

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

DEPARTMENT: Engineering

AGENDA DATE: July 6, 2010

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert, P.E., (915) 541-4423

DISTRICT(S) AFFECTED: 1, 2, 3 and 8

SUBJECT:

Resolution authorizing the City Manger to sign Amendment #1 to the Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State") dated August 11, 2008. The scope of work for the original agreement was for the upgrade of traffic signals at 15 locations to current design standards to provide for traffic flow improvements. Amendment #1 replaces Attachment B, Project Location Map with a new Attachment B-1 Project Location Map and Attachment C, Project Budget Estimate and Source of Funds with a new Attachment C-1, Project Budget Estimate and Source of Funds that reflects the location of the 9 signals that are to be upgraded rather than 15 and a change in funding category from CMAQ to STP.

BACKGROUND / DISCUSSION:

This amendment changes the funding category to capture funds in the Surface Transportation Program that are available in FY 2010 and allows the City to award this project in FY 2010. Fifteen signals were planned for improvements; however only 9 can be completed within the total project budget of \$2.6 million. There is no increase to the total project budget.

PRIOR COUNCIL ACTION:

Council approved the original Funding Agreement on August 11, 2008 for a total of \$2,664,460.

AMOUNT AND SOURCE OF FUNDING:

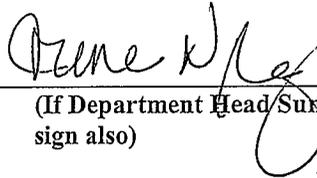
This amendment does not require any additional funding from the City.

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: _____



(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 Amendment # 1 to the Advance Funding Agreement with The Texas Department of Transportation dated August 11, 2008 to upgrade traffic signals at fifteen locations to current design standards to improve traffic flow improvements. The amendment changes the funding category for this project and reduces the number of intersections in order to complete the improvements within the budget for this project.

ADOPTED this _____ day of _____, 2010.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoosmith
Mark Shoosmith
Assistant City Attorney

APPROVED AS TO CONTENT:

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

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, hereinafter called the State, and the City of El Paso, 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 August 11, 2008 to effectuate their agreement to perform the upgrade of traffic signals at 15 locations to current design standards to provide for traffic flow improvements.

WHEREAS, it has become necessary to amend that contract to account for a change in funding program for the project from Congestion Mitigation and Air Quality (CMAQ) to Surface Transportation Program (STP), and;

WHEREAS, it has become necessary to amend that contract to decrease the number of locations of upgrades to traffic signals from 15 locations to 9 locations;

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:

A G R E E M E N T

Article 1. Description of Amended Items

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, and;

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;

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.

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

THE LOCAL GOVERNMENT

By: _____
Joyce Wilson, City Manager

Date: _____

APPROVED AS TO CONTENT:

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

APPROVED AS TO FORM:

