

COST PARTICIPATION AGREEMENT

CONSTRUCTION

Dequindre Road

North of Utica Road to North of Auburn Road

City of Rochester Hills

Board Project No. 53921

This Agreement, made and entered into this ____ day of _____, 2020, 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, the Charter Township of Shelby, hereinafter referred to as SHELBY, the Macomb County Department of Roads, hereinafter referred to as MCDR, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the reconstruction of Dequindre Road from north of Utica Road to north of Auburn Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and MCDR, within ROCHESTER HILLS and SHELBY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$9,306,818; and

WHEREAS, the BOARD will enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the Transportation Economic Development Fund – Category C funds in the amount of \$7,309,935; 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 SHARE; and

WHEREAS, ROCHESTER HILLS' share of said LOCAL SHARE involves certain designated and approved Tri-Party Program funding in the amount of \$377,093, which shall be

paid through equal contributions by the BOARD, ROCHESTER HILLS, 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 LOCAL SHARE 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, SHELBY, and MCDR 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 total payments to the contractor. Any costs incurred by the BOARD prior to this agreement date shall be allowable.
3. The estimated total LOCAL SHARE for non-participating costs is \$375,926 and shall be funded and invoiced proportionately and simultaneously as follows:
 - a. The BOARD shall contribute \$71,470 for our non-participating costs which include irrigation. Any BOARD non-participating overages shall be funded 100% by the BOARD.
 - b. ROCHESTER HILLS shall contribute \$63,727 for their non-participating costs which include landscaping and sidewalk. Any ROCHESTER HILLS non-participating overages shall be funded 100% by ROCHESTER HILLS.
 - c. SHELBY shall contribute \$240,729 for their non-participating costs which include water main and sidewalk. Any SHELBY non-participating overages shall be funded 100% by SHELBY.
4. The remaining LOCAL SHARE for participating costs is \$1,620,957 shall be funded and invoiced proportionately and simultaneously as follows:

- a. SHELBY shall contribute \$112,586 for their participating costs which include the 20% match for the water main. Any participating water main cost overages shall be funded 100% by SHELBY.
 - b. MCDR shall contribute 50% of the participating construction costs, estimated in the amount of \$754,185.
 - c. The BOARD shall contribute 25% of the participating construction costs, estimated in the amount of \$377,093.
 - d. ROCHESTER HILLS shall contribute 25% of the participating construction costs, estimated in the amount of \$377,093, and has elected to use the Tri-Party Program to fund this share.
 - e. Any participating construction cost overages shall be funded 50% MCDR, 25% BOARD, 25% ROCHESTER HILLS (Tri-Party Program funds for ROCHESTER HILLS, if available, may be used for overages for this share).
5. Upon execution of this agreement, the BOARD shall submit an invoice to ROCHESTER HILLS in the amount of \$189,425 (being 100% of their Tri-Party contribution and 100% of their non-participating costs).
 6. Upon execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$125,698 (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
 7. The total actual LOCAL SHARE 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 and the COUNTY 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 SHELBY and MCDR, for their shares 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

Dequindre Road

North of Utica Road to North of Auburn Road

City of Rochester Hills

Board Project No. 53921

Reconstruction of Dequindre Road from north of Utica Road to north of Auburn Road.

ESTIMATED PROJECT COST

Contractor Payments	\$9,306,818
Less Federal Funds	<u>\$7,309,935</u>
Total Estimated Local Share	<u><u>\$1,996,883</u></u>

COST PARTICIPATION BREAKDOWN

	ROCH HILLS	SHELBY TWP	MCDR	COUNTY	BOARD	TOTAL
FY19 Tri-Party Program	\$16,648	\$0	\$0	\$16,648	\$16,648	\$49,944
FY20 Tri-Party Program	\$109,050	\$0	\$0	\$109,050	\$109,049	\$327,149
Non-Participating Costs	\$63,727	\$240,729	\$0	\$0	\$71,470	\$375,926
Participating Costs - Construction	\$0	\$0	\$754,185	\$0	\$377,093	\$1,131,278
Participating Costs - Water Main	\$0	\$112,586	\$0	\$0	\$0	\$112,586
TOTAL SHARES	\$189,425	\$353,315	\$754,185	\$125,698	\$574,260	\$1,996,883