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El Paso County, CO



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RESOLUTION NO. 24 - 399

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO RECOGNIZE FEDERAL AND STATE REVENUE AND
APPROPRIATE EXPENDITURES IN THE AMOUNT OF \$1,662,000
TO THE ROAD AND BRIDGE 2024 BUDGET FOR THE SOUTH ACADEMY
BOULEVARD WIDENING PROJECT**

WHEREAS, El Paso County (hereinafter EPC) entered into an Intergovernmental Grant Agreement ("Contract") and Amendment #1 so designated as Project Number I-C040-069; 24110 (Resolutions 21-102 and 24-254, recorded in the office of the EPC Clerk and Recorder's Office at Reception No. 221058267 and 224050776, respectively) with the Colorado Department of Transportation (hereinafter CDOT) for the South Academy Boulevard Widening Project; and

WHEREAS, EPC has received an additional \$1,262,000 in Federal Aid funds and \$400,000 in state funds for a total of \$5,899,539 in total funding for the construction of the South Academy Widening Project ("Project"); and

WHEREAS, the new local match for this Project is \$880,881, for total project funding in the amount of \$6,780,420, and

WHEREAS, \$237,539 is being transferred from Charter Oak Ranch Road (project to the South Academy Widening Project resulting in a total of \$6,542,881 in funding; and

WHEREAS \$4,831,501 previously recognized in resolution 21-230 which leaves additional funding in \$1,711,380, and

WHEREAS, the additional funding is \$1,262,000 federal, \$400,000 in state, and \$49,380 in local match, which will be reimbursed by Pikes Peak Rural Transportation Authority (PPRTA); and

WHEREAS, these funds support the El Paso County Strategic Plan's Goal #1 - Sustainably fund, manage, and improve public-owned infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, does hereby recognize revenue in the amount of \$1,662,000 in federal and state reimbursements and appropriates expenditures in the following manner:

Recognize Revenue

20001.33222.02

Federal Reimbursement Capital

\$1,262,000

20001.33486.02	State Reimbursement Capital	\$400,000
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Appropriate Expenditures

20001.48370.01 DOT38	South Academy Widening	\$1,662,000
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Transfers

20001.48370.01 DOT76	Charter Oak	(\$237,539)
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20001.48370.01 DOT38	South Academy Widening	\$237,539
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20001.47550 DOT38	Reimbursements	(\$49,380)
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20001.48370.01 DOT38	South Academy Widening	\$49,380
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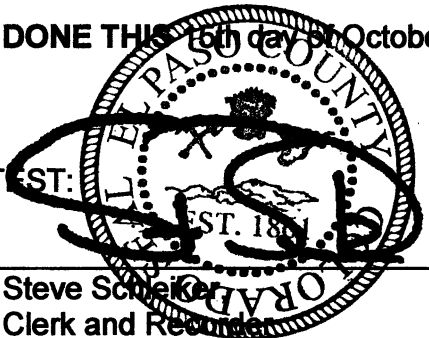
BE IT FURTHER RESOLVED, that the duly elected, qualified member and Chair of the Board of County Commissioners, or, the duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 10th day of October 2024, at Colorado Springs, Colorado.

ATTEST:

By: _____

Steve Schaefer
Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: _____

Chair



Resolution No. 24-254

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO APPROVE AMENDMENT #1 TO THE INTERGOVERNMENTAL
AGREEMENT BETWEEN THE COLORADO DEPARTMENT OF TRANSPORTATION
AND EL PASO COUNTY FOR THE SOUTH ACADEMY WIDENING PROJECT**

WHEREAS, pursuant to §§30-11-101(1)(d) and (e), and 30-11-107(1)(e), C.R.S., the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the authority to enter into contracts with other governmental entities, to make all contracts, and to exercise such further powers as may be conferred by law, when deemed by the Board to be in the best interest of the County; and

WHEREAS, El Paso County (hereinafter "EPC") entered into an Intergovernmental Grant Agreement (hereinafter "IGA") so designated as Project I C040-069; 24110 (Resolution 21-102, recorded in the El Paso County Clerk and Recorder's Office at Reception Nos. 221058267) with the Colorado Department of Transportation (hereinafter "CDOT"), for design and construction of the South Academy Widening project (hereinafter "Project"); and

WHEREAS, EPC desires to enter into Amendment #1 to the IGA (hereinafter "Amendment #1") with CDOT; and

WHEREAS, Federal Aid Funds (CFDA #20.205) have been made available for this Project; and

