



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 13, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval to Apply for a 2022-2024 Regional Flexible Funds Allocation (RFFA) Grant

<b>Purpose/Outcome</b>	Apply for Metro Regional Flexible Funds Allocation (RFFA) funding through the Active Transportation grant category.
<b>Dollar Amount and Fiscal Impact</b>	The total project cost is \$5,609,411. If the grant is awarded, the County would be responsible for the 10.27% cash match of \$576,086.
<b>Funding Source</b>	County Road Fund will be used as the funding source to cover the 10.27% cash match.
<b>Duration</b>	October 2021 through September 2023.
<b>Previous Board Action/Review</b>	None.
<b>Counsel Review</b>	This item does not require Counsel Review. Finance has reviewed and approved the attached Life Cycle Form.
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"> <li>• Building strong infrastructure.</li> <li>• Ensuring safe, healthy and secure communities.</li> </ul>
<b>Contact Person</b>	Karen Buehrig, (503) 742-4683.

The Regional Flexible Fund Allocation (RFFA) process is used to distribute federal transportation dollars in the Portland region. The RFFA process occurs every three years and includes an Action Transportation category and a Freight category. This project involves construction of sidewalks and buffered bike lanes on both sides of SE Courtney Avenue between SE River Road and SE McLoughlin Boulevard in the Oak Grove neighborhood. The purpose of the project is to improve safety and mobility for all roadway users. The project length is approximately 3,000 feet and includes 5 foot landscape strips; intermittent rain gardens for stormwater management; ADA compliant intersection curb ramps and a new crosswalk at the intersection of SE Linden Lane and SE Courtney Avenue. The “complete streets” project will provide an active transportation connection to the Trolley Trail multi-use path; two Tri-Met bus lines; a Title One School - Oak Grove Elementary School; two mobile home parks and several other high density housing units. The project is a Tier One Capital Project in the Transportation System Plan and a high priority project in the Safe Routes to School Action Plan for Oak Grove Elementary School. Applications are due June 21, 2019.

**RECOMMENDATION**

Staff respectfully requests approval to apply for Regional Flexible Funds Allocation (RFFA) funding through the Active Transportation category for SE Courtney Avenue and requests the BCC sign the attached letter of support for inclusion in the grant application.

Respectfully submitted,

Karen Buehrig  
Long Range Planning Manager

June 13, 2019

Metro  
600 NE Grand Ave  
Portland, OR 97232

**Re: 2022-2024 Regional Flexible Funds Allocation (RFFA) – Courtney Avenue Complete Streets**

Dear Grant Selection Committee:

The Clackamas County Board of County Commissioners strongly supports the 2022-2024 Regional Flexible Funds Allocation (RFFA) grant application for complete streets improvements along SE Courtney Avenue. At our June 13, 2019 Business Meeting we approved the RFFA grant application submission. Through this approval we are authorizing the use of road funds to provide the required monetary match.

SE Courtney Avenue is a significant collector road in the urban, unincorporated area of Clackamas County. Currently there are no sidewalks so students from Oak Grove Elementary School and other people accessing neighborhood destinations are forced to walk within the shoulder bike lane, creating an unsafe situation for all users. SE Courtney Avenue improvements are included as a Tier 1 High Priority Capital Project in the county's Capital Improvement Plan and are on the Regional Transportation Plan's Financially Constrained project list.

We look forward to improving SE Courtney Avenue and providing our residents the needed infrastructure to safely bike, walk, take transit or drive to their destination.

Thank you for your time and consideration

Sincerely,

Chair Jim Bernard  
Clackamas County Board of County Commissioners

# Grant Application Lifecycle Form

Use this form to track your potential grant from conception to submission.

Sections of this form are designed to be completed in collaboration between department program and fiscal staff.

## \*\* CONCEPTION \*\*

*Note: The processes outlined in this form are not applicable to disaster recovery grants.*

### Section I: Funding Opportunity Information - To be completed by Requester

Lead Department: Department of Transportation and Development Application for:  Subrecipient funds  Direct Grant  
Grant Renewal?  Yes  No

**If renewal, complete sections 1, 2, & 4 only**

Name of Funding Opportunity: Metro Regional Flexible Funds Allocation (RFFA)  
Funding Source:  Federal  State  Local: Metro \_\_\_\_\_  
Requestor Information (Name of staff person initiating form): Scott Hoelscher  
Requestor Contact Information: scotthoe@clackama  
Department Fiscal Representative: Diedre Landon  
Program Name or Number (please specify): Long Range Planning  
Brief Description of Project:

This project involves construction of sidewalks and bike lanes on SE Courtney Ave. from SE River Road to SE McLoughlin Blvd. The project length is approximately 3,000 feet and includes 5 foot landscape strips; rain gardens for stormwater management; ADA compliant intersection curb ramps and a new crosswalk at the intersection of SE Linden Lane and SE Courtney Rd. The "complete streets" project will provide an active transportation connection to the Trolley Trail multi-use path; two Tri-Met transit lines; a Title One School - Oak Grove Elementary; two mobile home parks and several other high density housing units. The project is Tier One Capital Project in the Transportation System Plan and identified as a high priority project in the Safe Routes to School Action Plan for Oak Grove Elementary School.

