

Misc. Contracts and Agreements  
No. 27435

**AMENDMENT NUMBER 01  
LOCAL AGENCY AGREEMENT  
FLEXIBLE FUNDS PROGRAM  
Non-Highway Transportation Projects  
Going to the River Project (Portland)**

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and the **City of Portland**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on May 9, 2011. Said Agreement covers multi-modal improvements on North Going, Blandena, Skidmore Streets and North Michigan, Basin and Channel Avenues.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update ODOT contact information and revise Exhibit B by changing the project completion milestone dates. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

**Exhibit B shall be deleted in its entirety and replaced with the attached Revised Exhibit B. All references to "Exhibit B" shall hereinafter be referred to as "Revised Exhibit B."**

**TERMS OF AGREEMENT, Paragraph 15, Page 4, which reads:**

15. State's Flexible Funds Program Manager is Carol Olsen, Local Government Section, 3930 Fairview Industrial Dr. SE MS #2, Salem, OR 97302, 503-986-3327, carol.a.olsen@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

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

15. State's Flexible Funds Program Manager is Carol Olsen, Active Transportation Section, 555 13<sup>th</sup> Street NE, Suite 2, Salem, OR 97301, 503-986-3327, carol.a.olsen@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

Agency/State  
Agreement No. 27435-01

**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 2010-2013 Statewide Transportation Improvement Program, (Key #17740) that was approved by the Oregon Transportation Commission on December 16, 2010 (or subsequently approved by amendment to the STIP).

**CITY OF PORTLAND**, by and through  
its elected officials

By \_\_\_\_\_  
Mayor  
Date \_\_\_\_\_

By \_\_\_\_\_  
Auditor  
Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By James H. Van Dyke  
City Attorney

**CITY ATTORNEY**

Date 2/16/2012

**Agency Contact:**

Ross Swanson  
Capital Project Manager II  
1120 SW 5<sup>th</sup> Ave, Suite 800  
(503) 823-6829  
ross.swanson@portlandoregon.gov

**State Contact:**

Bret Richards  
State Regional Project Liaison  
123 NW Flanders St.  
Portland, OR 97209  
(503) 731-8288  
bret.n.richards@odot.state.or.us

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Director

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Planning Section Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Active Transportation Section Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 1 Manager

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Assistant Attorney General

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

**REVISED EXHIBIT B****Agreement No. 27435****Application Number: BP102410****Project Name: Going to the River Project (Portland)**

1. **Project Description** - The project includes design and construction of the following items :
- North Going Street Neighborhood Greenway Improvements from North Vancouver Avenue to North Interstate Avenue
  - North Michigan Avenue neighborhood Greenway improvements
  - Improvements to North Going Street (north side), infrastructure, from North Interstate Avenue to North Greeley Avenue; including improvements to the new North Concord Neighborhood Greenway
  - North Ballast Street trail between North Channel and Lagoon Avenues
  - Shipyard Spur sidewalk extension at North Channel Avenue to Shipyard Commerce Center
  - North Basin Avenue sidewalk infill project
  - Transportation Demand Management Program (TDM) which includes expanded programming to residents and business in North and Northeast Portland, including Swan Island employers, promoting and encouraging use of the new facilities
2. **Key Milestones** - The Project has six (6) Key Milestones. Key Milestones are used for evaluating and tracking performance on the Project. Key Milestones cannot be changed without an approved Project Change Request. No amendment to the Key Milestones in this Agreement will be allowed if a Project Change Request has not been approved. Key Milestones are shown below in Table 1: Key Milestones.

Table 1: Key Milestones

Key Milestone	Description	Estimated Due Date
1	Obligation of Funds Complete (all Project Phases)	2/13/2012
2	Begin Engineering/Design Phase	7/18/2011
3	Preliminary Plans Review (at approximately 30% Completion)	9/21/2011
4	Complete Right of Way Acquisition Phase	N/A
5	Award Construction Contract	5/5/2012
6	Complete Construction	3/31/2013

3. **Monthly Progress Reports** - Agency shall submit Monthly Progress Reports. The Monthly Progress Report must be signed and dated or emailed from State's Project Liaison contact. Agency shall use (Form 734-2855), attached by reference and made a part of this Agreement. Agency shall submit the Monthly Progress Report to State's Project Liaison and the State's Flexible Funds Program Manager. The Progress Report is due by the second Wednesday of each month. The fillable form can be downloaded on-line at the following address:  
<http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>
4. **Project Change Request Process** - Agency shall submit a Project Change Request (Form 734-2854), attached by reference and made a part of this Agreement, as soon as Agency becomes aware of any possible Milestone delays by more than ninety (90) days from the estimated due date or reduction in Project scope stated in Revised Exhibit B, Paragraph 1 above. The Project Change Request is to be sent to State's Project Liaison. The fillable form can be downloaded on-line at the following address: <http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>
  - a. Agency shall not proceed with any changes to the Project scope or schedule prior to the Project Change Request being approved by State and the ensuing amendment executed. A Project Change Request may be rejected at the discretion of Flexible Funds Program Oversight Committee.
  - b. Project Change Request shall include what change is being requested, reasons for the change and what was done to mitigate the change.
5. **Project Delays** - As stated above if any phase of the project is anticipated to miss a milestone date the Agency must submit a written justification using the Project Change Request process. If it is determined by State and the Flex Fund Oversight Committee that the reason for the delay was in full control of Agency and the reason is not approved by the Committee, then the Agency's future applications to the STP Flexible Funds Program may receive a reduced selection score.