WHEREAS, the previous IGA encumbrance for this Project was \$4,831,501.00 (\$4,000,000.00 federal aid funds and \$831,501.00 local agency funds); and

WHEREAS, EPC partnered with CDOT and in 2021 was awarded a grant from the United States Department of Transportation for the Military Access, Mobility & Safety Improvement Project (MAMSIP) that included the EPC South Academy Widening and Charter Oak Ranch Road Projects; and

WHEREAS, the Charter Oak Ranch Road (CORR) Project had surplus MAMSIP funds after its final completion and EPC requested the surplus CORR Project funds be transferred to the South Academy Widening Project; and

WHEREAS, in May 2024, the County was awarded the transfer of \$286,919.00 of the CORR funds (\$237,539.00 federal aid funds and \$49,380.00 local agency funds) with a matching funds ratio of 82.79% federal aid funds and 17.21% local agency funds and the transfer of \$1,262,000.00 of the CORR funds with a matching funds ratio of

100% federal aid funds and 0% local agency funds; for a total of \$1,948,919.00 (\$1,499,539.00 federal aid funds and \$49,380.00 local agency funds); and

WHEREAS, the Amendment #1 encumbrance is now \$6,780,420.00 (\$5,899,539.00 federal aid funds and \$880,881.00 local agency funds), and EPC desires to accept the amended encumbrance for the Project; and

WHEREAS, the EPC match for this Project is now \$880,881.00; and

WHEREAS, the Board, having considered Amendment #1, has determined that it would serve the best interest of the public to approve and authorize this Amendment #1, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference for the purposes as described herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves and authorizes EPC to enter into Amendment #1, at Exhibit A, with CDOT for a total amount of \$6,780,420.00 for Project I C040-069; 24110, subject to the terms and conditions as described therein.

BE IT FURTHER RESOLVED that EPC is authorized to expend its amended matching share amount of \$880,881.00.

BE IT FURTHER RESOLVED that the duly elected, qualified member and Chair of the Board of County Commissioners, or the duly elected, qualified member and Vice Chair of the Board of County Commissioners, be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

DONE THIS 2nd day of July 2024, in Colorado Springs, Colorado.

ATTEST:

By: _____

Clerk and Recorder
Steve Schleicher



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____

Chair

Cami Bremer

Exhibit A

OLA #: 331002307
Routing #: 21-HA2-XC-03183-M0001
Additional PO Reference: 400002031

STATE OF COLORADO AMENDMENT

Amendment #: 1

Project #: I C040-069 (24110)

SIGNATURE AND COVER PAGE

State Agency Department of Transportation		Amendment Routing Number 21-HA2-XC-03183-M0001
Local Agency EL PASO COUNTY		Original Agreement Routing Number 21-HA2-XC-03183
Agreement Maximum Amount	\$6,780,420.00	Agreement Performance Beginning Date April 06, 2021
		Initial Agreement expiration date December 06, 2030

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director By: _____ Keith Stefank P.E., Chief Engineer Date: _____	
LOCAL AGENCY EL PASO COUNTY By: _____ *Signature Name: _____ (Print Name) Title: _____ (Print Title) Date: _____	SECOND LOCAL AGENCY SIGNATURE, IF NEEDED EL PASO COUNTY By: _____ *Signature Name: _____ (Print Name) Title: _____ (Print Title) Date: _____

In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Department of Transportation Amendment Effective Date: _____

1) PARTIES

This Amendment (the "Amendment") to the Original Agreement shown on the Signature and Cover Page for this Amendment (the "Agreement") is entered into by and between the Local Agency and the State.

2) TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Agreement shall be construed and interpreted in accordance with the Agreement.

3) EFFECTIVE DATE AND ENFORCEABILITY

A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Page for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay the Local Agency for any Work performed or expense incurred under this Amendment either before or after the Amendment term shown in §3.B of this Amendment

B. Amendment Term

The Parties' respective performances under this Amendment and the changes to the Agreement contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Page for this Amendment and shall terminate on the termination of the Agreement.

4) PURPOSE

The parties entered into the Agreement for the S Academy Blvd Widening project. Now the parties wish to increase funding from \$4,831,501.00 to \$6,780,420.00.

5) MODIFICATIONS

a) Increase funding from \$4,831,501.00 to \$6,780,420.00.

b) Exhibit C-1 shall be replaced by the attached Exhibit C-2. Any reference in the Agreement to Exhibit C and Exhibit C-1 shall be a reference to Exhibit C-2.

6) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Agreement, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Agreement to the extent that this Amendment specifically modifies those Special Provisions.

