

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 95-2220
SOUTH/NORTH INTERGOVERNMENTAL)
AGREEMENT (CONTRACT NO: 903678)) Introduced by:
WITH THE TRI-COUNTY METROPOLITAN) Councilor Monroe
TRANSIT DISTRICT OF OREGON)

WHEREAS, Metro and the Tri-County Metropolitan Transit District of Oregon have executed an intergovernmental agreement (Contract No: 903678) for assistance in funding the South/North Light Rail Project; and

WHEREAS, Contract No: 903678 provides for Metro to reimburse the expenses of the Tri-County Metropolitan Transit District of Oregon for specified tasks related to the South/North Light Rail Project; and

WHEREAS, Metro Resolution No: 92-1646 authorized the sale of general obligation bonds for the Westside Light Rail Construction Project with the provision that approximately \$4 million in interest from the sale of those bonds be made available to the South/North Light Rail Project for planning, preliminary engineering and other purposes; and

WHEREAS, Metro has submitted a request to the Federal Transit Administration to advance the South/North Corridor into Preliminary Engineering; and

WHEREAS, Metro has submitted a grant request to the Federal Transit Administration for approximately \$12.3 million in I-205 E-4 Interstate Transfer Funds for partial funding of the South/North Draft Environmental Impact Statement and Preliminary Engineering Step One Work Plan; and

WHEREAS, The \$4 million in funds to be provided to Metro by the Tri-County

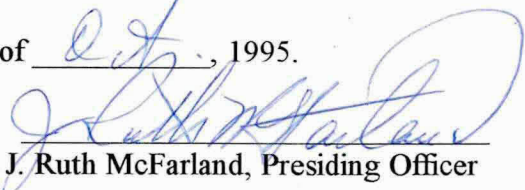
Metropolitan Transit District of Oregon will be programmed for partial funding of the South/North Draft Environmental Impact Statement and Preliminary Engineering Step One Work Plan; and

WHEREAS, Additional consultant services for the provision of conceptual engineering work, beyond that specified in Contract No: 903678, is now programmed to be performed by the Tri-County Metropolitan Transit District of Oregon prior to initiating preliminary engineering; now, therefore,

BE IT RESOLVED,

That Metro Council authorizes the execution of an amendment to Contract No: 902678 between Metro and the Tri-County Metropolitan Transit District of Oregon substantially similar to Exhibit A which would provide for Metro to receive an additional \$4 million in funds for the South/North Light Rail Project from the Tri-County Metropolitan Transit District of Oregon and would increase the amount for consultant services that the Tri-County Metropolitan Transit District of Oregon would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the DEIS

ADOPTED by the Metro Council this 12 day of Oct., 1995.


J. Ruth McFarland, Presiding Officer

Approved as to Form:


Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO: 95-2220 AMENDING THE SOUTH/NORTH INTERGOVERNMENTAL AGREEMENT (CONTRACT NO: 903678) WITH THE TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON

Date: September 26, 1995

Presented by: Leon Skiles

PROPOSED ACTION

This resolution would authorize the execution of an amendment to Contract No: 902678 between Metro and the Tri-County Metropolitan Transit District of Oregon (Tri-Met), substantially similar to Exhibit A. The amendment would stipulate that Tri-Met will contribute to Metro an additional \$4 million in funds for the South/North Light Rail Project and would increase the amount for consultant services that Tri-Met would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the Draft Environmental Impact Statement (DEIS).

FACTUAL BACKGROUND AND ANALYSIS

In June 1994, Metro and Tri-Met executed an intergovernmental agreement (Contract No: 902678) for the South/North Transit Corridor Study. That agreement included a provision for Tri-Met to provide \$100,000 to Metro to help fund the South/North study. Further, the agreement stipulated that Metro would reimburse Tri-Met for up to \$1.2 million in consultant services for the South/North Study.

In March 1995, Metro submitted a request to the Federal Transit Administration to advance the South/North Corridor into Preliminary Engineering (PE) following completion of the *Major Investment Study (MIS) Final Report* for the project. The *MIS Final Report* will be submitted to FTA in the Fall 1995 following completion of further travel demand forecasting analysis.

