



DAN JOHNSON
DIRECTOR

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

March 2, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment #3 to a Supplemental Project Agreement with the Oregon Department of Transportation for the Canby Ferry Intelligent Transportation System Project. Amendment value is \$268,913.77, project value is increased to \$1,039,278.77. Funding through Ferry Boat Discretionary Program matched by County Road Funds. No County General Funds are involved.

Previous Board Action/Review	02/28/23: Discussion item at issues 07/15/21: BCC Approval of Resolution Declaring Public Necessity of Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee property 04/01/21: BCC Approval of Amendment No. 2 of Supplemental Project Agreement No. 31087 with ODOT 10/04/18:BCC Approval of an Intergovernmental Agreement for Right of Way Services with ODOT 09/06/18: BCC Approval of Amendment No. 1 of Supplemental Project Agreement No. 31087 with ODOT 11/09/16: BCC Approval of Supplemental Project Agreement No. 31087 with ODOT		
Performance Clackamas	Build a Strong Infrastructure		
Counsel Review	Yes	Procurement Review	No
Contact Person	Joel Howie	Contact Phone	503-742-4658

EXECUTIVE SUMMARY: Clackamas County received Federal Ferry Boat Discretionary Funds (FBD) to construct an Advanced Traffic Management System (ATMS) to remotely monitor and control Canby Ferry boat ramps, traffic signals, and existing advanced electronic roadway signs approaching the ferry ramps. The proposed ATMS will allow County staff and boat operators to remotely control, view, and monitor existing traffics signals at the two boat ramps. Electronic

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signs approaching the ferry area are using fiber optic network communication and closed circuit television surveillance cameras.

This project is financed with FBD funds at 80% of the project total and limited to \$811,648.82 with a minimum 20% County Road Fund match. The project requires replacement of two PGE utility poles to accommodate the new fiber optic cable. The cost of the two utility poles is \$19,774.20. However, the pole replacement is not eligible for FBD reimbursement. The County match, after including the pole cost, is now \$227,629.95, or approximately 22% of the total funding.

The design of the project is complete and the final construction phase estimate is \$268,913.77, higher than previous estimates. Additional FBD funds are available to cover this increase necessitating this amendment.

RECOMMENDATION: Staff respectfully recommends that the Board of County Commissioners approve the attached Amendment No. 3 of Supplemental Project Agreement No. 31087 with the Oregon Department of Transportation for the Canby (M.J. Lee) Ferry ITS Project as listed in the agreement.

Respectfully submitted,

Dan Johnson

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Director of Transportation & Development

**AMENDMENT NUMBER 03
LOCAL AGENCY CERTIFICATION PROGRAM
SUPPLEMENTAL PROJECT AGREEMENT
FERRY BOAT DISCRETIONARY PROGRAM
CANBY (M.J. LEE) FERRY ITS PROJECT
Clackamas County**

This is Amendment No. 03 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 February 7, 2017, Amendment Number 01 entered into on September 27, 2018, and Amendment Number 02 entered into on April 9, 2021.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update the Project funding.

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.**

a. **TERMS OF AGREEMENT, Paragraph 2, Page 2 which reads:**

2. The total estimated cost of the Project is \$770,365, which is subject to change.

Shall be deleted in its entirety and replaced with the following:

2. The total estimated cost of the Project is \$1,039,278.77, which is subject to change.

b. **TERMS OF AGREEMENT, Paragraph 3, Page 2 which reads:**

3. The Project shall be conducted as a part of the Ferry Boat Discretionary Program (FBDP) under Title 23, United States Code. FBDP funds for this Project shall be limited to \$549,191. Federal share is eighty (80) percent. The Project will be financed with FBDP funds at the maximum allowable federal participating amount, with County providing the twenty (20) percent match and any non-participating costs, including all costs in excess of the available federal funds.

Shall be deleted in its entirety and replaced with the following:

3. The Project shall be conducted as a part of the Ferry Boat Discretionary Program (FBDP) under Title 23, United States Code. FBDP funds for this Project shall be limited to \$811,648.82. Federal share is eighty (80) percent. The Project

will be financed with FBDP funds at the maximum allowable federal participating amount, with County providing the twenty (20) percent match and any non-participating costs, including all costs in excess of the available federal funds.

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.

SIGNATURE PAGE TO FOLLOW

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 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #19641) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

CLACKAMAS COUNTY, by and through its elected officials

By _____

Date _____

By _____

Date _____

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

By _____
Agency Counsel

Date _____

Agency Contact:

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STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Certification Program Manager

Date _____

By _____
State Traffic/Roadway Engineer

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By Jennifer O'Brien
Assistant Attorney General

Date via email dated January 4, 2023