



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
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www.burlingtonvt.gov

Steven Goodkind, P.E.
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Burlington City Council

FROM: Guillermo Gomez, Public Works Engineer

DATE: August 6, 2013

CC: Norman Baldwin, P.E. Assistant Director of Public Works

RE: STP 5000 (16) – CA#0186 - Amendment # 5
STP 5000 (17) – CA#0187 - Amendment # 5
STP 5000 (19) – CA#0303 - Amendment # 2

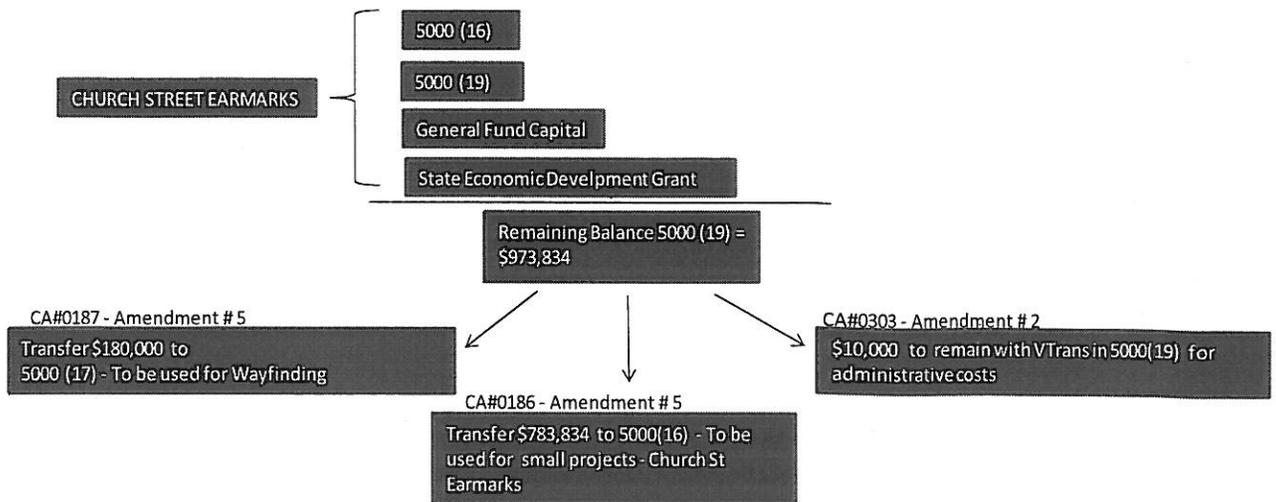
The City has been working for the past few years on multiple projects in the downtown area to improve the Church Street Marketplace (Church Street Earmarks). These projects have been funded through four different sources:

- *Federal Grant STP 5000 (19)*
- *Federal Grant 5000 (16)*
- *General Fund Capital*
- *State Economic Development Grant*

Large contract elements within the Church Street Earmarks are coming to completion. The remaining projects are of a smaller scale, which allows us to more accurately predict the remaining funds available and the needs of the remaining projects. After discussions with VTrans, the City and the State have agreed to reallocate the remaining funds to maximize the use of federal transportation funds in other eligible projects as follows:

An Equal Opportunity Employer

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STP 5000 (19) – CA#0303 - Amendment # 2

This grant indicated a federal amount of \$973,834, with no local match necessary to pay for improvements to the Church Street Marketplace and side streets. Improvements included new trees, kiosks, landscaping, street furniture, new lighting, rehabilitation of pedestrian surfaces, etc. These improvements have already been completed and expenses will be reimbursed through the amended 5000(16) grant. **Amendment # 2 to CA#0303** is setting aside \$10,000 for State Management and Review (VTrans). The balance of \$963,834 is to be transferred into STP 5000(16) and STP 5000(17) by means of the two following grant amendments.