Name of Funding (Granting) Agency: Metro

Agency's Web Address for Grant Guidelines and Contact Information:

Dan Kaempff - Principal Transportation Planner. Metro Resource Development Division 503-813-7559

daniel.kaempff@oregonmetro.gov

**OR**

Application Packet Attached:  Yes  No

Completed By: Scott Hoelscher May 22, 2019  
Date

**\*\* NOW READY FOR SUBMISSION TO DEPARTMENT FISCAL REPRESENTATIVE \*\***

### Section II: Funding Opportunity Information - To be completed by Department Fiscal Rep

Competitive Grant  Non-Competing Grant  Other Funding Agency Award Notification Date: 01/01/2020  
CFDA(s), if applicable: \_\_\_\_\_  
Announcement Date: \_\_\_\_\_ Announcement/Opportunity #: \_\_\_\_\_  
Grant Category/Title: Regional Flexible Funds Allocation Max Award Value: \$5,033,325  
Allows Indirect/Rate: \_\_\_\_\_ Match Requirement: 10.27%  
Application Deadline: 06/21/2019 Other Deadlines: \_\_\_\_\_  
Grant Start Date: 07/01/2021 Other Deadline Description: \_\_\_\_\_  
Grant End Date: 08/30/2024  
Completed By: \_\_\_\_\_ Program Income Requirement: \_\_\_\_\_  
Pre-Application Meeting Schedule: N/A

**Section III: Funding Opportunity Information - To be completed at Pre-Application Meeting by Dept Program and Fiscal Staff**

**Mission/Purpose:**

*1. How does the grant support the Department and/or Division's Mission/Purpose/Goals?*

The mission of the Department of Transportation and Development is to provide transportation maintenance and construction, neighborhood enhancement, land use, planning, permitting and dog services to residents, property owners, businesses and the traveling public so they and future generations can experience and invest in a healthy, safe and livable community. This proposal addresses community health and safety of the traveling public by constructing sidewalks and bike lanes along SE Courtney Road which will allow students, families and the general public to safely travel to community destinations such as the Trolley Trail and Oak Grove Elementary.

*2. What, if any, are the community partners who might be better suited to perform this work?*

There are no community partners better suited to perform this work.

*3. What are the objectives of this grant? How will we meet these objectives?*

The objective of this grant is to provide pedestrian and bicycle facilities so residents can safely access community destinations by active modes of transportation. The objective will be met by constructing the facilities in accordance with the completed Safe Routes to School Action Plan and the adopted Transportation System Plan.

*4. Does the grant proposal fund an existing program? If yes, which program? If no, what is the purpose of the program?*

The grant proposal does not directly fund an existing program. However, it supports the existing Safe Routes to School program by constructing a priority project at a Clackamas County Title One Schools: Oak Grove Elementary.

**Organizational Capacity:**

*1. Does the organization have adequate and qualified staff? If no, can staff be hired within the grant timeframe?*

Yes. We will use existing Department of Transportation and Development staff for the program. No other staff is needed at this time.

*2. Are there partnership efforts required? If yes, who are we partnering with and what are their roles and responsibilities?*

There are no partnerships required to deliver this infrastructure project. County staff will be responsible for project coordination and fiscal management.

*3. If this is a pilot project, what is the plan for sunsetting the project and/or staff if it does not continue (e.g. making staff positions temporary or limited duration, etc.)?*

This is not a pilot project and no new staff will be needed to carry out the grant activities.

*4. If funded, this grant would create a new program, does the department intend for the program to continue after initial funding is exhausted? If yes, how will the department ensure funding (e.g. request new funding during the budget process, supplanted by a different program, etc.)?*

This grant will not create a new program. The grant is for a one-time funding for the construction of sidewalks and bike lanes.

**Collaboration**

1. List County departments that will collaborate on this award, if any.

The lead department for this project is the Department of Transportation and Development. No other departments will be involved in this project if awarded.