Mark Shoosmith
Mark Shoosmith
Assistant City Attorney

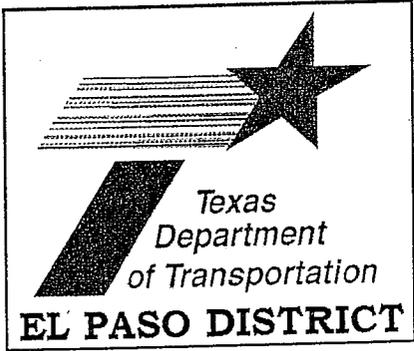
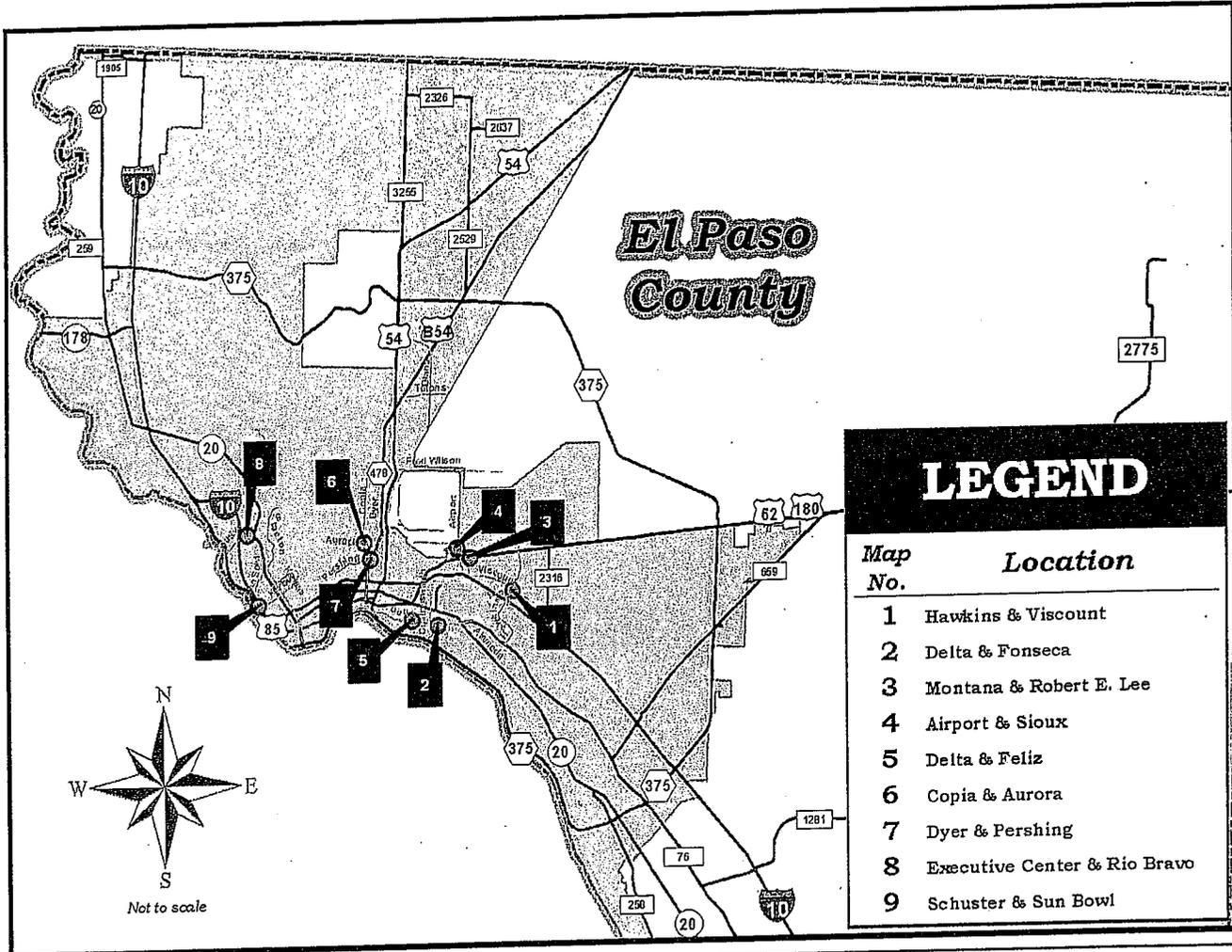
THE STATE OF TEXAS

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: _____

ATTACHMENT B-1
 PROJECT LOCATION MAP



CSJ 0924-06-310
Traffic Signal Upgrade
at 9 Locations

ATTACHMENT C-1
 PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

Description	Total Estimate Cost	Federal Participation	State Participation	Local Participation		
				Prior to EDC (20%)	EDC Adjustment (-)	Actual Participation
		80%	EDC Adjustment			
Land (no cash contribution)	\$	\$		\$		\$
Utilities (no cash contribution)						
Environmental (no cash contribution)						
Preliminary Engineering	\$209,800	\$167,840	\$	\$41,960	\$	\$41,960
Construction	\$2,098,000	\$1,678,400	\$	\$419,600	\$	\$419,600
SUBTOTAL	\$2,307,800	\$1,846,240	\$	\$461,560	\$	\$461,560
Direct State Costs (including plan review, inspection and oversight)	\$230,780	\$184,624		\$46,156	\$	\$43,156
Indirect State Costs (no local participation required except for service projects)	\$125,880	\$100,704	\$25,176			
TOTAL	\$2,664,460	\$2,131,568	\$26,176	\$507,716	\$	\$507,716
<i>Payment due prior to any work by the State</i>	<i>\$43,156</i>					<i>\$43,156</i>
<i>No Payment Required: Balance of Local Participation by Reimbursable Type of Agreement</i>	<i>\$</i>					<i>\$</i>

Total participation required from the local government = \$43,156