

W. Z. E. J.

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Bill Morgan, County Engineer
AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AMENDING THE INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY OF OAKRIDGE TO EXTEND THE EXPIRATION DATE FOR THE FISH HATCHERY ROAD REALIGNMENT PROJECT

I. MOTION

THAT THE ORDER BE APPROVED TO AMEND THE CURRENT INTERGOVERNMENTAL AGREEMENT EXPIRATION DATE FOR THE FISH HATCHERY ROAD REALIGNMENT PROJECT WITH OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY OF OAKRIDGE.

II. DISCUSSION

A. Background / Analysis

Through Board Order No. 05-2-2-12, the Board of County Commissioners approved the reassignment of \$240,000 (originally planned to fund a left turn project at the Oakridge Industrial Parkway through the 2003-2007 Capital Improvement Program, Board Order No. 02-5-1-17) to relocate the intersection of Fish Hatchery Road with Highway 58 and approximately 1,000 feet of Fish Hatchery Road to the north, as it would improve safety on Highway 58 and on Fish Hatchery Road, and provide a safer and more usable access to the Oakridge Industrial Park.

The current intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) and the City of Oakridge expires February 10, 2009, which was based on the original construction schedule; however, due to construction project delays, ODOT estimates that the work will be complete by December 31, 2009.

ODOT has prepared an amendment to the original IGA extending the expiration date from three (3) years of the amendment execution date, or by December 31, 2009, or upon completion of the project, whichever is sooner. All other terms and conditions of the original IGA are still in full force and effect.

B. Recommendation

Approve the order to amend the original IGA to extend the expiration date of February 10, 2008 to December 31, 2009.

III. ATTACHMENTS

Amendment No. 1 (ODOT Agreement No. 22,371)

**IN THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

ORDER NO. (IN THE MATTER OF AMENDING THE INTERGOVERNMENTAL
(AGREEMENT WITH THE OREGON DEPARTMENT OF
(TRANSPORTATION AND THE CITY OF OAKRIDGE TO EXTEND
(THE EXPIRATION DATE FOR THE FISH HATCHERY ROAD
(REALIGNMENT PROJECT

WHEREAS, The Board of County Commissioners adopted the FY 2003-2007 Capital Improvement Program (CIP in May 1, 2002 by Order 02-5-1-17) including \$240,000 in funding for the City of Oakridge for a left turn project at he Oakridge Industrial Parkway to provide a safer improved access to the Oakridge Industrial Park; and

WHEREAS, Through Board Order No. 05-2-2-12, the Board of County Commissioners approved a change in project scope and purpose for \$240,000 in Capital Project Partnership Funds to fund the relocation of Fish Hatchery Road and authorized the County Administrator to execute Intergovernmental Agreements with the Oregon Department of Transportation (ODOT) and the City of Oakridge as necessary to relocate said roadway; and

WHEREAS, an Intergovernmental Agreement was executed on February 10, 2006, between the County, ODOT, and the City of Oakridge for the realignment of Fish Hatchery Road that obligates ODOT to conduct all construction engineering, including all required materials testing and quality documentation, prepare bid documents, advertise and award all contracts, pay all contractor costs, provide project management services, and other necessary function for the sole administration of the construction contract for the project; and

WHEREAS, ODOT estimated that project construction would be complete within three years of execution of the IGA; and

WHEREAS, due to project construction delays, ODOT now estimates project construction completion by December 31, 2009; and

WHEREAS, ODOT has prepared Amendment No. 1 to the IGA extending the expiration date to accommodate completion of the project; **NOW THEREFORE, BE IT**

ORDERED, that the Board approve the amendment to extend the expiration date to December 31, 2009; **AND, BE IT FURTHER**

ORDERED, that the County Administrator be delegated authority as described in LM 21.145 to sign agreements, or that the County Administrator delegate to the County engineer as per Lane Manual 21.120(4)(a), authority to execute amendments to original contracts with ODOT and the City of Oakridge to extend the expiration date of the IGA to accomplish the Fish Hatchery Road realignment project.

DATED this _____ day of _____ 2008.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 7-17-08 lane county

OFFICE OF LEGAL COUNSEL

AMENDMENT NUMBER 01
COOPERATIVE IMPROVEMENT AGREEMENT
OR-58: Willamette Relief – Logging Road Bundle 218
Fish Hatchery Road Realignment
City of Oakridge, Lane County

The STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" LANE COUNTY, acting by and through its designated officials, hereinafter referred to as "County;" and the CITY OF OAKRIDGE, acting by and through its designated officials, hereinafter referred to as "City," entered into an Agreement on February 10, 2006. Said Agreement covers the realignment and improvement of Fish Hatchery Road at the intersection with Oregon Route 58 and for a length of 1,000 feet north of the intersection.

It has now been determined by State, County, and City that the Agreement referenced above, shall be amended to extend the expiration date. Except as expressly amended below, all other terms and conditions of the Agreement, as previously amended, are still in full force and effect.

TERMS OF AGREEMENT, Paragraph 5, Page 2, which reads:

5. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or three calendar years following the date all required signatures are obtained, whichever is sooner.

Shall be deleted in its entirety and amended to read:

5. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or on December 31, 2009, whichever is sooner.

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.

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

This Project is in the 2004-2007 Statewide Transportation Improvement Program, (Key #14038) that was approved by the Oregon Transportation Commission on August 17, 2004.

Lane County / State of Oregon – Dept. of Transportation
Agreement No. 22371, Amendment No. 1

The Oregon Transportation Commission on June 18, 2003, 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 July 7, 2005, the Director and Deputy Director, Highways approved Subdelegation Order No. 4, in which the Director and Deputy Director, Highways delegates authority to the Technical Services Manager/Chief Engineer to approve and sign agreements over \$75,000 up to a maximum of \$500,000 when the work is related to a project included in the Statewide Improvement Program.

LANE COUNTY, by and through its designated officials

By _____
County Administrator

Date _____

STATE OF OREGON, by and through its Department of Transportation

By _____
Technical Services Manager/Chief Engineer

Date _____

APPROVED AS TO FORM

By _____
County Legal Counsel

Date _____

APPROVAL RECOMMENDED

By _____
Major Projects Branch Manager

Date _____

CITY OF OAKRIDGE, by and through its designated officials

By _____
City Administrator

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Region 2 Manager

Date _____

APPROVED AS TO FORM

By _____
City Legal Counsel

Date _____