STP 5000 (16) – CA#0186 - Amendment # 5:

This grant with its original agreement and its subsequent amendments provided \$ 6,750,000, (including a \$1,350,000 local match) with funds to construct various improvements in our City’s Downtown. **Amendment # 5 to CA#0186** provides for a total of \$783,834 to be transferred from STP 5000(19) into 5000(16). The amount transferred does not require a local match, increasing the total grant amount to \$7,533,834.

STP 5000 (17) – CA#0187 - Amendment # 5:

This grant with its original agreement and its subsequent amendments provided \$3,937,500, (including a \$787,500 local match) with funds to construct public infrastructure and improvements in the Waterfront North area. **Amendment # 5 to CA#0187** requests the transfer of \$180,000 from STP 5000(19) to 5000(17) to partially fund the City of Burlington’s Wayfinding project through this grant, increasing the total grant amount to \$4,117,500.

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The reallocation of funds resulting from these three grant amendments has already been accounted for in the FY14 budget. This reallocation will not result in additional local match requirements.

The Board of Finance has recommended the approval of these amendments in the August 5, 2013 BOF Meeting.

We are requesting City Council the approval of these amendments.

We appreciate your cooperation and assistance.

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Resolution re: Authorization to Execute Amendments to Cooperative Agreements with the State of Vermont for Church Street Marketplace Capital Improvement Projects
Sponsor: BOF (Shannon, Bushor, Knodell, Aubin)
Agenda: Consent

WHEREAS, the City has received significant federal and state grants to make improvements to the Church St. Marketplace and its sidestreets, the Downtown generally, and the Waterfront North area; and

WHEREAS, these grants have resulted in, among other things, infrastructure improvements, new trees, kiosks, landscaping, street furniture, lighting, and rehabilitation of pedestrian surfaces; and

WHEREAS, the major portions of these grants, managed by the Department of Public Works (DPW), are coming to completion, thereby leaving remaining smaller projects for which DPW can more accurately predict expenditures; and

WHEREAS, DPW has consulted with VTrans, the state agency responsible for administering these state and federal grants, and they both have agreed that it is responsible and advisable to amend the cooperative agreements for these project in order to reallocate the unexpended and remaining funds and maximize the use thereof ; and

WHEREAS, the reallocation of these funds has already been accounted for in the FY 14 budget; and

WHEREAS, on August 5, 2013, upon the Mayor's proposal, the Board of Finance unanimously approved recommending that the City Council authorize the DPW Director or his designee to execute the amendments to Burlington STP 5000(19)—Contract No. CA0303, Burlington STP 5000(16)—Contract No. CA0186, and Burlington STP 5000(17)—Contract No. CA0187 with the State of Vermont Agency of Transportation;

NOW THEREFORE BE IT RESOLVED THAT the Burlington City Council authorizes the DPW Director or his designee to execute the amendments to Burlington STP 5000(19)—Contract No. CA0303, Burlington STP 5000(16)—Contract No. CA0186, and Burlington STP 5000(17)—Contract No. CA0187 with the State of Vermont Agency of Transportation, in the form and substantial substantially the same is agreed to and recommended by both DPW and VTrans, subject to the prior review and approval of the City Attorney.



State of Vermont
Finance & Administration
Contract Administration
One National Life Drive
Drawer 33
Montpelier, VT 05633-5001
www.aot.state.vt.us

Agency of Transportation

[phone] 802-828-2641
[fax] 802-828-5545

July 9, 2013

Norm Baldwin
City of Burlington
Department of Public Works
645 Pine Street
Burlington, VT 05401

RE: BURLINGTON STP 5000(19) - Contract No. CA0303

Dear Mr. Baldwin:

Enclosed, please find the original of Amendment #2 to the Cooperative Agreement for the above referenced project.

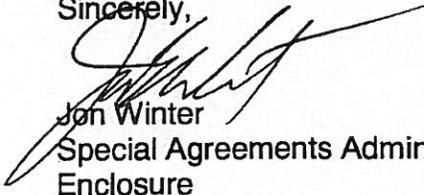
We respectfully request that you have the Amendment signed and dated by the proper authority where required.

