

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

**AGENDA DATE:** July 16, 2024  
**PUBLIC HEARING DATE:** N/A  
**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Joaquin Rodriguez, (915) 212-0065  
**DISTRICT(S) AFFECTED:** 2  
**STRATEGIC GOAL:** No.7: Enhance and Sustain El Paso's Infrastructure Network  
**SUBGOAL:** N/A

**SUBJECT:**

A Resolution authorizing the City Manger, or designee, on behalf of the City of El Paso as the Local Government, to execute an Advance Funding Agreement Amendment #1 with the Texas Department of Transportation to waive, in its entirety, the City of El Paso's local match requirement for the Concepcion Street Bridge Replacement Project. The City Manager is authorized to execute the Advance Funding Agreement Amendment on behalf of the City of El Paso.

**BACKGROUND / DISCUSSION:**

This project is the replacement of the Concepcion Street Bridge from Alameda Ave to Paisano Dr. The scope of work for this bridge replacement project is federally eligible for 100% federal and state funding through the Infrastructure Investment and Jobs Act and the Highway Bridge Replacement and Rehabilitation Program. This amendment waives the City's local match requirement.

**PRIOR COUNCIL ACTION:**

Council approved AFA on December 13, 2022.

**AMOUNT AND SOURCE OF FUNDING:**

Federal & TxDOT

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES \_\_\_ NO**

**PRIMARY DEPARTMENT: Capital Improvement Department**

**SECONDARY DEPARTMENT:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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

**RESOLUTION**

**WHEREAS**, the federal off-system bridge program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

**WHEREAS**, the City of El Paso, as the Local Government, owns a bridge located at Concepcion Street at Franklin Canal, National Bridge Inventory (NBI) Structure Number 240720B15843001, State Control-Section-Job (CSJ) Number 0924-06-656; and

**WHEREAS**, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 116073, dated August 31, 2021; and

**WHEREAS**, the State and the City of El Paso executed an Advance Funding Agreement on February 6, 2023 to remedy the bridge at Concepcion Street at Franklin Canal, requiring a local match from the City of El Paso in the amount of \$56,250.00; and

**WHEREAS**, federally-eligible items of work for this project are approved for 100% federal and state funding through the Infrastructure Investment and Jobs Act (IIJA) as well as the Highway Bridge Replacement and Rehabilitation Program (HBRRP); and

**WHEREAS**, the typical estimated local match fund participation requirement for federally-eligible items of work is waived in full for CSJ 0924-06-656; and

**WHEREAS**, any non-eligible items of work will be paid by the City of El Paso as the Local Government; and

**WHEREAS**, the State and the City of El Paso wish to amend the Advance Funding Agreement executed February 6, 2023, to waive, in its entirety, the City of El Paso’s local match requirement.

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

**THAT** the City of El Paso, as the Local Government, approves the execution of an Advance Funding Agreement Amendment #1 with the Texas Department of Transportation to waive, in its entirety, the City of El Paso’s local match requirement. The City Manager is authorized to execute the Advance Funding Agreement Amendment on behalf of the City of El Paso.

(Signature page begins on the following page)

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_ 2024.

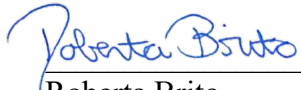
**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Joaquin Rodriguez, AICP  
CID Grant Funded Program Director



# MEMO

May 29, 2024

**To:** Graham Bettis, P.E.  
Bridge Division

**From:** Victoria Villarreal  
El Paso District

**Subject:** Advance Funding Agreement for Bridge Replacement or Rehabilitation Off the State System  
CSJ: 0924-06-656; Amendment #: 1  
Local Government: City of El Paso

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The following information relates to the above referenced Bridge AFA:

1. Number of original counterparts for execution attached: 1
2. This standard Bridge Agreement Amendment **has** **has not** been modified. (circle one)
3. If modified, date of Bridge approval: N/A
4. Modifications made are as follows: N/A

Approval of this contract is requested.

Attachment

TxDOT:				NBI Structure #	240720B15843001
CCSJ #		AFA ID	Z00003008	Federal Highway Administration:	
AFA CSJs	0924-06-656				
District #	24	Code Chart 64#	13400	CFDA No.	20.205
Project Name	Concepcion Street Bridge Replacement			CFDA Title	Highway Planning and Construction
<i>AFA Not Used For Research &amp; Development</i>					

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**ADVANCE FUNDING AGREEMENT AMENDMENT  
For Bridge Replacement or Rehabilitation  
Off the State System**

**AMENDMENT # 1**

**THIS AMENDMENT** is made by and between the State of Texas, acting through the Texas Department of Transportation, called the “State”, and **City of El Paso**, acting by and through its duly authorized officials, called the “Local Government.”

