



## CITY COUNCIL ACTION REPORT

Date: May 3, 2016

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer

Subject: Cost Participation Agreement for Road Work on  
Dequindre Road, Burningbush Road to Utica Road – Phase I  
Project No. 02.202.5

### **History:**

The Cost Participation agreement between the Board of County Road Commissioners (Board) and the City of Troy fixes the rights and obligations of each agency as part of a multi-agency road construction project on Dequindre Road, from Burningbush Road (in Sterling Heights) to Utica Road (in Rochester Hills/Shelby Township). This project will widen and reconstruct Dequindre Road to a 5-lane concrete pavement with associated utilities. The other agencies involved will execute separate Cost Participation Agreements with their respective Board's for their share of the estimated project cost. This is the first phase of a multi-year project.

The second phase will reconstruct and widen Dequindre from Long Lake to Burningbush in 2017. The third and final phase will reconstruct and widen Dequindre from Utica to Auburn (outside of Troy) in 2018.

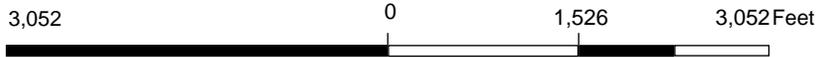
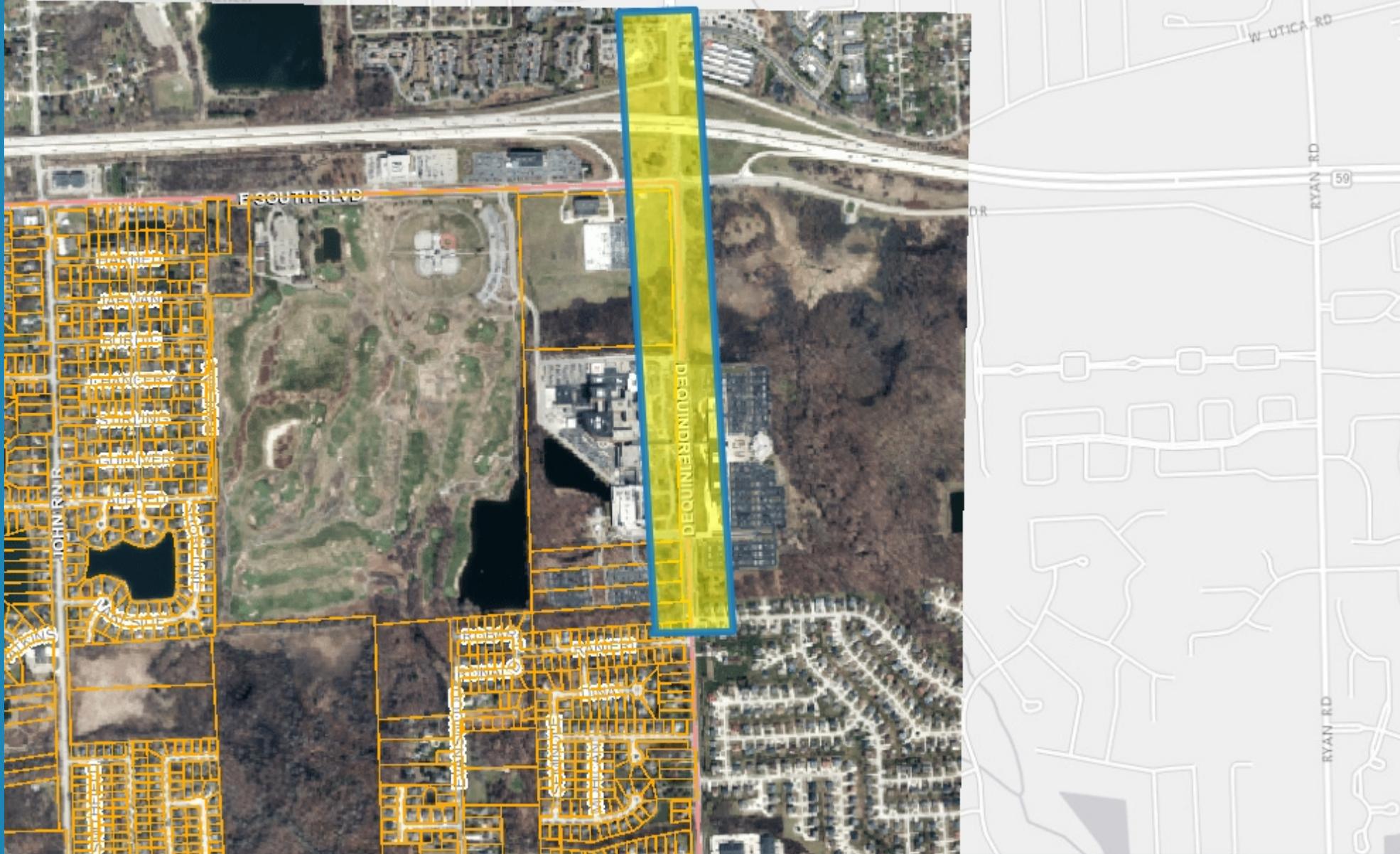
### **Financial:**

