

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Engineering

AGENDA DATE: July 1, 2008

CONTACT PERSON/PHONE: R. Alan Shubert, City Engineer (X4423)

DISTRICT(S) AFFECTED: 8

SUBJECT:

That the City Manager is hereby authorized to sign AGREEMENT STP – Metro Mobility Project AMENDMENT #1 with the State of Texas, acting by and through the Texas Department of Transportation, for the Central Business District Phase IV street reconstruction project for downtown El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

The City entered into a Local Project Funding Agreement in 2001 for the reconstruction of several streets in the Central Business District; the project is known as CBD phase 4. Originally, the project was to be designed and constructed by TXDOT. This amendment allows for the City to design and construct and TXDOT will provide oversight to ensure compliance with federal regulations. This project continues the rehabilitation work in the Central Business District.

The project is currently estimated at \$12.4 million and is funded with 80% federal funds. The City has obtained an economically disadvantaged counties adjustment reducing the local match to \$1,192,992 or approximately 10% of the estimated project cost.

PRIOR COUNCIL ACTION:

Approval of original LPAFA on August 21, 2001.

AMOUNT AND SOURCE OF FUNDING:

The amendment does not increase the City's share of funding. City match for design is budgeted through FY 2006 CO's:

Project: PCP06ST009
Fund: 27263
Account: 508016

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BOARD / COMMISSION ACTION:

***** REQUIRED AUTHORIZATION *****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____

(Example: if RCA is initiated by Engineering, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

WHEREAS, at the City of El Paso's request, the State of Texas, acting by and through its Texas Transportation Commission (TTC) passed TTC Minute Order No. 102542 providing for the development and funding of the Central Business District Phase IV street reconstruction project for downtown El Paso, Texas; and

WHEREAS, on October 8, 2001, the State of Texas and the City of El Paso entered into a Local Transportation Project Advance Funding Agreement for an STP-Metropolitan Mobility Project for reconstruction of various downtown city streets, also known as the Central Business District Phase IV; and

WHEREAS, pursuant to the original agreement, Architectural and Engineering Services and Construction responsibilities were to be provided and carried out by the State of Texas, with the City of El Paso paying its funding share of the costs for the project; and

WHEREAS, in an effort to expedite the performance of the work, it has become necessary to amend the agreement to provide that the Architectural and Engineering Services and Construction Responsibilities will be provided and carried out by the City of El Paso, with the State of Texas reimbursing the City of El Paso for the properly supported costs incurred; and

WHEREAS, the City of El Paso desires to enter into an amended agreement with the State of Texas, for the development and funding of the Central Business District Phase IV street reconstruction project for downtown El Paso, Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to sign AGREEMENT STP – Metro Mobility Project AMENDMENT #1 with the State of Texas, acting by and through the Texas Department of Transportation, for the Central Business District Phase IV street reconstruction project for downtown El Paso, El Paso County, Texas.

ADOPTED this ____ day of _____, 2008.

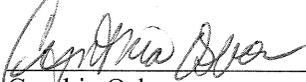
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager
for Development and Infrastructure Services

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STATE OF TEXAS §
COUNTY OF TRAVIS §

**AGREEMENT
STP – Metro Mobility Project**

AMENDMENT #1

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation hereinafter called the “State”, and the City of El Paso, Texas, acting by and through its duly authorized officials, hereinafter called the “Local Government”.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on October 8, 2001 to effectuate their agreement for reconstruction of various downtown city streets, also known as the Central Business District Phase IV.

WHEREAS, it has become necessary to amend that contract to change the work or the funding agreement described in that contract; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

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

AGREEMENT

Article 1. Description of Amended Items

Provision 9. is amended to the following:
Architectural and Engineering Services will be provided by the Local Government, as stated in the Master Agreement, without exception. The Local Government is responsible for performance of any required architectural or preliminary engineering work. The State may review and comment on the work as required to accomplish the public purposes of the State. The Local Government will cooperate fully with the State in accomplishing these local public purposes to the degree permitted by State and Federal law. The engineering plans shall be developed in accordance with the applicable State’s Standard Specifications for Construction and Maintenance of

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Highways, Streets and Bridges, and the special specifications and special provisions related thereto, the latest edition and revisions of the State's Roadway Design Manual or the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets.

Provision 10. is amended to the following:
Construction Responsibilities will be carried out by the Local Government, as stated in the Master Agreement, without exception.

Provision 12 d. is amended to the following:
The State will reimburse the Local Government for properly supported costs incurred under the terms and conditions of the agreement. The reimbursement of costs will only include those applicable federal participating funds. The Local Government shall submit the State's Form 132, billing Statement, or other type of invoice approved by the State. All billing statements or invoices shall be properly documented, as summarizing the costs by description of work performed and other incidental costs. The State will make payment to the Local Government within thirty (30) days from receipt of the Local Government's request for payment, provided that the request is properly prepared, executed and documented. Unsupported charges or charges after final acceptance by the State will not be considered eligible for reimbursement. If applicable or necessary the State will prepare a final audit upon completion of the services authorized herein or at any time an audit is deemed to be in the best interest of the State. After execution of this LPAFA, but prior to the performance of any work by the State, the Local Government will remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund" in the amount specified in Attachment C as the local contribution for Administrative Costs. The Local Government will pay at a minimum its funding share for this estimated cost of Administrative Costs as stated in the Local Project Sources and Uses of Funds provision of the Master Agreement.

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

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

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IN WITNESS WHEREOF, THE STATE AND THE SPONSOR have executed duplicate counterparts to effectuate this agreement.

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

THE LOCAL GOVERNMENT

By: _____
Joyce Wilson, City Manager

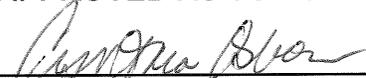
Date: _____

APPROVED AS TO CONTENT:



Patricia D. Adauto
Deputy City Manager
for Development & Infrastructure Services

APPROVED AS TO FORM:



Cynthia S. Osborne
Assistant City Attorney

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date: _____

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