



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For WORK SESSION of 9/7/2016

DATE: August 25, 2016

FROM: George Kolb, County Engineer Road 541-322-7113

TITLE OF AGENDA ITEM:

Consideration of Board signature of Document No. 2016-585, Amendment No. 1 to the Local Agency Agreement, Highway Safety Improvement Program (HSIP), Cline Falls Highway and Powell Butte Highway, Agreement No. 30993

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County is working with ODOT to install safety improvements on Cline Falls Highway and Powell Butte Highway through the ODOT Federal Highway Safety Improvement Program (HSIP). The original agreement was signed on March 21, 2016 and involved the installation of signing, striping and rumble strips on Cline Falls Highway from Highway 126 to Tumalo and Powell Butte Highway from the County line to Highway 20. The following items are changed per this amendment:

1. Revises Project Description to include signing only: the original agreement had the installation of centerline rumble strips on both Cline Falls Highway and Powell Butte Highway. The rumble strips were never intended to be installed on Cline Falls Highway and the centerline rumble strips on Powell Butte Highway will be installed by Deschutes County through another agreement with ODOT that is forthcoming.
2. Reduces the funding amount from \$245,270 to \$190,270: This reduction is a result of the removal of the centerline rumble strips. The monies removed from this Agreement will be used to fund the next agreement with ODOT concerning the County installing the rumble strips on Powell Butte Highway.
3. Extends the Project completion date from 9/30/16 to 9/30/17

The project will still be financed entirely with HSIP funds at the maximum allowable federal participating amount therefore the Local Agency match is not required for this project. ODOT shall be responsible for the difference between the estimated Project cost and the available HSIP funds, and any additional costs above the estimate. This agreement outlines the project responsibilities of both Deschutes County and ODOT.

FISCAL IMPLICATIONS:

None - this project is in the 2015-2018 Statewide Transportation Improvement Program, (Key #19166) that was adopted by the Oregon Transportation Commission on May 20, 2015.

RECOMMENDATION & ACTION REQUESTED:

Move approval of Board signature of Document No. 2016-585, Amendment No. 1 to the Local Agency Agreement, Highway Safety Improvement Program (HSIP), Cline Falls Highway and Powell Butte Highway, Agreement No. 30993

ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:

Return original to Sheila Odle (ext. 7148) at the Road Department for forwarding on to the Oregon Department of Transportation for final signature.

DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections **above** the Official Review line.

Date: 8/25/2016

Department: Road

Contractor/Supplier/Consultant Name: Oregon Department of Transportation

Contractor Contact: Dan Serpico

Contractor Phone #: 541-388-

6170

Type of Document: Document No. 2016-585: Amendment to Local Agency Agreement NO. 30993, Highway Safety Improvement Program (HSIP)

Goods and/or Services: This is an amendment to the original agreement that outlines the responsibilities of both the Oregon Department of Transportation and Deschutes County concerning the safety improvements to be installed on Cline Falls Highway and Powell Butte Highway

Background & History: Deschutes County is working with ODOT to install safety improvements on Cline Falls Highway and Powell Butte Highway through the ODOT Federal Highway Safety Improvement Program (HSIP). The original agreement was signed on March 21, 2016 and involved the installation of signing, striping and rumble strips on Cline Falls Highway from Highway 126 to Tumalo and Powell Butte Highway from the County line to Highway 20. The following items are changed per this amendment:

1. Revises Project Description to include signing only: the original agreement had the installation of centerline rumble strips on both Cline Falls Highway and Powell Butte Highway. The rumble strips were never intended to be installed on Cline Falls Highway and the centerline rumble strips on Powell Butte Highway will be installed by Deschutes County through another agreement with ODOT that is forthcoming.

2. Reduces the funding amount from \$245,270 to \$190,270: This reduction is a result of the removal of the centerline rumble strips. The monies removed from this Agreement will be used to fund the next agreement with ODOT concerning the County installing the rumble strips on Powell Butte Highway.