**Reporting Requirements**

1. What are the program reporting requirements for this grant?

It is expected that the program and task reporting requirements for this grant will be monthly progress reports. Contractor invoicing will be processed on a quarterly basis.

2. How will grant performance be evaluated? Are we using existing data sources? If yes, what are they and where are they housed? If not, is it feasible to develop a data source within the grant timeframe?

Cost documentation and task tracking is planned in order to evaluate the grant performance.

3. What are the fiscal reporting requirements for this grant?

Metro administers the Regional Flexible Funds Allocation program. Reporting requirements are performed via Zoom Grants and will be similar to other Metro administered grant awards.

**Fiscal**

1. Will we realize more benefit than this grant will cost to administer?

Yes. This is an opportunity to obtain funding for a high priority project identified in the Transportation System Plan and Safe Routes to School Action Plan developed in partnership with Oak Grove Elementary School.

2. Are other revenue sources required? Have they already been secured?

A 10.27 % cash match is required for the Regional Flexible Funds Allocation (RFFA) grant. The cash match will be sourced from the county road fund.

3. For applications with a match requirement, how much is required (in dollars) and what type of funding will be used to meet it (CGF, In-kind, Local Grant, etc.)?

Yes, there is a 10.27 % match required. The cash match amount for the project is \$576,086

4. Does this grant cover indirect costs? If yes, is there a rate cap? If no, can additional funds be obtained to support indirect expenses and what are they?

Yes, this grant could cover some indirect costs associated with the construction project.

Program Approval:

\_\_\_\_\_

Name (Typed/Printed)

Date

Signature

**\*\* NOW READY FOR PROGRAM MANAGER SUBMISSION TO DIVISION DIRECTOR\*\***

**\*\*ATTACH ANY CERTIFICATIONS REQUIRED BY THE FUNDING AGENCY. COUNTY FINANCE OR ADMIN WILL SIGN.\*\***

**Section IV: Approvals**

DIVISION DIRECTOR (or designee, if applicable)		
Name (Typed/Printed)	Date	Signature

DEPARTMENT DIRECTOR (or designee, if applicable)		
Name (Typed/Printed)	Date	Signature

FINANCE GRANT MANAGER (or designee, if applicable; FOR FEDERALLY-FUNDED APPLICATIONS ONLY)		
Name (Typed/Printed)	Date	Signature

**Section V: Board of County Commissioners/County Administration**

*(Required for all grant applications. If your grant is awarded, all grant **awards** must be approved by the Board on their weekly consent agenda regardless of amount per local budget law 294.338.)*

**For applications less than \$150,000:**

COUNTY ADMINISTRATOR	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>
Name (Typed/Printed)	Date	Signature

**For applications greater than \$150,000 or which otherwise require BCC approval:**

BCC Agenda item #:  Date:

**OR**

Policy Session Date:

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County Administration Attestation

**County Administration: re-route to department contact when fully approved.**

**Department: keep original with your grant file.**



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 13, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval to Apply for a  
2022-2024 Regional Flexible Funds Allocation (RFFA) Grant for the  
Clackamas County Regional Freight Intelligent Transportation System (ITS) – Phase 2B Project

<b>Purpose/Outcome</b>	Apply for Metro Regional Flexible Funds Allocation (RFFA) funding through the Regional Freight and Economic Development Initiatives grant category.
<b>Dollar Amount and Fiscal Impact</b>	The total project estimate is \$1,966,800 If the grant is awarded, the County would be responsible for the 10.27% (minimum) cash match of \$201,990.
<b>Funding Source</b>	County Road Fund will be used as the funding source to cover the 10.27% cash match.
<b>Duration</b>	October 2021 through September 2023.
<b>Previous Board Action/Review</b>	None.
<b>Counsel Review</b>	This item does not require Counsel Review. Finance has reviewed and approved the attached Life Cycle Form.
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"><li>• Building strong infrastructure.</li><li>• Ensuring safe, healthy and secure communities.</li></ul>
<b>Contact Person</b>	Bikram Raghubansh, Project Manager (503) 742-4706

In 2018, Clackamas County, with funding from initial RFFA grant allocation, completed the County's first Freight ITS Action Plan during Phase 1 of Clackamas County Regional Freight ITS Project. The goal of Freight ITS Action Plan is to address improvements to travel time reliability and safety of the regional freight system in known congested areas in Clackamas and Wilsonville industrial area. The strategies identified in the plan focuses on cost-effective smart ITS technology solutions focused at signalized intersections within the first and last mile arterial connections. Although Clackamas County was awarded approximately \$2.3 million (including local match) in the initial RFFA grant allocation, County's Freight ITS Action Plan identified approximately \$4 million of high-priority improvements with full implementation. With the initial RFFA grant funding, Phase 1 was completed with development of Freight ITS Action Plan and Phase 2, currently underway, project design and construction of partial implementation. The scope of Clackamas County Regional Freight ITS – Phase 2B Project is to complete the unfunded portion of intelligent transportation system strategies identified in the plan. To complete the full build out, County is seeking \$1,966,800 (including local match) from RFFA Regional Freight and Economic Development Initiatives grant category.

