



DAN JOHNSON
DIRECTOR

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

August 1, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of an Amendment to Grant Agreement with Oregon Department of Transportation for Sunrise Corridor Community Visioning Project. Amendment value is \$0. Total Value is \$4 Million from June 2022 – December 31, 2026. Funding through state legislative allocation of ODOT Coronavirus State Fiscal Recovery Fund. No County General Funds are involved.

Previous Board Action/Review	July 30, 2024 Request for Consent June 12, 2023 Consent item at issues June 28, 2022 Discussion item at issues January 12, 2022 update on associated Strategic Goal September 14, 2021 update on associated Strategic Goal		
Performance Clackamas	This item aligns with all five of the county's Performance Clackamas goals: <ul style="list-style-type: none"> - Build public trust through good government; - Grow a vibrant economy; - Build a strong infrastructure; - Ensure safe, healthy, and secure communities; and - Honor, utilize, promote, and invest in our natural resources. This session directly addresses one of the Board's Performance Clackamas goals: By 2024, funding for the next phase (from 122nd -172nd) of the Sunrise Gateway multimodal corridor improvements will be committed from federal, state, regional and local funding options (adopted March 2021)		
Counsel Review	Yes – HH 7-24-24	Procurement Review	No
Contact Person	Jamie Stasny	Contact Phone	971-678-6406

EXECUTIVE SUMMARY:

ODOT is requesting an amendment to the grant agreement in order to remove the requirement for obligation of funds by December 31, 2024, and to include an expenditure deadline of December 31, 2026, in alignment with federal law. This amendment will provide the county with

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more time to expend all funds and remove an unnecessary obligation deadline. This amendment is necessary since this interpretation of the allocation was determined after the date of the last agreement amendment.

RECOMMENDATION: Staff recommends approval of this amendment.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation & Development

**STATE OF OREGON
GRANT AGREEMENT NO. PO-73000-00006742**

Amendment No. 2

This is Amendment Number 2 ("Amendment") to Grant Agreement No. PO-73000-00006742 (the "Agreement") between the State of Oregon, acting through its Oregon Department of Transportation ("ODOT" or "State"), and Clackamas County ("Recipient"), each a "Party" and, together, the "Parties". This Amendment amends the Agreement to delete the Obligation Deadline requirement.

1. Effective Date. This Amendment shall become effective when fully signed and approved as required by applicable law.
2. Amendments to Agreement.

The Agreement is amended as follows (new language indicated by **bold underline** and deleted language indicated by ~~**bold strikethrough**~~:

SECTION 1: Key Grant Terms

Act: The federal American Rescue Plan Act Coronavirus State Fiscal Recovery Fund (codified as 42 U.S.C. 802), including all implementing regulations (31 CFR 35.1 et seq.) and other guidance promulgated by the U.S. Department of the Treasury.

Grant Amount: \$4,000,000
Expenditure Deadline: December 31, 2026
~~**Obligation Deadline: December 31, 2024**~~

SECTION 2: Financial Assistance

~~**C. Obligation Deadline. Pursuant to the Act, Recipient shall obligate Grant funds for Eligible Costs (as that term is defined in Section 4) no later than the Obligation Deadline. Funds are obligated on the date an order is placed for Project related property or services, as well as the date Recipient contracts, subawards, or enters into similar transactions that require payment for Project activities. Grant funds may not be used for Project activities obligated after the Obligation Deadline, and any such activities are the sole responsibility of Recipient.**~~

E. Return of Unobligated and Unexpended Grant Funds. No later than April 15, 2027, Recipient must return to ODOT all Grant funds ~~(i) not obligated by the Obligation Deadline ("Unobligated Funds") and (ii) not expended by the Expenditure Deadline, (even if such funds were obligated by the Obligation Deadline) ("Unexpended Funds").~~ Recipient must return all Unobligated Funds to ODOT no later than April 15, 2025, and must return all Unexpended Funds to ODOT no later than April 15, 2027.

SECTION 4: Use of Grant

As more particularly described in Exhibit A, Recipient will use Grant funds for the Project. Recipient may only use Grant funds to cover actual, reasonable and necessary Project costs in accordance with the Act and Oregon law, as applicable, incurred during the period beginning March 3, 2021, and ending on the **Obligation Expenditure** Deadline (“Eligible Costs”). Recipient must expend the entire Grant Amount on Eligible Costs no later than the Expenditure Deadline. Grant funds cannot be used for costs in excess of one hundred percent (100%) of the total Project costs.

EXHIBIT A: Contact Information, Use of Funds/Project Description and Reporting Requirements

Administrative Costs

Recipient shall also deliver to ODOT no later than April 15, 2025 an accounting of all of its direct administrative costs paid by this Grant accompanied by a certification statement that all such costs comply with the Act. ~~Grant funds may not be used to pay for administrative costs incurred after the Obligation Deadline.~~

3. 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 together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. Except as expressly amended above, all other terms and conditions of the original Agreement remain in full force and effect.
5. The parties expressly affirm and ratify the Agreement as herein amended.
6. Parties certify that the representations, warranties and certifications contained 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 signatures of the parties follow on the next page.

IN WITNESS WHEREOF, the Parties have executed this Grant as of the dates set forth below.



STATE OF OREGON

CLACKAMAS COUNTY

acting by and through its

Department of Department of Transportation

By: _____
Jeff Flowers
Statewide Investments Management
Section Manager

By: _____
Tootie Smith
Board Chair

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Samuel B. Zeigler via email June 13, 2024

Samuel B. Zeigler, Senior Assistant Attorney General