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

**Funding Source:** (Included in current budget?  ☒ Yes  ☐ No

If No, has budget amendment been submitted?  ☐ Yes  ☒ No

**Is this a Grant Agreement providing revenue to the County?**  ☐ Yes  ☒ No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter:  ☐ Yes  ☒ No
Contact information for the person responsible for grant compliance: Name:  
Phone #:  

____________________________

Departmental Contact and Title: Chris Doty, Director,  
Phone #: x7105

Department Director Approval:  
Signature  
Date

Distribution of Document: Chris Doty, Road Department (x7105)

______________________  
Official Review:  

County Signature Required (check one): □ BOCC  □ Department Director (if <$25K)

□ Administrator (if >$25K but <$150K; if >$150K, BOCC Order No. ____________)

Legal Review  
Date  

Document Number  

2/19/2016
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06-30-15
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Date ________________
By __________________________
Commissioner Ken Fahlgren
Date ________________
By __________________________
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DESHUTES COUNTY, by and through its elected officials
By __________________________
Chair
Date _______________________
Commissioner
By __________________________
Commissioner
Date _______________________

APPROVED AS TO LEGAL SUFFICIENCY
By __________________________
Counsel
Date _______________________

By __________________________
Assistant Attorney General
Date _______________________

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Crook County/Deschutes County/ODOT
Agreement No. 30429-1

**Crook County Contact:**
Bob O'Neal – Roadmaster
1306 N. Main Street
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Bob.oneal@co.crook.or.us

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