



DAN JOHNSON
DIRECTOR

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

September 14, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment No. 1 to Grant Agreement # PO-73000-00006742 the Oregon Department of Transportation to provide funding for the Sunrise Gateway Corridor Visioning Project services. Total value is \$4 Million. Funding through ODOT Coronavirus State Fiscal Recovery Fund. County General Funds are not involved.

Previous Board Action/Review	<ul style="list-style-type: none"> • Early 2021, BCC approved a state legislative request for \$4 million dollars to fund the Sunrise Gateway Corridor Visioning Project • January 12, 2022: Update on associated Strategic Goal • June 28, 2022: Discussion item at issues • June 30, 2022: Board approved grant agreement # PO-73000-00006742 • September 14, 2022: Update on associated Strategic Goal • September 12, 2023: Request for Consent 		
Performance Clackamas	<p>This item aligns with all five of the county's Performance Clackamas goals:</p> <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. <p>This session directly addresses one of the Board's Performance Clackamas goals:</p> <ul style="list-style-type: none"> • 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. 		
Counsel Review	Hong Huynh, 8/30/2023	Procurement Review	No, This item is a grant agreement.
Contact Person	Jamie Stasny	Contact Phone	971-678-6406

EXECUTIVE SUMMARY: In early 2021 the Board of County Commissioners approved a state legislative request for \$4 million dollars to fund the Sunrise Gateway Corridor Visioning Project. The request was granted through HB 5006 at the end of the 2021 legislative session. The funds were earmarked through ODOT's Coronavirus State Fiscal Recovery Fund. On June 30, 2022, the board approved the grant agreement, # PO-73000-00006742, with ODOT to transfer these funds.

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Since the board's approval of the ODOT Grant Agreement, the County hired a consultant and project work is well underway. The board will receive an update on the project in October of this year.

The amendments to the Grant Agreement, which are attached, do the following: (1) remove certain federal sub award requirements pursuant to the U.S. Office of Management and Budget's CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT; and (2) add a provision to address the rate the County may use to recover administrative costs. The effective date for these changes are retroactive to July 1, 2022. These changes have no material impact on the County's ability to comply with the Grant Agreement.

RECOMMENDATION: Staff respectfully recommends approval of this amendment 1 to Grant Agreement # PO-73000-00006742 the Oregon Department of Transportation to provide funding for the Sunrise Gateway Corridor Visioning Project services

Respectfully submitted,

Dan Johnson

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Director of Transportation & Development

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

Amendment No. 1

This is Amendment Number 1 ("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 certain federal subaward requirements pursuant to the U.S. Office of Management and Budget's CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT (MAY 2023) ("OMB 2023 Compliance Supplement").

1. **Effective Date.** This Amendment shall become effective when fully signed and approved as required by applicable law.

2. **Amendments to Agreement:**

Exhibit C and the reference thereto on the first page of the Agreement are deleted in their entirety.

Amendments elsewhere in the Agreement: New Language is indicated by **bolding** and underlining and deleted language is indicated by **bolding** and ~~striking~~:

SECTION 6: Covenants of Recipient

Recipient covenants as follows:

C. ~~**Federal Audit Requirements. The Grant is federal financial assistance, and the associated Assistance Listings number is 21.027. Recipient is a subrecipient.**~~

(1) ~~**Pursuant to the OMB 2023 Compliance Supplement, and effective as of July 1, 2022, the category of federal financial assistance from which the Grant is drawn does not give rise to "subrecipient" relationships for purposes of 2 CFR part 200. Accordingly, the Grant is not subject to the audit requirements of 2 CFR part 200, subpart F from and after July 1, 2022. If Recipient receives federal funds in excess of \$750,000 during Recipient's fiscal year, it is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Recipient, if subject to this requirement, shall at its own expense submit to ODOT a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Agreement and shall submit or cause to be submitted to ODOT the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Agreement.**~~

F. ~~**Compliance with 2 CFR Part 200.**~~ Recipient must comply with all applicable provisions of 2 CFR Part 200, Uniform Administrative Requirements, **which include** Cost Principles, **but not and Audit Requirements for Federal Awards, including the Cost Principles and** Single Audit Act requirements, **pursuant to the OMB 2023 Compliance Supplement.**

P. ~~**Administrative Costs.**~~ Recipient may use a negotiated indirect cost rate or an approved cost allocation plan to recover administrative costs in administering the grant. **If Recipient does not have a negotiated rate or approved cost allocation plan, it is allowable to use the federal de minimis rate of 10%.**

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.

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



STATE OF OREGON
 acting by and through its
 Department of Department of Transportation

CLACKAMAS COUNTY

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:

Sam Zeigler via email dated 7/13/23
 Samuel B. Zeigler, Senior Assistant Attorney General