Please do not date page one of the Amendment. This will be accomplished by our office after the Amendment has been signed by the Secretary of Transportation.

Your cooperation in expediting the signing and return of the original will be greatly appreciated.

Should you have any questions or concerns, please contact me at 802-828-2641.

Sincerely,



Jon Winter
Special Agreements Administrator
Enclosure



**COOPERATIVE AGREEMENT
AMENDMENT #2
FOR
ADVANCEMENT OF MUNICIPAL PROJECT
BURLINGTON STP 5000(19)
CFDA #20.205: Highway Planning and Construction
EA-SUBJOB: 5000019-100, 101 Contract No. CA0303**

THIS AMENDMENT #2, made this _____ day of _____, 20____, by and between the **STATE OF VERMONT**, represented by its Agency of Transportation, with its principal office at 1 National Drive, Montpelier, Vermont 05633-5001 (the **STATE**), and the **CITY OF BURLINGTON**, with its principal office at City Hall, Burlington, Vermont 05401 (the **MUNICIPALITY**) is supplemental to the Agreement executed on October 7, 2011 and Amendment #1 executed on March 13, 2013.

WITNESSETH:

WHEREAS, the **STATE** and **MUNICIPALITY** mutually agree that the October 7, 2011 Agreement and the March 13, 2013 Amendment #1 should be modified;

NOW, THEREFORE, the October 7, 2011 Agreement and the March 13, 2013 Amendment #1 are modified as follows:

1. Item #5 on page 7 will be deleted in its entirety and replaced with the following:

5. Project Costs and Phases. The parties agree that the Subrecipient will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the State will pay the state and federal share of all properly documented invoices from the Subrecipient for work incidental to the development of the Project up to the maximum limiting amount (MLA) State/federal amount indicated in total:

Phase	MLA			
	Federal \$	State \$	Local \$	Total \$
Total Available Funds to Subrecipient	0*	0	0	0
State Management/Review Cost	10,000	0	0	10,000
Total Project Cost	10,000	0	0	10,000

*Amendment #1 indicated a federal amount of \$275,348; this amount should have been shown as \$285,348.

2. Item #7 on page 8 will be deleted in its entirety and replaced with the following:

7. **Allocation of Funds by STATE.** On the basis of the MUNICIPALITY's request for authorization to develop the Project, and subject to the availability of state and federal funds, the STATE agrees to make available to the MUNICIPALITY a sum not to exceed \$0.00 in state funds and \$0 in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 3 above).

IN WITNESS WHEREOF the parties hereto caused this Amendment to be duly executed on the day and year first written above.

STATE OF VERMONT
AGENCY OF TRANSPORTATION
(STATE)

CITY OF BURLINGTON
(MUNICIPALITY)

By: _____
Its [Deputy] Secretary of Transportation

By: _____
Its Duly Authorized Agent

_____ dated

_____ dated

APPROVED AS TO FORM
DATED: 6/27/2013



ASSISTANT ATTORNEY GENERAL



State of Vermont
Finance & Administration
Contract Administration
One National Life Drive
Drawer 33
Montpelier, VT 05633-5001
www.aot.state.vt.us

Agency of Transportation

[phone] 802-828-2641
[fax] 802-828-5545

July 9, 2013

Norm Baldwin
City of Burlington
Department of Public Works
645 Pine Street
Burlington, VT 05401

RE: BURLINGTON STP 5000(16) - Contract No. CA0186

Dear Mr. Baldwin:

Enclosed, please find the original of Amendment #5 to the Cooperative Agreement for the above referenced project.

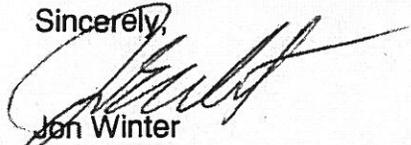
We respectfully request that you have the Amendment signed and dated by the proper authority where required.