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EXHIBIT C-2 - FUNDING PROVISIONS**El Paso County - I C040-069 (24110)****A. Cost of Work Estimate**

The Local Agency has estimated the total cost of the Work to be \$6,780,420.00, which is to be funded as follows:

1. FUNDING		
a.	Federal Funds (82.79% of MPP Award)	\$4,237,539.00
b.	Local Agency Funds (17.21% of MPP Award)	\$880,881.00
c.	Federal Funds (100% of MPP Award)	\$1,262,000.00
d.	State Funds (100% of FASTER Award)	\$400,000.00
TOTAL FUNDS ALL SOURCES		\$6,780,420.00
2. OMB UNIFORM GUIDANCE		
a.	Federal Award Identification Number (FAIN):	TBD
b.	Name of Federal Awarding Agency:	FHWA
c.	Local Agency Unique Entity Identifier	JNY4NXJ224J4
d.	Assistance Listing # Highway Planning and Construction	ALN 20.205
e.	Is the Award for R&D?	No
f.	Indirect Cost Rate (if applicable)	N/A
g.	Amount of Federal Funds Obligated by this Action:	\$0.00
h.	Amount of Federal Funds Obligated to Date (including this Action):	\$4,000,000.00
3. ESTIMATED PAYMENT TO LOCAL AGENCY		
a.	Federal Funds Budgeted	\$5,499,539.00
b.	Less Estimated Federal Share of CDOT-Incurred Costs	\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY		87% \$5,899,539.00
TOTAL ESTIMATED FUNDING BY LOCAL AGENCY		13% \$880,881.00
TOTAL PROJECT ESTIMATED FUNDING		100% \$6,780,420.00
4. FOR CDOT ENCUMBRANCE PURPOSES		
a.	Total Encumbrance Amount (Federal, State + Local Agency funds)	\$6,780,420.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00
NET TO BE ENCUMBERED BY CDOT IS AS FOLLOWS		\$6,780,420.00

Note: Only \$4,831,501.00 in Construction funds are currently available. Additional funds will become available after execution of an Option Letter (Exhibit B) or formal Amendment.

WBS Element 24110.20.10	Performance Period Start*/End Date 05/08/2023 – 08/30/2025	Const. 3301	\$4,831,501.00
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* The Local Agency should not begin work until all three (3) of the following are in place: 1) Phase Performance Period Start Date; 2) the execution of the document encumbering funds for the respective phase; and 3) Local Agency receipt of the official Notice to Proceed. Any work performed before these three (3) milestones are achieved will not be reimbursable.

B. Funding Ratios

The funding ratio for the federal and funds for this Work is 87% federal & State funds to 13% Local Agency funds, and this ratio applies only to the \$6,780,420.00 that is eligible for federal & State funding. All other costs are borne by the Local Agency at 100%. If the total cost of performance of the Work exceeds \$6,780,420.00, and additional federal and State funds are not available, the Local Agency shall pay all such excess costs. If the total cost of performance of the Work is less than \$6,780,420.00, then the amounts of Local Agency, State funds and federal funds will be decreased in accordance with the funding ratio described in A1. This applies to the entire scope of Work.

C. Maximum Amount Payable

The maximum amount payable to the Local Agency under this Agreement shall be \$5,899,539.00. For CDOT accounting purposes, the federal funds of \$5,499,539.00, State funds of \$400,000.00, and the Local Agency funds of \$880,881.00 will be encumbered for a total encumbrance of \$6,780,420.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total budget of this funding source is \$6,780,420.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total cost of the Work is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that any cost is subject to revisions agreed to by the parties prior to bid and award. The maximum amount payable will be reduced without amendment when the actual amount of the Local Agency's awarded Agreement is less than the budgeted total of the federal funds and the Local Agency funds. The maximum amount payable will be reduced through the execution of an Option Letter as described in Section 7. E. of this contract. This applies to the entire scope of Work.

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving \$750,000 or more from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of 2 CFR part 200, subpart F (Audit Requirements) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to the Local Agency receiving federal funds are as follows:

- I. Expenditure less than \$750,000**
If the Local Agency expends less than \$750,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.
- II. Expenditure of \$750,000 or more-Highway Funds Only**
If the Local Agency expends \$750,000 or more, in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.
- III. Expenditure of \$750,000 or more-Multiple Funding Sources**
If the Local Agency expends \$750,000 or more in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.
- IV. Independent CPA**
Single Audit shall only be conducted by an independent CPA, not by an auditor on staff. An audit is an allowable direct or indirect cost.