



DAN JOHNSON
DIRECTOR

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

June 27, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment Number 01 to the Local Agency Agreement #33216 for State Funded Local Project Program with Oregon Department of Transportation for the Canby Marquam Highway: Bear Creek Bridge #06027 Project. Amendment value is \$275,243.64. Amendment funding matched by County Road Funds of \$28,267.56. No County General Funds are involved.

Previous Board Action/Review	06/25/24: Request for Consent 05/05/22: BCC approval of Amendment #1 with Contract #1868 with David Evans and Associates, Inc., for the Design Services for the Canby Marquam Hwy: Bear Creek Bridge Project. 04/07/22: BCC approval of a (construction) Contract with Carter and Company, Inc. for the Canby Marquam Hwy: Bear Creek Bridge.03/21/19: BCC approval of a Local Agency Agreement No. 33216 with Oregon Department of Transportation for the Canby Marquam Hwy: Bear Creek Bridge #06027. 10/17/19: BCC approval of a personal services contract with David Evans and Associates, Inc. for the Canby Marquam Hwy: Bear Creek Bridge. 03/21/19: BCC approval of a Local Agency Agreement No. 33216 with Oregon Department of Transportation for the Canby Marquam Hwy: Bear Creek Bridge #06027.		
Performance Clackamas	The project will build a strong infrastructure.		
Counsel Review	4/30/2024, HH	Procurement Review	No
Contact Person	Joel Howie	Contact Phone	503-742-4658

EXECUTIVE SUMMARY: The County obtained federal Highway Bridge Program funds from the Oregon Department of Transportation (ODOT) Local Bridge Program to replace the existing bridge over Bear Creek on Canby Marquam Highway. The previous bridge was built in 1960, showing signs of decay as a result of heavy truck traffic, and undersized timber members had

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shear and flexure damage. Construction of the replacement bridge was completed in the spring of 2023.

The County requested to exchange the federal funds for state funds, which was approved by ODOT. The original amount approved by ODOT was \$2,076,172.74. As a result of higher construction bids for the project, the County requested additional state exchange funds in the amount of \$275,244. The additional state exchange funds are to be matched by County Road Funds in the amount of \$28,267.56. This results in a total cost of the project of \$2,620,456.51 comprised of \$2,351,416.38 in state exchange funds and \$269,040.13 in County Road Funds.

RECOMMENDATION: Staff respectfully recommends that the Board of County Commissioners approve and sign the attached Amendment Number 01 to the Local Agency Agreement No. 33216 for State Funded Local Project Program with ODOT for the Canby Marquam Highway: Bear Creek Bridge #06027 Project.

Respectfully submitted,

Dan Johnson

Dan Johnson-Director
Transportation & Development

AMENDMENT NUMBER 01
LOCAL AGENCY AGREEMENT
State Funded Local Project Program
Canby Marquam Highway: Bear Creek Bridge #06027
Clackamas County

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT;" and **Clackamas County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on April 19, 2019.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to increase funds.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.** Additions are underlined. Deletions are *italicized* and struck through.
 - a. Terms of Agreement, Paragraph 2, Pages 1 and 2, is revised as follows:
 2. The total Project cost for the work to be performed under this Agreement is estimated at \$2,620,456.51 ~~2,313,800~~, which is subject to change. Prior to exchanging funds, the federal share of the total Project cost is \$2,351,416.38 ~~2,076,172.74~~.
 - a. Per the 1:1 fund exchange ratio of state dollars to federal dollars, Agency ~~will exchange~~ \$2,351,416.38 ~~2,076,172.74~~ of federal dollars allocated for this Project for \$2,351,416.38 ~~2,076,172.74~~ of state dollars.
 - b. State funds under this Agreement are limited to \$2,351,416.38 ~~2,076,172.74~~.
3. **Counterparts.** 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. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications 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.

5. Electronic Signatures. The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are “Electronic Signatures” under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program (STIP), (Key # 20316) that was adopted by the Oregon Transportation Commission on July 7, 2017 (or subsequently by amendment to the STIP).

CLACKAMAS COUNTY, by and through its elected Officials

By _____
Chair

Date _____

By _____
Recording Secretary

Date _____

LEGAL REVIEW APPROVAL (If required in Agency’s process)

By N/A
Agency Counsel

Date _____

Agency Contact:

Joel Howie, PE
Civil Engineering Supervisor
Clackamas County
150 Beaver Creek Road
Oregon City, Oregon 97405
(503) 742-4658
JHowie@co.clackamas.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Delivery and Operations Division
Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By Serena Hewitt, via email
Assistant Attorney General

Date : April 23, 2024

State Contact:

Valerie Greenwade, Senior Project Leader
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Salem, Oregon 97301
(503) 986-2865
Valerie.Greenwade@odot.oregon.gov