

RESOLUTION NO. 141-08

**A RESOLUTION ACCEPTING FEDERAL AID FUNDS FOR CONSTRUCTION WORK
AT THE INTERSECTION OF 23 ROAD AND G ROAD, AUTHORIZING CITY
MATCHING FUNDS AND AUTHORIZING THE CITY MANAGER TO SIGN
INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF
TRANSPORTATION**

Recitals:

The City has requested funds from the Federal Hazard Elimination Program for a local construction project to be completed at the intersection of 23 Road and G Road. The project consists of a right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements.

Federal aid funds were awarded to the City for the Hazard Elimination Program, through an Intergovernmental Agreement (IGA) between the Colorado Department of Transportation (CDOT) and the City of Grand Junction. The Project Number is SHO M555-027 (16730). A total amount of \$828,000.00 is awarded to the City from the Program and pursuant to the IGA, the City must contribute matching funds in the amount of \$92,000.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Federal aid funds in the amount of \$828,000.00 awarded to the City for construction work at 23 Road and G Road are hereby accepted and that the City Manager is hereby authorized to expend \$92,000.00 in matching funds for the project. The City Manager is authorized to execute and enter into the Intergovernmental Agreement with the Colorado Department of Transportation.

PASSED AND APPROVED this 17th of November, 2008.

/s/: Gregg Palmer
President of the Council

ATTEST:

/s/: Stephanie Tuin
City Clerk

(FMLAWRK)
PROJECT SHO M555-027 (16730)
REGION 3 (DAW)

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271000859

CONTRACT

THIS CONTRACT made this _____ day of _____ 2008, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation hereinafter referred to as the State, and the CITY OF GRAND JUNCTION, 250 N. 5th Street Grand Junction, Colorado, 81501, CDOT Vendor #: 2000027 hereinafter referred to as the "Local Agency."

RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, GL Account 4231200011,
WBS Elements 16730.10.10 , 16730.10.30 16730.20.10, Function 3111, 3114, 3020, 3301
Contract **Encumbrance Amount: \$53,000.00.**
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Pursuant to Title I, Subtitle A, Section 1108 of the "Transportation Equity Act for the 21st Century" of 1998 (TEA-21) and/or the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) of 2005 and to applicable provisions of Title 23 of the United States Code and implementing regulations at Title 23 of the Code of Federal Regulations, as may be amended, (collectively referred to hereinafter as the "Federal Provisions"), certain federal funds have been and will in the future be allocated for transportation projects requested by Local Agencies and eligible under the Surface Transportation Improvement Program that has been proposed by the State and approved by the Federal Highway Administration ("FHWA"), hereinafter referred to as the "Program."
4. Pursuant to § 43-1-223, C.R.S. and to applicable portions of the Federal Provisions, the State is responsible for the general administration and supervision of performance of projects in the Program, including the administration of federal funds for a Program project performed by a Local Agency under a contract with the State.
5. The Local Agency has requested that a certain local transportation project be funded as part of the Program, and by the date of execution of this contract, the Local Agency and/or the State has completed and submitted a preliminary version of CDOT form #463 describing the general nature of the Work. The Local Agency understands that before the Work begins, the Local Agency must receive an official written "Notice to Proceed" prior to commencing any part of the Work. The Local Agency further understands that, before the Work begins, the form #463 may be revised as a result of design changes made by CDOT, in coordination with the Local Agency, in its internal review process. The Local Agency desires to perform the Work described in form #463, as it may be revised.

Exhibit A

**FORM 463
or
SCOPE OF WORK**

EXHIBIT A

Page 3 of 3	Project Code #(SA#): 16730	Project #: SHO M555-027	Revise Date:	
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12 Major Structures S= to stay, R= to be removed, P= proposed new structure

Structure ID#	▼	Length	Reference Point	Feature Intersected	Standard Width	Structure Roadway	Structural Capacity	Horizontal Clearance	Vertical Clearance	Year Built
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Proposed Treatment of Bridges to Remain in Place(address bridge rail, capacity, and allowable surfacing thickness):

13 Remarks

Large empty rectangular area for entering remarks.

EXHIBIT C FUNDING PROVISIONS

A. The Local Agency has estimated the total cost the Project to be \$920,000.00 which is to be funded as follows:

1 BUDGETED FUNDS					
a. Federal Funds					\$828,000.00
(90% of Participating Costs)					
b. Local Agency Matching Funds					\$ 92,000.00
(10% of Participating Costs)					
TOTAL BUDGETED FUNDS					\$920,000.00
2 ESTIMATED CDOT-INCURRED COSTS					
a. Federal Share					\$0.00
(90% of Participating Costs)					
b. Local Share					\$0.00
Local Agency Share of Participating Costs					
Non-Participating Costs (Including Non-Participating In-directs)					\$0.00
Estimated to be Billed to Local Agency					\$0.00
TOTAL ESTIMATED CDOT-INCURRED COSTS					\$0.00
3 ESTIMATED PAYMENT TO LOCAL AGENCY					
a. Federal Funds Budgeted (1a)					\$828,000.00
b. Less Estimated Federal Share of CDOT-Incurred Costs (2a)					\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY					\$828,000.00
FOR CDOT ENCUMBRANCE PURPOSES					
Total Encumbrance Amount					
(\$828,000.00 divided by 90% = \$920,000.00)					
a. CDOT Encumbrance Anticipated Amount					\$828,000.00
CDOT Encumbrance					\$828,000.00
Net to be encumbered as follows:					
\$807,000.00 in Construction Funds are currently not available.					
Construction Funds to be added after Federal Authorization, either					
by Formal Amendment or Option Letter.					
ROW Acquisition					
LESS \$60,000 ROW ~ ACQUISITION		ROW	3111		
Per CDOT ROW Policy and Procedure					(-\$60,000.00)
\$36,000 ROW ~ Incidentals	WBS Element 16730.10.10	ROW	3114		\$36,000.00
\$17,000.00 ~ Design	WBS Element 16730.10.30	Design	3020		\$17,000.00
LESS \$807,000.00 ~ Construction WBS Element 16730.20.10		Const	3200		(-\$807,000.00)
TOTAL ENCUMBRANCE					\$53,000.00

B. The matching ratio for the federal participating funds for *this project* is 90% federal-aid funds (CFDA #20 2050) to 10% Local Agency funds, it being understood that such ratio applies only to the \$920,000.00 that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100%. If the total participating cost of performance of the Work exceeds \$920,000.00, and additional federal funds are made available for the project, the Local Agency shall pay 10% of all such costs eligible for federal participation and 100% of all non-participating costs; if additional federal funds are not made available, the local agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$920,000.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein. The performance of the Work shall be at no cost to the State.

C. The maximum amount payable to the Local Agency under this contract shall be \$828,000.00. For CDOT accounting purposes, the federal funds of \$828,000.00 (90%) and local matching funds of \$92,000.00 (10%), will be encumbered for the anticipated total encumbrance of \$920,000.00, unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred.

Only \$36,000 in ROW Incidental funds and \$17,000.00 in Design funds are currently available, for an encumbrance of \$53,000.00.

\$807,000.00 in Construction Funds are currently not available. Funding will be added after Federal Authorization, either by Formal Amendment or Option Letter. It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

D. The parties hereto agree that this contract is contingent upon all funds designated for the project herein being made available from federal and/or state and/or Local Agency sources, as applicable. Should these sources, either federal or Local Agency, fail to provide necessary funds as agreed upon herein, the contract may be terminated by either party, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.