Applications are due June 21, 2019.

**RECOMMENDATION**

Staff respectfully requests approval to apply for Regional Flexible Funds Allocation (RFFA) funding through the Regional Freight and Economic Development category for Clackamas County Regional Freight ITS – Phase 2B Project and requests the BCC sign the attached letter of support for inclusion in the grant application.

Respectfully submitted,

Bikram Raghubansh  
Project Manager  
Transportation and Development



June 13, 2019

Metro  
600 NE Grand Ave  
Portland, OR 97232

**Re: 2022-2024 Regional Flexible Funds Allocation (RFFA) – Clackamas County  
Regional Freight Intelligent Transportation System (ITS) – Phase 2B Project**

Dear Grant Selection Committee:

At a June 13, 2019 Business Meeting the Clackamas County Board of County Commissioners (BCC) approved the 2022-2024 Regional Flexible Funds Allocation (RFFA) grant application submission for the Clackamas County Regional Freight ITS Project – Phase 2B. At the same time the BCC authorized the use of general road funds to provide the required monetary match.

The Freight ITS – Phase 2B project is intended to complete the unfunded portion of ITS strategies identified in the 2018 County Freight ITS Action Plan. The list of strategies identified in the Action Plan focuses on co-effective smart ITS technology solutions to address safety and travel time reliability of the regional freight system in Clackamas and Wilsonville industrial area. Since the Action Plan focuses on signalized intersections within the first and last mile arterial connections, improvements will not be limited to County owned infrastructure. This plan focuses on multiple corridors on County, state highway (ODOT), and City of Wilsonville arterial corridors. To complete the full build out, County is seeking addition funds from RFFA Regional Freight and Economic Development Initiatives grant category.

The Clackamas County Board of County Commissioners is pleased to submit this letter of support for the County's 2022-2024 RFFA grant application. We look forward to improving safety and travel time reliability along the heavily used freight arterial corridors within Clackamas and Wilsonville industrial area.

Thank you for your time and consideration

Sincerely,

Chair Jim Bernard  
Clackamas County Board of County Commissioners

# Grant Application Lifecycle Form

Use this form to track your potential grant from conception to submission.

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## \*\* CONCEPTION \*\*

Note: The processes outlined in this form are not applicable to disaster recovery grants.

### Section I: Funding Opportunity Information - To be completed by Requester

Lead Department: Department of Transportation and Development Application for:  Subrecipient funds  Direct Grant  
Grant Renewal?  Yes  No

If renewal, complete sections 1, 2, & 4 only

Name of Funding Opportunity: Metro Regional Flexible Funds Allocation (RFFA)  
Funding Source:  Federal  State  Local: Metro \_\_\_\_\_  
Requestor Information (Name of staff person initiating form): Bikram Raghubansh  
Requestor Contact Information: bikramrag@clackamas.us  
Department Fiscal Representative: Diedre Landon  
Program Name or Number (please specify): Long Range Planning  
Brief Description of Project:

The Clackamas County Freight ITS Project – Phase 2B is intended to complete the unfunded portion of intelligent transportation system (ITS) strategies identified in the County Freight ITS Action plan. In 2018, Clackamas County completed our very first Freight ITS Action Plan to address improvements to travel time reliability and safety of the regional freight system by reducing freight vehicle delay in known congested areas in Clackamas County by focusing on smart ITS technology solutions. The planning phase of this project considered two geographically study areas, the Clackamas Industrial Study Area and the Wilsonville Industrial Study Area and focused on the first and last mile arterial connections. In the project evaluation and screening process, Clackamas County identified six feasible ITS strategies with full implementation cost estimate of \$4.05 million. This total estimate for full build out exceeds the approximately \$2.3 million that is currently available for project design and construction. With 2022-2024 RFFA funding opportunity, an ask of **\$1,966,800** (with escalation cost) will be used to complete the full implementation of Clackamas County Freight ITS Action Plan.

