

COST PARTICIPATION AGREEMENT

CONSTRUCTION

South Boulevard

East of Livernois Road to East of Rochester Road

City of Rochester Hills

Board Project No. 53171

This Agreement, made and entered into this ____ day of _____, 2016, 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 and intersection improvements on South Boulevard from east of Livernois Road to east of 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 TROY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, for purposes of identification and funding, the PROJECT has been divided into four segments, as follows:

- Part A: Resurfacing on South Boulevard from east of Livernois Road to east of Rochester Road including the reconstruction of the Rochester Road at South Boulevard intersection.
- Part B: Right-turn lane on eastbound South Boulevard.
- Part C: Traffic signal on South Boulevard at Rochester Road.
- Part D: Concrete repair on Rochester Road north of South Boulevard.

WHEREAS, the estimated total cost of the PROJECT is \$3,475,000; and

WHEREAS, ROCHESTER HILLS' share of said LOCAL SHARE involves certain designated and approved Tri-Party Program funding in the amount of \$486,204, 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 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:

1. ROCHESTER HILLS and TROY approve of the PROJECT, declare 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 preliminary engineering, right-of-way acquisition, construction engineering, and total payments to the contractor.
3. The estimated total PROJECT cost is \$3,475,000 and shall be funded as follows:

PART A – Resurfacing on South Boulevard/Reconstruction of Rochester Road at South Boulevard intersection: All preliminary engineering costs and any overages associated with PART A of the PROJECT, estimated in the amount of \$200,100, shall be funded entirely by TROY. All construction engineering costs and any overages associated with PART A of the PROJECT, estimated in the amount of \$300,150, shall be funded entirely by the BOARD. All construction costs and any overages associated with PART A of the PROJECT, estimated in the amount of \$2,001,000, shall be shared equally between the BOARD, ROCHESTER HILLS, and TROY.

PART B – Right-turn lane on eastbound South Boulevard: All preliminary engineering costs and any overages associated with PART B of the PROJECT, estimated in the amount of \$9,900, shall be funded entirely by TROY. All right-of-way acquisition costs and any overages associated with PART B of the PROJECT, estimated in the amount

of \$100,000, shall be shared equally between the BOARD and TROY. All construction engineering costs and any overages associated with PART B of the PROJECT, estimated in the amount of \$14,850, shall be funded entirely by the BOARD. All construction costs and any overages associated with PART B of the PROJECT, estimated in the amount of \$99,000, shall be shared equally between the BOARD, ROCHESTER HILLS, and TROY.

PART C – Traffic signal at South Boulevard at Rochester Road: All preliminary engineering costs and any overages associated with PART C of the PROJECT, estimated in the amount of \$14,000, shall be funded entirely by TROY. All construction engineering costs and any overages associated with PART C of the PROJECT, estimated in the amount of \$21,000, shall be funded entirely by the BOARD. All construction costs and any overages associated with PART C of the PROJECT, estimated in the amount of \$140,000, shall be shared on a 75%/25% ratio between the BOARD and TROY, respectively.

PART D – Concrete repair on Rochester Road north of South Boulevard: All preliminary engineering, construction engineering (estimated in the amount of \$75,000), and contractor payments associated (estimated in the amount of \$500,000) with PART D of the PROJECT shall be funded entirely by the BOARD including any overages.

4. ROCHESTER HILLS' estimated LOCAL SHARE is \$700,000 and shall be funded in the following order:
 - a. Tri-Party Program funding in the amount of \$486,204.
 - b. ROCHESTER HILLS shall contribute an additional \$213,796.
5. Upon execution of this agreement, the BOARD shall submit an invoice to ROCHESTER HILLS in the amount of \$375,864 (being 100% of ROCHESTER HILLS' Tri-Party contribution of \$162,068 for construction and 100% of ROCHESTER HILLS' estimated additional contribution of \$213,796 for construction).

6. Upon execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$162,068 (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. 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.
8. 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 FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF ROCHESTER HILLS

By _____

Its _____

EXHIBIT A
TRI-PARTY PROGRAM

South Boulevard
East of Livernois Road to East of Rochester Road
City of Rochester Hills
Project No. 53171

Resurfacing of South Boulevard from east of Livernois Road to east of Rochester Road including the reconstruction of the Rochester Road at South Boulevard intersection, the addition of a right-turn lane on eastbound South Boulevard at Rochester Road, new traffic signal at South Boulevard at Rochester Road, and concrete pavement repair on Rochester Road north of South Boulevard.

ESTIMATED PROJECT COST					
	Part A	Part B	Part C	Part D	Total
Preliminary Engineering*	\$200,100	\$9,900	\$14,000	RCOC	\$224,000
Right-of-Way Acquisition	\$0	\$100,000	\$0	\$0	\$100,000
Construction Engineering**	\$300,150	\$14,850	\$21,000	\$75,000	\$411,000
Construction	\$2,001,000	\$99,000	\$140,000	\$500,000	\$2,740,000
TOTAL ESTIMATED COST	\$2,501,250	\$223,750	\$175,000	\$575,000	\$3,475,000

* PE for Part A, Part B, and Part C funded and administered by TROY (not to be invoiced as part of project).

**CE for Part A, Part B, Part C, and Part D funded and administered by the BOARD (not to be invoiced as part of project).

DISTRIBUTION OF PROJECT COSTS					
	Part A	Part B	Part C	Part D	Total
<u>Board</u>					
- Right of Way	\$0	\$50,000	\$0	\$0	\$50,000
- Construction Engineering	\$300,150	\$14,850	\$21,000	\$75,000	\$411,000
- Construction	\$667,000	\$33,000	\$105,000	\$500,000	\$1,305,000
BOARD TOTAL	\$967,150	\$97,850	\$126,000	\$575,000	\$1,766,000
<u>Rochester Hills</u>					
- Construction	\$667,000	\$33,000	\$0	\$0	\$700,000
ROCHESTER HILLS TOTAL	\$667,000	\$33,000	\$0	\$0	\$700,000
<u>Troy</u>					
- Preliminary Engineering	\$200,100	\$9,900	\$14,000	RCOC	\$224,000
- Right of Way	\$0	\$50,000	\$0	\$0	\$50,000
- Construction	\$667,000	\$33,000	\$35,000	\$0	\$735,000
TROY TOTAL	\$867,100	\$92,900	\$49,000	\$0	\$1,009,000
TOTAL ESTIMATED COST	\$2,501,250	\$223,750	\$175,000	\$575,000	\$3,475,000

COST PARTICIPATION BREAKDOWN					
	Rochester Hills	Troy	Board	County	Total
FY2011 Tri-Party Program	\$2,708	\$0	\$2,709	\$2,708	\$8,125
FY2016 Tri-Party Program	\$159,360	\$0	\$159,359	\$159,360	\$478,079
Contribution	\$213,796	\$1,009,000	\$1,766,000	\$0	\$2,988,796
TOTAL SHARES	\$375,864	\$1,009,000	\$1,928,068	\$162,068	\$3,475,000