The estimated total project cost of Phase I is \$8,294,600. Exhibit A provides details as to each agency's share of the project costs. Troy's share is estimated at \$282,252. Funds for the City of Troy's share are included in the Capital Fund for 2016 and 2017.

### **Recommendation:**

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of County Road Commissioners for Oakland County for the widening and reconstruction of Dequindre Road, from Burningbush Road to Utica Road in the amount of \$8,294,600 with the City of Troy share estimated at \$282,252. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Thelma G  
Spencer



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**COST PARTICIPATION AGREEMENT**

**CONSTRUCTION**

Dequindre Road

Burningbush Road to Utica Road

City of Troy

Board Project No. 53071

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 Troy, hereinafter referred to as TROY, provides as follows:

WHEREAS, the BOARD, TROY, and the City of Rochester Hills, hereinafter referred to as ROCHESTER HILLS, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the reconstruction of Dequindre Road from Burningbush Road to Utica 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 the Macomb County Department of Roads 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 \$8,294,600; and

WHEREAS, the BOARD has entered into Contract No. 16-5224 with MDOT for partial funding of the PROJECT with federal program dollars under the Transportation Economic Development Program in the amount of \$4,657,113, the Surface Transportation Program in the amount of \$977,000, and the State Transportation Economic Development Program in the amount of \$975,405; 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, 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 TROY and the BOARD that:

1. TROY and ROCHESTER HILLS 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 force account work and total payments to the contractor.
3. The estimated total LOCAL SHARE is \$1,685,082 which shall be shared equally and concurrently by the BOARD and the Macomb County Department of Roads. Each 50% share is estimated to be \$842,541. The BOARD'S portion of the LOCAL SHARE shall be shared as follows:
  - a. The BOARD shall contribute 50%, estimated in the amount of \$421,270.
  - b. The remaining 50% shall be shared by TROY and ROCHESTER HILLS for their respective portions of the PROJECT.
  - c. TROY shall contribute 67% of the remaining 50%, estimated in the amount of \$282,252. TROY agrees that any cost overages shall be shared equally and concurrently between the BOARD and TROY.
  - d. ROCHESTER HILLS shall contribute 33% of the remaining 50%, estimated in the amount of \$139,019. ROCHESTER HILLS agrees that any cost overages shall be shared equally and concurrently between the BOARD and ROCHESTER HILLS.
4. Upon execution of this agreement, the BOARD shall submit an invoice to TROY in the amount of \$141,126 (being 50% of TROY'S estimated portion of the BOARD'S LOCAL SHARE).
5. The BOARD shall issue subsequent invoices periodically, as additional costs accrue, after the initial payment has been expended.

6. 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.
7. Upon receipt of said invoice(s), TROY 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 ROCHESTER HILLS, 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 TROY

By \_\_\_\_\_

Its \_\_\_\_\_

## EXHIBIT A

Dequindre Road  
Burningbush Road to Utica Road  
City of Troy  
Board Project No. 53071

Reconstruction of Dequindre Road from Burningbush Road to Utica Road.

### ESTIMATED PROJECT COST

Contractor Payments	\$7,169,500
<u>Force Account Work:</u>	
Traffic Signal Controller Cabinet Assembly Work and Equipment, Traffic Signal Inspection Services	\$55,000
Construction Engineering, Construction Materials Testing, and Inspection	\$1,070,100
Total Estimated Local Share	<u>\$8,294,600</u>
Less Federal Funds - TED	(\$4,657,113)
Less Federal Funds - STP	(\$977,000)
Less State Funds - TED	(\$975,405)
TOTAL ESTIMATED LOCAL SHARE	<u>\$1,685,082</u>

### COST PARTICIPATION BREAKDOWN

	TROY	ROCH. HILLS	MCDR	BOARD	TOTAL
Contribution	\$282,252	\$139,019	\$842,541	\$421,270	\$1,685,082
TOTAL SHARES	\$282,252	\$139,019	\$842,541	\$421,270	\$1,685,082