Name of Funding (Granting) Agency: Metro

Agency's Web Address for Grant Guidelines and Contact Information:

Dan Kaempff - Principal Transportation Planner. Metro Resource Development Division 503-813-7559

daniel.kaempff@oregonmetro.gov

OR

Application Packet Attached:  Yes  No

Completed By: Bikram Raghubansh Date: May 28, 2019

\*\* NOW READY FOR SUBMISSION TO DEPARTMENT FISCAL REPRESENTATIVE \*\*

### Section II: Funding Opportunity Information - To be completed by Department Fiscal Rep

Competitive Grant  Non-Competing Grant  Other Funding Agency Award Notification Date: 01/01/2020  
CFDA(s), if applicable: \_\_\_\_\_  
Announcement Date: \_\_\_\_\_ Announcement/Opportunity #: \_\_\_\_\_  
Grant Category/Title: Regional Flexible Funds Allocation Max Award Value: \$1,764,810  
Allows Indirect/Rate: \_\_\_\_\_ Match Requirement: 10.27%  
Application Deadline: 06/21/2019 Other Deadlines: \_\_\_\_\_  
Grant Start Date: 07/01/2021 Other Deadline Description: \_\_\_\_\_  
Grant End Date: 08/30/2024  
Completed By: \_\_\_\_\_ Program Income Requirement: \_\_\_\_\_  
Pre-Application Meeting Schedule: N/A

**Section III: Funding Opportunity Information - To be completed at Pre-Application Meeting by Dept Program and Fiscal Staff**

**Mission/Purpose:**

**1. How does the grant support the Department and/or Division's Mission/Purpose/Goals?**

The mission of the Department of Transportation and Development is to provide transportation maintenance and construction, neighborhood enhancement, land use, planning, permitting and dog services to residents, property owners, businesses and the traveling public so they and future generations can experience and invest in a healthy, safe and livable community. This proposed project addresses safety, improvements to travel time efficiency, and supports industrial land use by implementing cost-effective technology solutions that ensure freight vehicles can safely and efficiently access the Clackamas and Wilsonville industrial areas with a focus on first and last mile. This grant funding will help with full deployment of freight related signal technologies as identified in Clackamas County Freight ITS Action Plan.

**2. What, if any, are the community partners who might be better suited to perform this work?**

There are no community partners better suited to perform this work.

**3. What are the objectives of this grant? How will we meet these objectives?**

The objective of this grant is to continue with phase 2B of Clackamas County Regional Freight ITS Deployment Plan. The following two primary operational objectives will be focused with this project in the two industrial areas:

- 1) Improve road safety by reducing the rate and severity of crashes associated with freight movement at signalized intersection by implementing truck priority at signalized intersections with new smart vehicle detection sensors,
- 2) Improve operations and congestion management by improving travel time reliability for freight by deploying new advanced traffic signal controllers with optimized signal timing, enhancement to traveler information, and traffic surveillance cameras.

**4. Does the grant proposal fund an existing program? If yes, which program? If no, what is the purpose of the program?**

The grant proposal does not directly fund an existing program. However, it supports the full deployment of Freight related ITS strategies identified in Clackamas County Freight ITS Action Plan.

**Organizational Capacity:**

**1. Does the organization have adequate and qualified staff? If no, can staff be hired within the grant timeframe?**

Yes. We will use existing Department of Transportation and Development staff for the program. No other staff is needed at this time.

**2. Are there partnership efforts required? If yes, who are we partnering with and what are their roles and responsibilities?**

Although, there are no partnerships required to deliver this infrastructure project, deployment of freight related technologies will expand to ODOT and City of Wilsonville owned infrastructure. Any ongoing maintenance of proposed technologies will be responsibility of ODOT and City of Wilsonville.

**3. If this is a pilot project, what is the plan for sunsetting the project and/or staff if it does not continue (e.g. making staff positions temporary or limited duration, etc.)?**

This is not a pilot project and no new staff will be needed to carry out the grant activities.

**4. If funded, this grant would create a new program, does the department intend for the program to continue after initial funding is exhausted? If yes, how will the department ensure funding (e.g. request new funding during the budget process, supplanted by a different program, etc.)?**

This grant will not create a new program. The grant is will complete the full build out of freight related technologies as identified in Clackamas County Freight ITS Action Plan.

**Collaboration**

1. List County departments that will collaborate on this award, if any.

The lead department for this project is the Department of Transportation and Development. No other departments will be involved in this project if awarded.

**Reporting Requirements**

1. What are the program reporting requirements for this grant?

It is expected that the program and task reporting requirements for this grant will be monthly progress reports. Contractor invoicing will be processed on a quarterly basis.

