

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: May 21, 2024
PUBLIC HEARING DATE: N/A
CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, (915) 212- 0065
DISTRICT(S) AFFECTED: 4
STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

A resolution to authorize the City Manager to sign an Advance Funding Agreement Amendment #3 by and between the Texas Department of Transportation, for the Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, in order to amend the budget by updating the type of Federal and State funds that are being expended. This Amendment #3 does not change the total estimated cost of the Project and does not change the estimated local government participation amount of \$1,832,997.00 plus any cost overruns.

BACKGROUND / DISCUSSION:

This amendment to the AFA is to update the type of federal and state funding. It does not change the amount of the estimated local government participation amount. The AFA previously included funding from the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act. This has been replaced with Surface Transportation Program funding along with Transportation Development Credits. The total amount of federal and state funding remains the same.

PRIOR COUNCIL ACTION:

1/5/2021 – Council approved AFA for Design
6/7/2022 – Council approved AFA amendment #1 to add construction funding with local match
4/11/2023 – Council approved AFA amendment #2 to increase the total construction funding amount

AMOUNT AND SOURCE OF FUNDING:

Federal/State- \$26,262,388
Local Match - \$1,832,997

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? __ YES __ NO

PRIMARY DEPARTMENT: Capital Improvement Department
SECONDARY DEPARTMENT:

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign an Advance Funding Agreement Amendment #3 by and between the Texas Department of Transportation, for the Sean Haggerty Drive Extension project, for the design of a four-lane bridge with pedestrian facilities from Nathan Bay Drive to Dyer Street, in order to amend the budget by updating the type of Federal and State funds that are being expended. This Amendment #3 does not change the total estimated cost of the Project and does not change the estimated local government participation amount of \$1,832,997.00 plus any cost overruns.

APPROVED this ____ day of _____ 2024.

CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Joaquin Rodriguez, AICP
Director – Grant Funded Programs
Capital Improvements Department

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-611	AFA ID	Z00001482	CFDA No.	20.205
AFA CSJs	0924-06-611			CFDA Title	Highway Planning and Construction
District #	24	Code Chart 64#	13400		
Project Name	Sean Haggerty Drive Extension			AFA Not Used For Research & Development	

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For
Surface Transportation Program (STP-MM)
Both On-System and Off-System**

AMENDMENT #3

THIS AMENDMENT is made by and between the State of Texas, acting through the **Texas Department of Transportation**, called the “State”, and the **City of El Paso**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, the parties executed a contract on **February 1, 2021** to construct Sean Haggerty Drive Extension; and,

WHEREAS, the parties executed Amendment #1 to the contract on **June 22, 2022** to amend the scope and the responsibilities of the contract; and,

WHEREAS, the parties executed Amendment #2 to the contract on **May 2, 2023** to increase the budget of the contract; and,

WHEREAS, it has become necessary to amend that contract in order to **update the type of federal and state funds to utilize TDCs in lieu of a portion of State’s contribution**;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the parties do agree as follows:

AGREEMENT

1. Attachment B-#2, **Sean Haggerty Drive Extension B-1 Project Budget**, is deleted in its entirety and replaced with Attachment B-#3, **Sean Haggerty Drive Extension Project** , which is attached to and made a part of this Amendment. The total estimated cost of the Project **amount did not change.**

TxDOT:				Federal Highway Administration:	
CCSJ #	0924-06-611	AFA ID	Z00001482	CFDA No.	20.205
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Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT THE CITY OF EL PASO

Signature

Typed or Printed Name

Typed or Printed Title

Date

Signature

Dionne Mack

Typed or Printed Name

Deputy City Manager

Typed or Printed Title


Date

APPROVED AS TO CONTENT:



Joaquin Rodriguez, AICP
CID Grant Funded Program Director

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

TxDOT:				Federal Highway Administration:	
CSJ #	0924-06-611			CFDA No.	20.205
District #	24- El Paso	AFA ID	Z00001482	CFDA Title	Highway Planning and Construction
Code Chart 64 #	13400				
Project Name	Sean Haggerty Drive Extension			AFA Not Used For Research & Development	

ATTACHMENT B-3 PROJECT BUDGET

Costs will be allocated based on 80% Federal funding and 20% Local Government funding. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Engineering (by State)	\$1,262,000.00	0%	\$0	0%	100%	\$1,262,000.00	0%	0%	\$0
Environmental (by the State)	\$148,000.00	0%	\$0	0%	100%	\$148,000.00	0%	0%	\$0
Construction (by Local Government)									
Cat 7 STP-MM	\$24,131,181.00	80%	\$19,304,945.00	0%	12.6%	\$3,040,529.00	20%	7.4%	\$1,785,707.00
Cat 7 STP	\$1,303,838.00	100%	\$1,303,838.00	0%	0%	TDC 260,767.60		0%	\$0
Subtotal	\$26,845,019.00		\$20,608,783.00			\$4,450,529.00 TDC 260,767.60			\$1,785,707.00
Environmental Direct State Costs	\$9,458.00	0%	\$0	0%	0%	\$0	100%	100%	\$9,458.00
Right of Way Direct State Costs	\$2,364.00	0%	\$0	0%	0%	\$0	100%	100%	\$2,364.00
Engineering Direct State Costs	\$11,823.00	0%	\$0	0%	0%	\$0	100%	100%	\$11,823.00
Utility Direct State Costs	\$2,364.00	0%	\$0	0%	0%	\$0	100%	100%	\$2,364.00
Construction Direct State Costs	\$21,281.00	0%	\$0	0%	0%	\$0	100%	100%	\$21,281.00
Indirect State Costs 4.73 %	\$1,203,076.00	0%	\$0	100%	0%	\$1,203,076.00	0%	0%	\$0
TOTAL	\$28,095,385.00	0%	\$20,608,783.00	0%	0%	\$5,653,605.00	100%	0%	\$1,832,997.00

Initial payment by the Local Government to the State: \$26,009.00. Payment by the Local Government to the State before construction: \$21,281.00.

Total payment by the Local Government to the State: \$47,290.00.

The total amount of Local Government participation shall not exceed the amount appearing above.

Transportation Development Credits (TDCs in the amount of 260,767.60 will be used as State Government's contribution.