

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Tienken Road

Adams Road to Livernois Road

City of Rochester Hills

Board Project No. 52461

This Agreement, made and entered into this ____ day of _____, 2015, by and between the Board of County Road Commissioners of the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Rochester Hills, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the resurfacing of Tienken Road from Adams Road to Livernois 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 the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$6,128,500; and

WHEREAS, said PROJECT involves certain designated and approved Tri-Party Program funding in the amount of \$244,949, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT 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 the COMMUNITY and the BOARD that:

1. The COMMUNITY approves of the PROJECT, declares its public necessity, and authorizes the BOARD to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include utility relocation, construction engineering, and total payments to the contractor.
3. The estimated total PROJECT cost of \$6,128,500 shall be funded in the following order:
 - a. Tri-Party Program funding in the amount of \$244,949.
 - b. The COMMUNITY shall advance \$2,200,000 toward the LOCAL MATCH.
 - c. The COMMUNITY shall contribute \$1,688,175.50 toward the LOCAL MATCH (\$193,900 for 100% of pathway cost, \$122,900 for 100% of signal cost, \$275,000 for 10% match on Federal funds, \$75,000 for 50% of utility relocation, \$1,021,375.50 for 50% of construction).
 - d. The BOARD shall contribute \$1,995,375.50 toward the LOCAL MATCH (\$24,000 for 100% of sprinkler relocation, \$600,000 for 100% of construction engineering, \$275,000 for 10% match on Federal funds, \$75,000 for 50% of utility relocation, \$1,021,375.50 for 50% of construction).
 - e. Any PROJECT costs above the Tri-Party Program funding of \$244,949, the BOARD contribution of \$1,995,375.50, the COMMUNITY contribution of \$1,688,175.50, and the COMMUNITY advance FY2017 in Surface Transportation Program (STP) funds of \$2,200,000, will be shared equally between the COMMUNITY and the BOARD.
4. Upon execution of this agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of \$1,984,912.75 (being 50% of the COMMUNITY'S Tri-Party contribution, 50% of the COMMUNITY'S STP advance, and 50% of the COMMUNITY'S contribution of \$1,688,175.50).

5. After execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$81,650 (being 100% of the COUNTY'S Tri-Party contribution).
 - a. The invoice shall be sent to:

Lynn Sonkiss, Manager of Fiscal Services
Executive Office Building
2100 Pontiac Lake Road, Building 41 West
Waterford, MI 48328
6. As costs of the PROJECT are incurred, the BOARD shall invoice the COMMUNITY for the remaining 50% of the COMMUNITY'S total contribution.
7. The BOARD shall reimburse the COMMUNITY the amount of the \$2,200,000 paid to date by the COMMUNITY in FY2017 for advance constructing \$2,200,000 in Surface Transportation Program funds. The BOARD reimbursement to the COMMUNITY will take place after the conversion of the federal funds in FY2017, and as received by the BOARD.
8. Upon receipt of said invoice(s), the COMMUNITY and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

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
TRI-PARTY PROGRAM
Tienken Road
Adams Road to Livernois Road
City of Rochester Hills
Board Project No. 52461

Resurfacing of Tienken Road from Adams Road to Livernois Road.

ESTIMATED PROJECT COST

Utility Relocation	\$150,000
Construction Engineering	\$600,000
Contractor Payments	<u>\$5,378,500</u>
Total Estimated Project Cost	<u><u>\$6,128,500</u></u>

COST PARTICIPATION BREAKDOWN

	COMMUNITY	COUNTY	BOARD	TOTAL
FY15 Tri-Party Program	\$81,650.00	\$81,650.00	\$81,649.00	\$244,949.00
Contribution	\$1,688,175.50	\$0.00	\$1,995,375.50	\$3,683,551.00
STP Advance Construct	\$2,200,000.00	\$0.00	\$0.00	\$2,200,000.00
TOTAL SHARES	\$3,969,825.50	\$81,650.00	\$2,077,024.50	\$6,128,500.00