**W I T N E S S E T H**

**WHEREAS**, the State and the Local Government executed an agreement on **February 6, 2023**; and,

**WHEREAS**, it has become necessary to amend that agreement;

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

**A G R E E M E N T**

**1. Description of Amended Items**

**Item A** - Article 13, Local Project Sources and Uses of Funds, Paragraph K is deleted in its entirety and replaced with:

The Local Government funding participation responsibilities include ROW Acquisition, Utility Relocation, and any additional requested work by the LG above what is eligible for Category 6 funding, except when the Project is terminated before completion at the request of the Local Government, as addressed in the Termination provision of this Agreement

**Item B** - Article 13, Local Project Sources and Uses of Funds, Paragraph M is deleted in its entirety and replaced with:

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District #	24	Code Chart 64#	13400	CFDA Title	Highway Planning and Construction
Project Name	Concepcion Street Bridge Replacement			<i>AFA Not Used For Research &amp; Development</i>	

Projects approved for 100% federal and state funding under the Infrastructure Investment and Jobs Act (IIJA) as well as the Highway Bridge Replacement and Rehabilitation Program (HBRRP), do not require local participation for costs eligible for federal funding. For IIJA and HBRRP funded projects, adjustments to the typical local participation as provided by Texas Transportation Code Section 222.053 do not apply.

**Item C** - Article 14, Performance by Local Government of Equivalent-Match Projects (EMP) in Return for Waiver of Local Match Participation Funding on Participation Waived Projects (PWP) is deleted in its entirety and replaced with:

**Article 14. Local Government Contribution is waived for this CSJ.**

Projects approved for 100% federal and state funding under the Infrastructure Investment and Jobs Act (IIJA) and the Highway Bridge Replacement and Rehabilitation Program (HBRRP) do not require local participation for costs eligible for federal funding for attachment B to be required with Attachment B-1. Attachment B to be replaced with B-1.

**Item D** - Attachment C, Estimate of Direct Costs, is deleted in its entirety and replaced with Attachment C-1 of this amendment.

**Item E** - Attachment D, Resolution or Ordinance of Local Government is modified with Attachment D-1 of this amendment.

**2.** All other provisions of the original contract are unchanged and remain in full force and effect.

<b>TxDOT:</b>				<b>NBI Structure #</b>	<b>240720B15843001</b>
<b>CCSJ #</b>		<b>AFA ID</b>	<b>Z00003008</b>	<b>Federal Highway Administration:</b>	
<b>AFA CSJs</b>	<b>0924-06-656</b>			<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24</b>	<b>Code Chart 64#</b>	<b>13400</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Project Name</b>	<b>Concepcion Street Bridge Replacement</b>			<b>AFA Not Used For Research &amp; Development</b>	

**3. Signatory Warranty**

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

**THIS AGREEMENT IS EXECUTED** by the State and the Local Government in duplicate.

**THE LOCAL GOVERNMENT  
THE CITY OF EL PASO**


By: \_\_\_\_\_  
Dionne Mack for Interim City Manager, Col. Cary Westin

\_\_\_\_\_  
Date

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Joaquin Rodriguez, AICP  
CID Grant Funded Program Director

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Roberta Brito  
Senior Assistant City Attorney

**THE STATE OF TEXAS**

\_\_\_\_\_  
Graham Bettis, P.E.  
Bridge Division Director  
Texas Department of Transportation

\_\_\_\_\_  
Date

TxDOT:				NBI Structure #	240720B15843001
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**ATTACHMENT B-1 \*\***  
**LIST OF DISTRICT ENGINEER APPROVED**  
**EQUIVALENT-MATCH PROJECTS**

Location (and structure identification number, if applicable)	On School Bus Route? (Yes/No)	Historic Bridge? (Yes/No)	Description of Structural or Safety Improvement Work	Estimated Cost
N/A				
Total				
EMP work credited to this PWP*				
Balance of EMP work available to associated PWPs				
Associated PWPs CSJs			Amount to be Credited to Associated PWPs	
N/A				

\*This total should typically equal the "Balance of Local Government Participation" that is waived as shown in Attachment C-1.

\*\*This attachment not applicable for non-PWPs.



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## ATTACHMENT C-1 ESTIMATE OF DIRECT COSTS

	<u>Estimated Cost</u>	<u>Local Government Participation</u>
Preliminary Engineering (PE)	<u>(1) 312,500.00</u>	
Ten Percent (10%) or EDC Adjusted Percent of PE for Local Government Participation – WAIVED BY TxDOT		<u>\$0</u>
Construction	<u>\$ 1,250,000.00</u>	
Engineering and Contingency (E&C)	<u>\$ 312,500.00</u>	
The Sum of Construction and E&C	<u>(2) \$1,562,500.00</u>	
Ten Percent (10%) or EDC Adjusted Percent of the Sum of Construction and E&C for Local Government Participation – WAIVED BY TxDOT		<u>\$0</u>
Amount of Advance Funds Paid by Local Government *		<u>\$0</u>
Amount of Advance Funds to be Paid by Local Government *		<u>\$0</u>
Balance of Local Government Participation which is to be Waived where the Project is a PWP		<u>\$0</u>
<b>Total Project Direct Cost</b>	<b><u>(1+2) \$1,875,000.00</u></b>	

\*Credited Against Local Government Participation Amount

If this Project is to be a PWP, Amount of EMP Work Being Credited to this PWP as Shown on Attachment B-1. \_\_\_\_\_ \$ 0 \_\_\_\_\_