2. How will grant performance be evaluated? Are we using existing data sources? If yes, what are they and where are they housed? If not, is it feasible to develop a data source within the grant timeframe?

Cost documentation and task tracking is planned in order to evaluate the grant performance.

3. What are the fiscal reporting requirements for this grant?

Metro administers the Regional Flexible Funds Allocation program. Reporting requirements are performed via Zoom Grants and will be similar to other Metro administered grant awards.

**Fiscal**

1. Will we realize more benefit than this grant will cost to administer?

Yes. This is an opportunity to obtain funding for a high priority project identified in the Freight ITS Action Plan.

2. Are other revenue sources required? Have they already been secured?

A 10.27 % cash match is required for the Regional Flexible Funds Allocation (RFFA) grant. The cash match will be sourced from the county road fund.

3. For applications with a match requirement, how much is required (in dollars) and what type of funding will be used to meet it (CGF, In-kind, Local Grant, etc.)?

Yes, there is a 10.27 % match required. Total project estimate for Clackamas County Regional Freight ITS Project - Phase 2B is \$1,966,800. Grant request is for \$1,764,810 (89.73%) and a cash match amount for \$201,990 (10.27%).

4. Does this grant cover indirect costs? If yes, is there a rate cap? If no, can additional funds be obtained to support indirect expenses and what are they?

Yes, this grant could cover some indirect costs associated with the construction project.

Program Approval:

\_\_\_\_\_

Name (Typed/Printed)

Date

Signature

**\*\* NOW READY FOR PROGRAM MANAGER SUBMISSION TO DIVISION DIRECTOR\*\***

**\*\*ATTACH ANY CERTIFICATIONS REQUIRED BY THE FUNDING AGENCY. COUNTY FINANCE OR ADMIN WILL SIGN.\*\***

**Section IV: Approvals**

DIVISION DIRECTOR (or designee, if applicable)		
Name (Typed/Printed)	Date	Signature

DEPARTMENT DIRECTOR (or designee, if applicable)		
Name (Typed/Printed)	Date	Signature

FINANCE GRANT MANAGER (or designee, if applicable; FOR FEDERALLY-FUNDED APPLICATIONS ONLY)		
Name (Typed/Printed)	Date	Signature

**Section V: Board of County Commissioners/County Administration**

*(Required for all grant applications. If your grant is awarded, all grant **awards** must be approved by the Board on their weekly consent agenda regardless of amount per local budget law 294.338.)*

**For applications less than \$150,000:**

COUNTY ADMINISTRATOR	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>
Name (Typed/Printed)	Date	Signature

**For applications greater than \$150,000 or which otherwise require BCC approval:**

BCC Agenda item #:  Date:

**OR**

Policy Session Date:

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County Administration Attestation

**County Administration: re-route to department contact when fully approved.**

**Department: keep original with your grant file.**



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of a Contract with North Santiam Paving Company for the  
Beavercreek Paving Package**

<b>Purpose/Outcomes</b>	This Contract will resurface 5.4 miles of roads. It will resurface portions Beavercreek Road between Upper Highland Road and Henrici Road with asphalt.
<b>Dollar Amount and Fiscal Impact</b>	Contract value is \$2,009,446.25
<b>Funding Source</b>	215-7433-00-424423-RM2019-789 Beavercreek Road Fund
<b>Duration</b>	Contract execution through December 31, 2019
<b>Previous Board Action</b>	None
<b>Strategic Plan Alignment</b>	This project will provide strong infrastructure and ensure safe communities by maintaining the County's existing road infrastructure.
<b>Counsel Approval</b>	June 5, 2019
<b>Contact Person</b>	Vince Hall, Project Manager 503-650-3210

**Background:**

The Beavercreek Road Paving Project will resurface about 5.4 miles of road to include: Resurfacing a portion of Beavercreek Road between Upper Highland Road and Henrici Road with asphalt. Beavercreek Road has an average daily traffic of 11,000 vehicles per day and is classified as a major arterial.

This project will include, but not be limited to: placing approximately, 21,500 tons of asphalt; grinding about 14,000 square yards of asphalt; placing pavement markings and striping; installing, maintaining, and removing temporary work zone traffic control measures.

The project work is anticipated to begin immediately following contract signing. Substantial completion will be not later than August 30, 2019, with final completion no later than December 31, 2019.

**Procurement Process:**

This project was advertised in accordance with ORS and LCRB Rules on March 20, 2019. Bids were opened on May 7, 2019. The County received four (4) bids: Brix Paving, \$2,509,518.75; North Santiam Paving Company, \$2,009,446.25; Knife River Corporation, \$2,508,208.00 and Eagle-Elsner, Inc., \$2,214,466.00. After review of the bids, North Santiam Paving Company was determined to be lowest responsive bidder.

