

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Tienken Road

Livernois Road to Rochester Road

City of Rochester Hills

Board Project No. 51741

This Agreement, made and entered into this ____ day of _____, 2014, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Rochester Hills, hereinafter referred to as ROCHESTER HILLS, provides as follows:

WHEREAS, the BOARD, ROCHESTER HILLS, and the City of Rochester, hereinafter referred to as ROCHESTER, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the reconstruction, widening, and drainage improvements on Tienken Road from Livernois Road to Rochester Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within ROCHESTER HILLS and ROCHESTER (water main only), which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$7,804,100; and

WHEREAS, the BOARD has entered into an agreement with MDOT in Contract No. 14-5071 under the Federal High Priority Project in the amount of \$4,179,767; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between ROCHESTER HILLS and the BOARD that:

1. ROCHESTER HILLS and ROCHESTER approve of the PROJECT, declare its public necessity, and authorizes the BOARD and MDOT to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include contractor payments and force account.
3. The estimated total LOCAL MATCH is \$3,624,333 and shall be funded in the following order:
 - a. ROCHESTER has agreed to contribute \$386,360 (\$341,422 Non-Participating Water Main and \$44,938 Participating Water Main).
 - b. ROCHESTER HILLS has agreed to contribute \$1,723,273 (\$1,485,949 or 50% of Local Share of Construction; \$228,184 Non-Participating Water Main, Sanitary Sewer, Sidewalks, Decorative Railings; and \$9,140 Participating Water Main).
 - c. The BOARD will contribute \$1,514,700 (\$1,485,950 or 50% of Local Share of Construction and \$28,750 Sprinklers).
4. Upon execution of this agreement, the BOARD shall submit an invoice to ROCHESTER HILLS in the amount of \$980,299 (being 100% of the estimated total cost of their Participating and Non-Participating Costs and 50% of the estimated total cost of their Local Share of Construction).
5. As costs of the PROJECT are incurred, the BOARD shall invoice ROCHESTER HILLS for the remaining 50% Local Share of Construction, not to exceed \$742,974.
6. Any construction overages will be shared equally between the BOARD and ROCHESTER HILLS.

7. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
8. Upon receipt of said invoice(s), the ROCHESTER HILLS shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.
9. The BOARD shall execute a separate Cost Participation Agreement with ROCHESTER for their share of the estimated total PROJECT cost.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF ROCHESTER HILLS

By _____

Its _____

EXHIBIT A

Tienken Road

Livernois Road to Rochester Road

City of Rochester Hills/City of Rochester

Board Project No. 51741

Reconstruction, widening, and drainage improvements on Tienken Road from Livernois Road to Rochester Road.

ESTIMATED PROJECT COST

Contractor Payments	\$7,694,900
Force Account (DTE Lighting)	\$109,200
Less Federal Funds	<u>\$4,179,767</u>
Total Estimated Local Share	<u><u>\$3,624,333</u></u>

COST PARTICIPATION BREAKDOWN

	ROCHESTER HILLS	ROCHESTER	BOARD	TOTAL
Local Share of Construction	\$1,485,949	\$0	\$1,485,950	\$2,971,899
Non-Participating Costs - Sprinklers	\$0	\$0	\$28,750	\$28,750
Non-Participating Costs - Water Main, Sanitary Sewer, Sidewalks, Decorative Railing	\$228,184	\$0	\$0	\$228,184
Non-Participating Costs - Water Main	\$0	\$341,422	\$0	\$341,422
Participating Costs - Water Main	\$9,140	\$44,938	\$0	\$54,078
TOTAL SHARES	\$1,723,273	\$386,360	\$1,514,700	\$3,624,333