Please do not date page one of the Amendment. This will be accomplished by our office after the Amendment has been signed by the Secretary of Transportation.

Your cooperation in expediting the signing and return of the original will be greatly appreciated.

Should you have any questions or concerns, please contact me at 802-828-2641.

Sincerely,



Jon Winter
Special Agreements Administrator
Enclosure



**COOPERATIVE AGREEMENT
AMENDMENT #5
FOR
ADVANCEMENT OF MUNICIPAL PROJECT
BURLINGTON STP 5000(16)
CFDA #20.205: Highway Planning and Construction
EA: 5000016 Contract No. CA0186**

THIS AMENDMENT #5, made this _____ day of _____, 20____, by and between the **STATE OF VERMONT**, represented by its Agency of Transportation, with its principal office at 1 National Drive, Montpelier, Vermont 05633-5001 (the **STATE**), and the **CITY OF BURLINGTON**, with its principal office at City Hall, Burlington, Vermont 05401 (the **MUNICIPALITY**) is supplemental to the Agreement executed on August 4, 2006, Amendment #1 executed on July 11, 2008, Amendment #2 executed on March 25, 2009, Amendment #3 executed on March 3, 2011, and Amendment #4 executed on March 13, 2013.

WITNESSETH:

WHEREAS, the **STATE** and **MUNICIPALITY** mutually agree that the August 4, 2006 Agreement, the July 11, 2008 Amendment #1, the March 25, 2009 Amendment #2, the March 3, 2011 Amendment #3, and the March 13, 2013 Amendment #4 should be modified;

NOW, THEREFORE, the August 4, 2006 Agreement, the July 11, 2008 Amendment #1, the March 25, 2009, the March 25, 2009 Amendment #2, the March 3, 2011 Amendment #3, and the March 13, 2013 Amendment #4 are modified as follows:

1. Item #3 on page 9 will be deleted in its entirety and replaced with the following:

3. Project Costs and Phases. The parties agree that the **MUNICIPALITY** will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the **STATE** will pay the state and federal share of all properly documented invoices from the **MUNICIPALITY** for work incidental to the development of the Project up to the maximum limiting amount (MLA) **STATE/federal** amount indicated for that phase:

Phase	MLA			
	Federal \$	State \$	Local \$	\$ Totals
Previous Funds Available to Municipality	5,400,000	0	1,350,000	6,750,000
Funding Transferred from New Earmark	783,834	0	0	783,834
Total Funds Available to Municipality*	6,183,834	0	1,350,000	7,533,834

* The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

2. Item #4 on page 10 will be deleted in its entirety and replaced with the following:

4. **Allocation of Funds by STATE.** On the basis of the MUNICIPALITY's request for authorization to develop the Project, and subject to the availability of state and federal funds, the STATE agrees to make available to the MUNICIPALITY a sum not to exceed \$0.00 in state funds and \$6,183,834 in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 3 above.

IN WITNESS WHEREOF the parties hereto caused this Amendment to be duly executed on the day and year first written above.

STATE OF VERMONT
 AGENCY OF TRANSPORTATION
 (STATE)

CITY OF BURLINGTON
 (MUNICIPALITY)

By: _____
 Its [Deputy] Secretary of Transportation

By: _____
 Its Duly Authorized Agent

 dated

 dated

APPROVED AS TO FORM
 DATED: 6/27/2013



 ASSISTANT ATTORNEY GENERAL



State of Vermont
Finance & Administration
Contract Administration
One National Life Drive
Drawer 33
Montpelier, VT 05633-5001
www.aot.state.vt.us

Agency of Transportation

[phone] 802-828-2641
[fax] 802-828-5545

July 9, 2013

Norm Baldwin
City of Burlington
Department of Public Works
645 Pine Street
Burlington, VT 05401

RE: BURLINGTON STP 5000(17) - Contract No. CA0187

Dear Mr. Baldwin:

Enclosed, please find the original of Amendment #5 to the Cooperative Agreement for the above referenced project.