**Recommendation:**

Staff respectfully recommends that the Board approve and sign this public improvements contract with North Santiam Paving Company for the Beaver Creek Paving Package.

Sincerely,

Randall A. Harmon  
Transportation Operations Manager

Placed on the BCC Agenda \_\_\_\_\_ by Procurement



## CLACKAMAS COUNTY PUBLIC IMPROVEMENT CONTRACT

This Public Improvement Contract (the "Contract"), is made by and between the Clackamas County, a political subdivision of the State of Oregon, hereinafter called "Owner," and **North Santiam Paving Co.**, hereinafter called the "Contractor" (collectively the "Parties"), shall become effective on the date this Contract has been signed by all the Parties and all County approvals have been obtained, whichever is later.

Project Name: **#2019-25 Beaver Creek Road Paving Project**

### 1. Contract Price, Contract Documents and Work.

The Contractor, in consideration of the sum of **two million nine thousand four hundred forty-six dollars and twenty-five cents (\$2,009,446.25)** (the "Contract Price"), to be paid to the Contractor by Owner in the manner and at the time hereinafter provided, and subject to the terms and conditions provided for in the Instructions to Bidders and other Contract Documents (as defined in the Clackamas County General Conditions for Public Improvement Contracts (11/1/2017) ("General Conditions") referenced within the Instructions to Bidders), all of which are incorporated herein by reference, hereby agrees to perform all Work described and reasonably inferred from the Contract Documents. The Contract Price is the amount contemplated by the Base Bid.

Also, the following documents are incorporated by reference in this Contract and made a part hereof:

- Notice of Contract Opportunity
- Supplemental Instructions to Bidders
- Bid Form
- Performance Bond and Payment Bond
- Supplemental General Conditions
- Payroll and Certified Statement Form
- Addendum #1
- Instructions to Bidders
- Bid Bond
- Public Improvement Contract Form
- Clackamas County General Conditions
- Prevailing Wage Rates
- Plans, Specifications and Drawings

### 2. Representatives.

Contractor has named Pete Sipos as its Authorized Representative to act on its behalf. Owner designates, or shall designate, its Authorized Representative as indicated below (check one):

Unless otherwise specified in the Contract Documents, the Owner designates Vince Hall as its Authorized Representative in the administration of this Contract. The above-named individual shall be the initial point of contact for matters related to Contract performance, payment, authorization, and to carry out the responsibilities of the Owner.

Name of Owner's Authorized Representative shall be submitted by Owner in a separate writing.

### 3. Key Persons.

The Contractor's personnel identified below shall be considered Key Persons and shall not be replaced during the project without the written permission of Owner, which shall not be unreasonably withheld. If the Contractor intends to substitute personnel, a request must be given to Owner at least 30 days prior to the intended time of substitution. When replacements have been approved by Owner, the Contractor shall provide a transition period of at least 10 working days during which the original and replacement personnel shall be working on the project concurrently. Once a replacement for any of these staff members is authorized, further replacement shall not occur without the written permission of Owner. The Contractor's project staff shall consist of the following personnel:



**Project Executive:** Pete Sipos shall be the Contractor's project executive, and will provide oversight and guidance throughout the project term.

**Job Superintendent:** Jeff Bensing shall be the Contractor's on-site job superintendent throughout the project term.

#### **4. Contract Dates.**

COMMENCEMENT DATE: Upon Issuance of Notice to Proceed

SUBSTANTIAL COMPLETION DATE: August 30, 2019

FINAL COMPLETION DATE: September 30, 2019

Time is of the essence for this Contract. It is imperative that the Work in this Contract reach Substantial Completion and Final Completion by the above specified dates.

#### **5. Insurance Certificates.**

In accordance with Section G.3.5 of the General Conditions and item 2 of Supplemental General Conditions, Contractor shall furnish proof of the required insurance naming Clackamas County as an additional insured. Insurance certificates may be returned with the signed Contract or may be emailed to

[Procurement@clackamas.us](mailto:Procurement@clackamas.us).