3. Extends the Project completion date from 9/30/16 to 9/30/17

The project will still be financed entirely with HSIP funds at the maximum allowable federal participating amount therefore the Local Agency match is not required for this project. ODOT shall be responsible for the difference between the estimated Project cost and the available HSIP funds, and any additional costs above the estimate. This agreement outlines the project responsibilities of both Deschutes County and ODOT.

Agreement Starting Date: Upon Signature

Ending Date: 9/30/2017

Annual Value or Total Payment: \$190,270

☐ Insurance Certificate Received (check box)

8/24/2016

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: George Kolb, PE, County Engineer
Phone #: 541-322-7113

Department Director Approval:

Signature

Date

Distribution of Document: Return both originals to Sheila Odle (ext. 7148) at the Road Department for forwarding on to the Federal Highway Administration for final signature.

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 _____

**AMENDMENT NUMBER 01
LOCAL AGENCY AGREEMENT
HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)
Cline Falls Highway and Powell Butte Highway
Deschutes County
Key #19166**

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," and **DESCHUTES COUNTY**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on April 4, 2016.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to revise the Project scope, revise the funding amount and extend the Project completion date.

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.**

TERMS OF AGREEMENT, Paragraph 1, Page 1, which reads:

Under such authority, State and Agency agree to State constructing signing, striping and rumble strips on Cline Falls Highway from approximately McKenzie Hwy (OR126) to approximately Tumalo, and on Powell Butte highway from approximately Deschutes County limits to the Central Oregon Hwy (US20), hereinafter referred to as "Project." The location of the Project is approximately as shown on the sketch maps attached hereto, marked Exhibit A, and by this reference made a part hereof .

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

Under such authority, State and Agency agree to State constructing signing on Cline Falls Highway from approximately McKenzie Hwy (OR126) to approximately Tumalo, and on Powell Butte highway from approximately Deschutes County limits to the Central Oregon Hwy (US20), hereinafter referred to as "Project." The location of the Project is approximately as shown on the sketch maps attached hereto, marked Exhibit A, and by this reference made a part hereof

TERMS OF AGREEMENT, Paragraph 2, Page 1, which reads:

The Project will be conducted as a part of the Highway Safety Improvement Program (HSIP) under Title 23, United States Code. The total Project cost is estimated at \$245,270. The HSIP funds for the Project are limited to \$245,270. The Project will be financed with HSIP funds at the maximum allowable federal participating amount. The 7.78% match from the local jurisdiction is not required for this Project due to the Projects location and scope being identified in the *ODOT Federal Highway Safety*

Improvement Program (HSIP) Transition Process. State shall be responsible for the difference between the estimated Project cost and the available HSIP funds, and any additional costs above the estimate.

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

The Project will be conducted as a part of the Highway Safety Improvement Program (HSIP) under Title 23, United States Code. The total Project cost is estimated at \$190,270. The HSIP funds for the Project are limited to \$190,270. The Project will be financed with HSIP funds at the maximum allowable federal participating amount. The 7.78% match from the local jurisdiction is not required for this Project due to the Projects location and scope being identified in the *ODOT Federal Highway Safety Improvement Program (HSIP) Transition Process*. State shall be responsible for the difference between the estimated Project cost and the available HSIP funds, and any additional costs above the estimate.

TERMS OF AGREEMENT, Paragraph 3, Page 1, which reads:

This Project is anticipated to be completed by September 30, 2016.

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

This Project is anticipated to be completed by September 30, 2017

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. Recipient 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, (Key #19166) that was adopted by the Oregon Transportation Commission on May 20, 2015 (or subsequently approved by amendment to the STIP).

DESCHUTES COUNTY, by and through
its elected officials

By _____
Commission Chair

Date _____

By _____
Commissioner

Date _____

By _____
Commissioner

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

Agency Contact:

George Kolb – County Engineer
6150 SE 27th Street
Bend, OR 97702
(541) 388-6581
georgek@co.deschutes.or.us

State Contact:

Dan Serpico - Senior Traffic Analyst
63055 N. Highway 97, Bldg K
Bend OR, 97703
(541) 388-6170
daniel.s.serpico@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 4 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 4 Traffic Manager

Date _____

By _____
HSIP Program Manager

Date _____