

# **COST PARTICIPATION AGREEMENT**

## **CONSTRUCTION**

Adams Road

South Boulevard to Auburn Road

City of Rochester Hills

BOARD Project Number 49641

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, 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 in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, the City of Auburn Hills, hereinafter referred to as AUBURN HILLS and ROCHESTER HILLS have programmed the milling, asphalt resurfacing, installation of a center left turn lane and ADA upgrades on Adams Road from South Boulevard to 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 within AUBURN HILLS and ROCHESTER HILLS, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$1,264,500; and

WHEREAS, the BOARD shall enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the Surface Transportation Program Fund in the amount of \$539,000, 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, ROCHESTER HILLS' share of said LOCAL MATCH is \$255,500 and will be paid for by ROCHESTER HILLS as detailed in Exhibit A; and

WHEREAS, 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 approves of the PROJECT, declares 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 construction engineering, force account, right of way acquisition and total payments to the contractor.
3. The BOARD shall enter into a contract with MDOT for partial funding of the PROJECT with federal funds, estimated in the amount of \$539,000.
4. ROCHESTER HILLS' share of the estimated LOCAL MATCH of the PROJECT cost is \$255,500 and shall be funded in accordance with the following:
  - a. ROCHESTER HILLS will fund the entire amount of \$255,500.
  - b. All costs of ROCHESTER HILLS' share of the LOCAL MATCH above the \$255,500 will be funded 100% by the BOARD.
5. AUBURN HILLS' share of the LOCAL MATCH, estimated in the amount of \$255,500 shall be funded under a separate agreement with the BOARD.
6. After execution of this Agreement, the BOARD shall submit an invoice to ROCHESTER HILLS for \$127,750 (being 50% of ROCHESTER HILLS' contribution) on April 1, 2011.
7. As costs of the PROJECT are incurred, the BOARD shall invoice ROCHESTER HILLS for the remaining 50% of ROCHESTER HILLS' contribution, NOT TO EXCEED \$127,750.

8. Upon receipt of said invoices, ROCHESTER HILLS 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**

2010

County Supported Road Improvements

Adams Road

South Boulevard to Auburn Road

City of Rochester Hills

BOARD Project No. 49641

The milling, asphalt resurfacing, installation of a center turn lane and ADA upgrades on Adams Road from South Boulevard to Auburn Road.

**ESTIMATED PROJECT COST**

Contractor Payments	\$1,050,000
Construction Engineering	157,500
Force Account	7,000
Right of Way	<u>50,000</u>
TOTAL	\$1,264,500
Less Federal Funding	<u>( 539,000)</u>
LOCAL MATCH	<u>\$ 725,500</u>

**DISTRIBUTION OF LOCAL MATCH**

	ROCHESTER HILLS	AUBURN HILLS	COUNTY	BOARD	TOTAL
Board Contribution	\$ 0	\$ 0	\$ 0	\$214,500	\$214,500
City Contribution	255,500				\$255,500
FY05 Tri-Party Program		30,751	30,751	30,751	\$ 92,253
FY06 Tri-Party Program		54,416	54,416	54,415	\$163,247
TOTAL SHARES	\$ 255,500	\$ 85,167	\$ 85,167	\$299,666	\$725,500



Board of Road Commissioners

Gregory C. Jamian  
Commissioner

Richard G. Skarritt  
Commissioner

Eric S. Wilson  
Commissioner

Brent O. Bair  
Managing Director

Dennis G. Kolar, P.E.  
Deputy Managing Director

Programming Division  
Engineering Department

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Beverly Hills, MI  
48025

248-645-2000

FAX  
248-645-0618

TDD  
248-645-9923

[www.rcocweb.org](http://www.rcocweb.org)

September 30, 2010

City of Rochester Hills  
Paul Davis, City Engineer  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

RE: Adams Road, South Boulevard to Auburn Road  
RCOC Project #49641  
Cost Participation Agreement

Dear Mr. Davis:

Enclosed for your review and approval are two original sets of the cost participation agreement for the referenced project.

Please arrange for signatures but **do not date** all original sets and forward the signed agreements to me by October 21, 2010. Our Board will return a fully executed original to you after action.

Please call me at 248 645-2000, extension 2213, if you should have any questions.

Respectfully,

Shauna Knight, Engineering Aide  
Programming Division  
[sknight@rcoc.org](mailto:sknight@rcoc.org)

Enclosures (2)

