

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Engineering and Construction Management

**AGENDA DATE:** January 8, 2013

**CONTACT PERSON NAME AND PHONE NUMBER:** Irene D. Ramirez, P.E., Interim City Engineer

**DISTRICT(S) AFFECTED:** 1, 8

**SUBJECT:**

That the City Manager be authorized to sign an Amendment #1 to the Advanced Funding Agreement (LPAFA) for the Mesa RTS project between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, dated May 18, 2009. The scope of work for the Agreement is the design and construction of a Rapid Transit System (RTS) for Mesa Street. The original LPAFA needs to be amended to reflect the portion of the route that will be funded with State and Federal funding sources.

**BACKGROUND / DISCUSSION:**

Initial funding for the Mesa RTS will be via multiple funding sources totaling approximately \$27.1 Million. This LPAFA is for the Category 2 and Category 5 portion of State and Federal funding which totals \$6.1 Million with a City contribution of \$75,754. The project limits and budget in this LPAFA need to be amended to coincide with eligibility constraints of Category 2 and Category 5.

**PRIOR COUNCIL ACTION:**

Original LPAFA was approved by City Council on April 14, 2009.

**AMOUNT AND SOURCE OF FUNDING:**

City contribution of \$75,754.20 from 2010 Transportation Certificates of Obligation

**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
Information copy to appropriate Deputy City Manager

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign an Amendment #1 to the Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation ("State"), dated May 18, 2009. The scope of work for the original Agreement is to construct a Bus Rapid Transit (BRT) on SH 20 (Mesa Street) corridor from Doniphan to Schuster Drive. Amendment #1 replaces Attachment B with attachment B-1, entitled Project Location Map, and replaces Attachment C with Attachment C-1, entitled Project Budget Estimate and Source of Funds, to reflect the On-SYSTEM portion of the route that will be funded with State and Federal funding sources (Mesa Street from Baltimore to Remcon Circle).

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF EL PASO

\_\_\_\_\_  
John Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

\_\_\_\_\_  
Irene Ramirez, P.E.  
Interim City Engineer

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT  
AMENDMENT # 1**

**THIS AMENDMENT** is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and the City of El Paso, acting by and through its duly authorized officials, called the Local Government.

**WITNESSETH**

**WHEREAS**, the State and the Local Government executed a contract on May 18<sup>th</sup> of 2009 to effectuate their agreement to construct a Bus Rapid Transit (BRT) on SH 20 (Mesa Street) corridor from Doniphan Drive to Schuster Drive; and,

**WHEREAS**, it has become necessary to amend that contract to account for revisions to the original project location map;

**WHEREAS**, it has become necessary to amend that contract to account for a decrease in engineering and construction funds which resulted from a reduction in the project limits;

**WHEREAS**, it has become necessary to amend that contract;

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

**AGREEMENT**

**1. Description of Amended Items**

Attachment B, Project Location Map, of the original agreement is deleted in its entirety and replaced with the attached Attachment B-1, Project Location Map, and;

Attachment C, Project Budget Estimate and Source of Funds, of the original agreement is deleted in its entirety and replaced with the attached Attachment C-1, Project Budget Estimate and Source of Funds;

CSJ # 0001-02-054  
District # 24 El Paso  
Code Chart 64 # 13400  
Project: SH 20 (Mesa Street) Rapid Transit System  
From Remcon to Baltimore  
Federal Highway Administration  
CFDA # 20.205  
Not Research and Development

All other provisions of the original contract are unchanged and remain in full force and effect.