We respectfully request that you have the Amendment signed and dated by the proper authority where required.

Please do not date page one of the Amendment. This will be accomplished by our office after the Amendment has been signed by the Secretary of Transportation.

Your cooperation in expediting the signing and return of the original will be greatly appreciated.

Should you have any questions or concerns, please contact me at 802-828-2641.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Winter".

Jon Winter
Special Agreements Administrator
Enclosure



**COOPERATIVE AGREEMENT
AMENDMENT #5
FOR
ADVANCEMENT OF MUNICIPAL PROJECT
BURLINGTON STP 5000(17) Contract No. CA0187
EA: 5000017
CFDA #20.205**

THIS AMENDMENT #5, made this _____ day of _____, 20____, by and between the **STATE OF VERMONT**, represented by its Agency of Transportation, with its principal office at 1 National Life Drive, Montpelier, Vermont 05633-5001 (the **STATE**), and the **CITY OF BURLINGTON**, with its principal office at City Hall, 149 Church Street, Burlington Vt 05401-8400, (the **MUNICIPALITY**) is supplemental to the agreement executed on August 4, 2006, Amendment #1 executed on February 8, 2007, Amendment #2 executed on December 4, 2007, Amendment #3 executed on March 5, 2009 and Amendment #4 executed on June 27, 2011.

WITNESSETH:

WHEREAS, the **STATE** and **MUNICIPALITY** mutually agree that the August 4, 2006 Agreement, the February 8, 2007 Amendment #1, the December 4, 2007 Amendment #2, the March 5, 2009 Amendment #3, and the June 27, 2011 Amendment #4 should be modified;

NOW, THEREFORE, the August 4, 2006 Agreement, the February 8, 2007 Amendment #1, the December 4, 2007 Amendment #2, the March 5, 2009 Amendment #3, and the June 27, 2011 Amendment #4 are modified as follows:

1. On page 9, Paragraph #3, **Project Costs & Phases**, shall be deleted in its entirety and replaced with the following:

3. **Project Costs and Phases.** The parties agree that the **MUNICIPALITY** will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the **STATE** will pay the state and federal share of all properly documented invoices from the **MUNICIPALITY** for work incidental to the development of the Project up to the maximum limiting amount (MLA) **STATE/federal** amount indicated for that phase:

Phase	MLA			
	Federal \$	State \$	Local \$	\$ Totals
Previous Funds Available to Municipality	3,150,000		787,500	3,937,500
Funding Transferred from New Earmark	180,000	0	0	180,000
Total Funds Available to Municipality*	3,330,000	0	787,500	4,117,500

* The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

2. On page 10, Paragraph #4, Allocation of Funds by STATE, shall be deleted in its entirety and replaced with the following:

4. Allocation of Funds by STATE. On the basis of the MUNICIPALITY's request for authorization to develop the Project, and subject to the availability of state and federal funds, the STATE agrees to make available to the MUNICIPALITY a sum not to exceed \$0.00 in state funds and \$3,330,000 in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 3 above.

IN WITNESS WHEREOF the parties hereto caused this Amendment to be duly executed on the day and year first written above.

STATE OF VERMONT
AGENCY OF TRANSPORTATION
(STATE)

CITY OF BURLINGTON
(MUNICIPALITY)

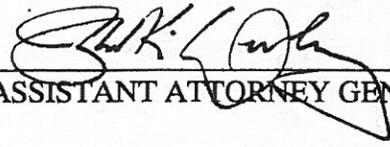
By: _____
Its [Deputy] Secretary of Transportation

By: _____
Its Duly Authorized Agent

_____ dated

_____ dated

APPROVED AS TO FORM
DATED: 6/27/2013



ASSISTANT ATTORNEY GENERAL