Concurrent with the request to advance the Corridor into PE, Metro submitted a grant request to the Federal Transit Administration for approximately \$12.3 million in I-205 E-4 Interstate Transfer funds for partial funding of the South/North DEIS/PE Step One Work Plan. Additional funding for the DEIS/PE Step One Work Plan will be provided from carryover from previous federal grants and C-TRAN.

This amendment to Contract No: 902678 would:

- 1) Increase the amount for consultant services that Tri-Met would receive reimbursement from Metro by \$500,000 to cover additional conceptual engineering support needed to initiate the DEIS. This consultant work would have been provided by Tri-Met's PE consultant, but delays in the PE approval process have delayed release of that consultant selection process.

- 2) Increase Tri-Met's contribution to the South/North study by \$4 million, consistent with Metro Resolution No: 92-1646 that authorized the sale of the Westside General Obligation Bonds with the stipulation that approximately \$4 million of earned interest on the bonds be made available to the Clackamas County light rail project for planning, preliminary engineering and other activities.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2220.

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Exhibit A

MODIFICATION No. 1

Contract No. 94-0838I

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COMPLETE IN TRIPLICATE

This modification is made and entered into by and between the Tri-County Metropolitan Transportation District of Oregon, a transportation district organized under the laws of the State of Oregon, hereinafter "Tri-Met," and METRO, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter located at 600 NE Grand Avenue, Portland, Oregon 97232-2736, hereinafter referred to as METRO.

WHEREAS, METRO and Tri-Met have entered into an Intergovernmental Agreement, hereinafter "IGA," on June 22, 1994, to study high capacity transit improvements in the South North Corridor connecting Clackamas County, Oregon, and Clark County, Washington, hereinafter known as the South/North Transit Corridor Study Alternatives Analysis/Draft Environmental Impact Statement, or South/North AA/DEIS; and

WHEREAS, the Tri-Met Board of Directors, by Resolution 95-06-46, approved modifications to the IGA which will provide additional funds required for a contract amendment for the engineering contract with Parsons Brinckerhoff Quade and Douglas, as well as increase Tri-Met's local match contribution to METRO.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the mutual covenants herein set forth, METRO and Tri-Met agree as follows:

1. METRO agrees to increase its contribution to cover expenses incurred by Tri-Met for two contract modifications to the Engineering and Alignment Definition Contract with Parsons Brinckerhoff Quade and Douglas. METRO agrees to pay to Tri-Met a total amount of \$500,000, which increases the amount of Tri-Met's Project budget from \$2,524,868 to \$3,024,868. This modification increases the amount of authorized expenditures from \$ 2,163,165 to \$2,663,165. Section 5(a) and (c) and Exhibit B of the IGA are amended to reflect these amounts.
2. METRO and Tri-Met also agree to amend Section 4(g) of the IGA to permit Tri-Met to increase the local match contribution from \$100,000 to \$4.1 million, invoice and payment schedule will be determined and agreed upon in writing by Project Managers identified in Section 7.

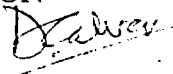
NO OTHER CHANGES

TAX CERTIFICATE

By signature hereto, both Parties agree to this Modification as written. Contractor certifies, under penalty of perjury as provided in ORS 305.385(6), that it is, to the best of its knowledge, not in violation of any Oregon tax law. For this certification, "Oregon Tax Laws" are ORS chapters 118, 119, 314, 316, 317, 318, 320, 321, and 323 and sections 10 to 20, chapter 533; Oregon Laws 1981, as amended by chapter 16; Oregon Laws 1982 (first special session); the Homeowners and Renters Property Tax Relief Program under ORS 310.630 to 310.690; and any local taxes administered by the Oregon Department of Revenue under ORS 305.620.

METRO

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT
OF OREGON



Title: _____

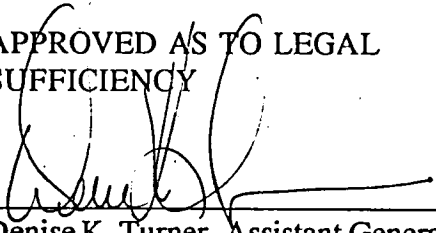
Executive Director, Technical Services

Date of Execution: _____

Date of Execution: 2/28/85

APPROVED AS TO LEGAL
SUFFICIENCY

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Attorney for Metro

Denise K. Turner, Assistant General Counsel