

COST PARTICIPATION AGREEMENT

CONSTRUCTION

South Boulevard

Adams Road to Crooks Road

City of Rochester Hills

Board Project No. 53121

This Agreement, made and entered into this ____ day of _____, 2017, 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 ROCHESTER HILLS, provides as follows:

WHEREAS, the BOARD, ROCHESTER HILLS, and the City of Troy, hereinafter referred to as TROY, have programmed the resurfacing of South Boulevard from Adams Road to Crooks Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve a border road under the jurisdiction of the BOARD and within TROY and ROCHESTER HILLS, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$2,400,000; and

WHEREAS, said PROJECT involves certain designated and approved Tri-Party Program funding in the amount of \$481,733, 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, all the parties hereto have reached a mutual understanding regarding the cost sharing for 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 ROCHESTER HILLS and the BOARD that:

PART ONE – PRELIMINARY ENGINEERING

1. TROY shall perform PART ONE of the PROJECT which shall include all preliminary engineering. Costs for the preliminary engineering, estimated in the amount of \$156,600, will be shared equally between the BOARD, TROY, and ROCHESTER HILLS. Any costs incurred by TROY prior to this agreement date shall be allowable.
2. Upon execution of this agreement, TROY shall submit two invoices as follows:

- a. The first invoice shall be payable by the BOARD in the amount of \$52,200 (being one-third share of the preliminary engineering estimated in the amount of \$156,600). The invoice shall be sent to:

Julie Enders, Engineering Aide
Road Commission for Oakland County
31001 Lahser Road
Beverly Hills, MI 48025

- b. The second invoice shall be payable by ROCHESTER HILLS in the amount of \$52,200 (being one-third share of the preliminary engineering estimated in the amount of \$156,600). The invoice shall be sent to:

Allan E. Schneck, P.E., Director of DPS/Engineering
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

3. Any PART ONE PROJECT costs above the estimated cost of \$156,600 will be shared equally between the BOARD, ROCHESTER HILLS, and TROY.
4. Upon receipt of said invoice(s), ROCHESTER HILLS and the BOARD shall pay to TROY the full amount thereof, within thirty (30) days of such receipt.

PART TWO – CONSTRUCTION ENGINEERING/CONSTRUCTION

1. The BOARD shall perform PART TWO of the PROJECT which shall include all construction engineering and total payments to the contractor. Costs for PART TWO,

estimated in the amount of \$2,243,400, will be shared equally and simultaneously between the BOARD, TROY, and ROCHESTER HILLS. Any costs incurred by the BOARD prior to this agreement date shall be allowable.

2. The estimated total PROJECT cost for PART TWO is \$2,243,400. ROCHESTER HILLS and TROY shall be invoiced simultaneously as follows:

a. ROCHESTER HILLS has agreed to contribute \$481,733 in Tri-Party Program funds with an additional \$266,067 contribution. This \$747,800 includes \$481,733 from the 2018 Tri-Party Program which is an estimate of their allocation. If these funds are not available, ROCHESTER HILLS will be responsible for the \$481,733 share.

b. TROY has agreed to contribute \$747,800 in Tri-Party Program funds. This \$747,800 includes \$138,829 from the 2018 Tri-Party Program which is an estimate of their allocation. If these funds are not available, TROY will be responsible for the \$138,829 share.

3. Upon execution of this agreement, the BOARD shall submit an invoice to ROCHESTER HILLS in the amount of \$426,645 (being 100% of ROCHESTER HILLS' Tri-Party contribution and additional contribution).

4. After January 1, 2018, the BOARD shall submit an invoice to the COUNTY in the amount of \$160,578 (being 100% of the COUNTY'S 2018 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

5. Any PART TWO PROJECT costs above ROCHESTER HILLS' Tri-Party Program funding of \$481,733 and their additional \$266,067 contribution and TROY'S Tri-Party Program funding of \$747,800, will be shared equally between the BOARD, ROCHESTER HILLS, and TROY.

6. Upon receipt of said invoice(s), ROCHESTER HILLS and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.
7. The BOARD shall execute a separate Cost Participation Agreement with TROY, for their share of the estimated PROJECT cost.

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

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

By _____

Its _____

CITY OF ROCHESTER HILLS

By _____

Its _____

EXHIBIT A
TRI-PARTY PROGRAM
 South Boulevard
 Adams Road to Crooks Road
 City of Rochester Hills
 Board Project No. 53121

Resurfacing of South Boulevard from Adams Road to Crooks Road.

ESTIMATED PROJECT COST

<u>PART ONE</u> : Preliminary Engineering	\$156,600
<u>PART TWO</u> : Construction Engineering	\$293,400
Construction	<u>\$1,950,000</u>
TOTAL ESTIMATED PROJECT COST:	<u><u>\$2,400,000</u></u>

COST PARTICIPATION BREAKDOWN

	ROCHESTER HILLS	TROY	COUNTY	BOARD	TOTAL
PART ONE:					
Contribution	\$52,200	\$52,200	\$0	\$52,200	\$156,600
TOTAL PART ONE	\$52,200	\$52,200	\$0	\$52,200	\$156,600
PART TWO:					
FY2017 Tri-Party Program	\$0	\$202,990	\$202,990	\$202,991	\$608,971
FY2018 Tri-Party Program*	\$160,578	\$46,277	\$206,854	\$206,853	\$620,562
Contribution	\$266,067	\$0	\$0	\$747,800	\$1,013,867
TOTAL PART TWO	\$426,645	\$249,267	\$409,844	\$1,157,644	\$2,243,400
TOTAL SHARES	\$478,845	\$301,467	\$409,844	\$1,209,844	\$2,400,000

* The FY2018 Tri-Party Program allocation will be announced early in 2018. This is an estimate of that amount.