**2. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT**

**CITY OF EL PASO**

By: \_\_\_\_\_  
Joyce Wilson, City Manager

Date: \_\_\_\_\_

**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Irene D. Ramirez  
Interim City Engineer

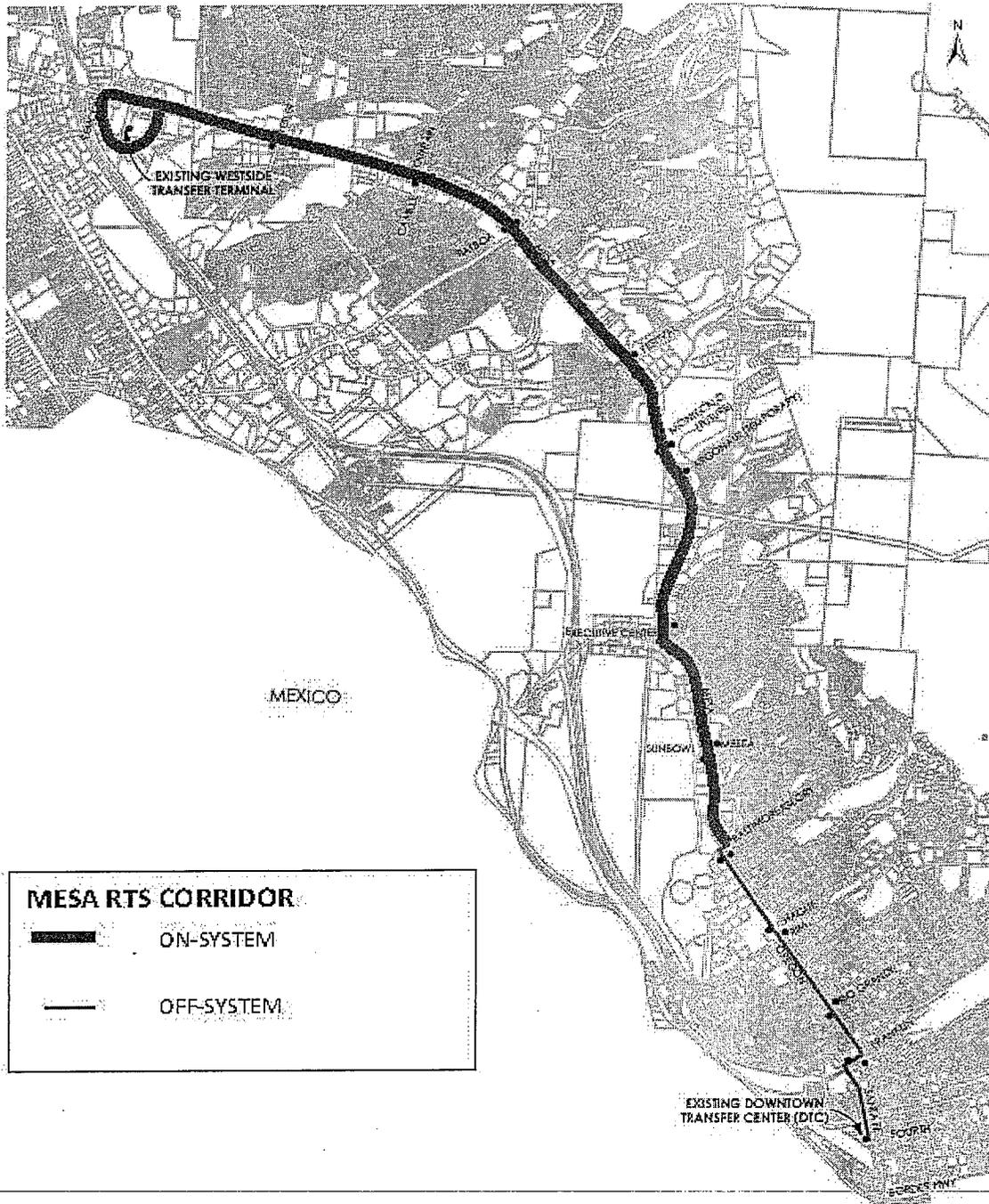
\_\_\_\_\_  
Cynthia S. Osborn  
Assistant City Attorney

**THE STATE OF TEXAS**

\_\_\_\_\_  
Janice Mullenix  
Director of Contract Services  
Texas Department of Transportation

\_\_\_\_\_  
Date

**ATTACHMENT B-1  
PROJECT LOCATION MAP**



**ATTACHMENT C-1  
 PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS**

Costs will be allocated based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	\$2,000,000	80%	\$1,600,000	20%	\$400,000	0%	\$0
Construction (by Local Government)	\$3,443,371	80%	\$2,754,696.80	20%	\$688,674.20	0%	\$0
<b>Subtotal</b>	<b>\$5,443,371</b>	<b>80%</b>	<b>\$4,354,696.80</b>	<b>20%</b>	<b>\$1,088,674.20</b>	<b>0%</b>	<b>\$0</b>
Environmental Direct State Costs	\$40,000	80%	\$32,000	0%	\$0	20%	\$8,000
Right of Way Direct State Costs	\$15,000	80%	\$12,000	0%	\$0	20%	\$3,000
Engineering Direct State Costs	\$60,000	80%	\$48,000	0%	\$0	20%	\$12,000
Utility Direct State Costs	\$5,000	80%	\$4,000	0%	\$0	20%	\$1,000
Construction Direct State Costs	\$258,771	80%	\$207,016.80	0%	\$0	20%	\$51,754.20
Indirect State Costs	\$247,800	80%	\$198,240	20%	\$49,560	0%	\$0
<b>TOTAL</b>	<b>\$6,069,942</b>	<b>80%</b>	<b>\$4,855,953.60</b>	<b>18.75%</b>	<b>\$1,138,234.20</b>	<b>1.25%</b>	<b>\$75,754.20</b>

Initial payment by the Local Government to the State: \$24,000

Payment by the Local Government to the State before construction: \$51,754.20

Estimated total payment by the Local Government to the State \$75,754.20

This is an estimate. The final amount of Local Government participation will be based on actual costs.