#### **6. Tax Compliance.**

Contractor must, throughout the duration of this Contract and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. Any violation of this section shall constitute a material breach of this Contract. Further, any violation of Contractor's warranty in this Contract that Contractor has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also shall constitute a material breach of this Contract. Any violation shall entitle County to terminate this Contract, to pursue and recover any and all damages that arise from the breach and the termination of this Contract, and to pursue any or all of the remedies available under this Contract, at law, or in equity, including but not limited to: (A) Termination of this Contract, in whole or in part; (B) Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Contractor, in an amount equal to County's setoff right, without penalty; and (C) Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. County shall be entitled to recover any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement performance. These remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

The Contractor represents and warrants that, for a period of no fewer than six calendar years preceding the effective date of this Contract, has faithfully complied with: (A) All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318; (B) Any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor; (C) Any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and (D) Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

#### **7. Confidential Information.**

Contractor acknowledges that it and its employees or agents may, in the course of performing their responsibilities under this Contract, be exposed to or acquire information that is confidential to Owner. Any and all information of any form obtained by Contractor or its employees or agents in the performance of this

Contract shall be deemed confidential information of Owner (“Confidential Information”). Contractor agrees to hold Confidential Information in strict confidence, using at least the same degree of care that Contractor uses in maintaining the confidentiality of its own confidential information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties or use Confidential Information for any purpose unless specifically authorized in writing under this Contract.

## **8. Required Terms.**

In addition to the terms and conditions contained in this Contract and the Contract Documents, the following terms and conditions are required by Oregon law:

- A. If the Contractor fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to the Contractor or a subcontractor by any person in connection with this contract as the claim becomes due, the proper officer representing the Owner may pay such claim to the person furnishing the labor or services and charge the amount of the payment against the funds due or to become due the Contractor by reason of the contract.
- B. If the Contractor or a first-tier subcontractor fails, neglects or refuses to pay a person that provides labor or materials in connection with the public improvement contract within 30 days after receiving payment from the contracting agency or a contractor, the Contractor or first-tier subcontractor owes the person the amount due plus interest charges that begin at the end of the 10-day period within which payment is due under ORS 279C.580 (4) and that end upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due is nine percent per annum. The amount of interest may not be waived.
- C. If the Contractor or a subcontractor fails, neglects or refuses to make payment to a person furnishing labor or materials in connection with the public contract, the person may file a complaint with the Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.
- D. The Contractor shall include in each subcontract those provisions required under ORS 279C.580.
- E. For demolition tasks, if any, the Contractor shall salvage or recycle construction and demolition debris, if feasible and cost-effective.

## **9. Counterparts.**

This Contract may be executed in several counterparts, all of which when taken together shall constitute an agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Contract so executed shall constitute an original.

## **10. Integration.**

All provisions of state law required to be part of this Contract, whether listed in the General or Special Conditions or otherwise, are hereby integrated and adopted herein. Contractor acknowledges the obligations thereunder and that failure to comply with such terms is a material breach of this Contract.

The Contract Documents constitute the entire agreement between the parties. There are no other understandings, agreements or representations, oral or written, not specified herein regarding this Contract. Contractor, by the signature below of its authorized representative, hereby acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.

**11. Liquidated Damages**

The Contractor acknowledges that the Owner will sustain damages as a result of the Contractor’s failure to substantially complete the Project in accordance with the Contract Documents. These damages may include, but are not limited to delays in completion, use of the Project, and costs associated with Contract administration and use of temporary facilities.

- 11.1 Liquidated Damages shall be as follows if the actual Substantial Completion exceeds the required date of Substantial Completion:
  - 11.1.1. \$1,000.00 per Calendar day past the Substantial Completion date.

**12. Compliance with Applicable Law.** Contractor shall comply with all federal, state, county, and local laws, ordinances, and regulations applicable to the Work to be done under this Contract including, but not limited to, compliance with the prohibitions set forth in ORS 652.220, compliance of which is a material element of this Contract and failure to comply is a material breach that entitles County to exercise any rights and remedies available under this Contract including, but not limited to, termination for default.

**In witness whereof,** Clackamas County executes this Contract and the Contractor does execute the same as of the day and year first above written.

Contractor DATA:  
**North Santiam Paving Co.**  
**P.O. Box 516**  
**Stayton, Oregon 97383**

Contractor CCB # 53247    Expiration Date: 04/27/2021  
Oregon Business Registry # 104940-11    Entity Type: DBC                      State of Formation: Oregon

*Payment information will be reported to the IRS under the name and taxpayer ID# provided by the Contractor. Information must be provided prior to contract approval. Information not matching IRS records could subject Contractor to 28 percent backup withholding.*

North Santiam Paving Co.

Clackamas County

\_\_\_\_\_  
Authorized Signature                      Date

\_\_\_\_\_  
Chair    Date

\_\_\_\_\_  
Name / Title Printed

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

APPROVED AS TO FORM

\_\_\_\_\_  
County Counsel                                      Date