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M. BARBARA CARTMILL  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

July 9, 2015

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of Amendment No. 1 to Intergovernmental Agreement  
No. 28737 with Oregon Department of Transportation  
for the S. Wilhoit Road at Rock Creek, MP 2.23**

<b>Purpose/Outcomes</b>	This amendment changes the project budget from \$650,000 to \$732,754, which allows the County to additional Federal Highway Administration Emergency Program Funds.
<b>Dollar Amount and Fiscal Impact</b>	Total Project Estimate: \$732,754. Increases the Total project budget: \$82,754
<b>Funding Source</b>	Emergency Relief Program Grant: \$657,500 County Road Fund: \$75,254
<b>Safety Impact</b>	Flooding during a storm event in late March of 2012 damaged the existing southbound travel lane of S. Wilhoit Road. The County closed the southbound lane. This project re-opened the southbound travel lane.
<b>Previous Board Action</b>	09/06/12: BCC Approval of IGA 28737 for Emergency Relief Program Funding for the subject project
<b>Contact Person</b>	Vince Hall, DTD Project Manager @ 503-742-4650

**BACKGROUND:**

The Board of County Commissioners approved funding for the S. Wilhoit Road at Rock Creek, MP 2.23 Project, which provided for the repair and re-construction of southbound travel lane of S. Wilhoit Road that was damaged during a flooding event in March of 2012.

During the design of this project the environmental permitting process for federally funded transportation projects in the state of Oregon changed and different requirements were applied than originally anticipated. The new requirements included incorporating a bio-engineered stream restoration solution as a foundation for a roadway, and due to our limited experience with this solution the original project estimate was lower than anticipated by the project design team. This amendment is necessary to increase the project budget to allow the County to receive additional reimbursement for delivering the project with a more complex scope than originally estimated by the Federal Highway Administration and Clackamas County's Department of Transportation and Development. This amendment modifies the project estimate from \$650,000 to \$732,754. The County's Road Fund match for the program funding is increased by approximately \$8,499.

Clackamas County is currently participating in the Local Agency Certification Program addressed in Master Agreement No. 29025. The master agreement allows DTD to administer federal-aid projects off the National Highway System.

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The IGA amendment has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Staff respectfully recommends approval of the attached amendment to Intergovernmental Agreement 28737 for the S. Wilhoit Road at Rock Creek, MP 2.23 Project.

Sincerely,



Mike Bezner, PE  
Transportation Engineering Manager

For information on this issue or copies of attachments  
please contact Vince Hall, Senior Civil Engineer at (503) 742-4650

**AMENDMENT NUMBER 01**

Oregon Department of Transportation  
EMERGENCY RELIEF PROGRAM  
Clackamas County ER Projects (2012)  
LOCAL AGENCY CERTIFICATION PROGRAM  
Supplemental Project Agreement No. 28737  
S. Wilhoit Road at Rock Creek MP 2.23

The **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **CLACKAMAS COUNTY**, acting by and through its elected officials, hereinafter referred to as "County," entered into an Agreement on September 20, 2012.

It has now been determined by State and County that the Agreement referenced above shall be amended to increase additional Federal ERP funds. 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.**

**Terms of Agreement, Paragraph 2, Page 1, which reads:**

2. The Project will be conducted as a part of the Emergency Relief Program (ERP) under Title 23, United States Code and the total Project cost is estimated at \$650,000, which is subject to change. The Project will be financed with ERP funds, which are estimated in the amount of \$650,000, and will not exceed that amount without approval of the Federal Highway Administration (FHWA). The Project will be financed with ERP funds at the maximum allowable federal participating amount, with County providing the match and any non-participating costs. No State funds will be used in this Project.

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

2. The Project will be conducted as a part of the Emergency Relief Program (ERP) under Title 23, United States Code and the total Project cost is estimated at \$732,754, which is subject to change. The Project will be financed with ERP funds, which are estimated in the amount of \$732,754, and will not exceed that amount without approval of the Federal Highway Administration (FHWA). The Project will be financed with ERP funds at the maximum allowable federal participating amount, with County providing the match and any non-participating costs. No State funds will be used in this Project.
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

County/State  
Agreement No. 28737

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 2012-2015 Statewide Transportation Improvement Program, (Key #18159) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

**SIGNATURE PAGE TO FOLLOW**

Key No. 18159

County/State  
Agreement No. 28737

**CLACKAMAS COUNTY**, by and  
through its elected officials

By \_\_\_\_\_  
Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Recording Secretary

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
County Legal Counsel

Date 6/29/15

**County Contact:**

Vince Hall, Civil Engineer  
Clackamas County  
150 Beaver Creek Road  
Oregon City, OR 97045  
(503) 742-4650  
vincehal@co.clackamas.or.us

**State Contact:**

Mahasti Hastings, Local Agency Liaison  
ODOT – Region 1  
123 NW Flanders Street  
Portland, OR 97209  
(503) 731-8595  
mahasti.v.hastings@odot.state.or.us

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Highway Division Administrator

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Active Transportation Section Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 1 Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 1 Project Services Manager

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Assistant Attorney General

Date: \_\_\_\_\_