



**CENTRAL TEXAS
Regional Mobility Authority**

Meeting Date: February 24, 2016
AGENDA ITEM # 3

Approve Amendment No. 1 to the Advanced
Funding Agreement with TxDOT for the HERO
Program.

Strategic Plan Relevance: Regional Mobility
Department: Operations
Contact: Tim Reilly, Director of Operations
Associated Costs: TBD
Funding Source: TxDOT Surface Transportation Program Metropolitan Mobility
(STP-MM) funds
Action Requested: Consider and act on draft resolution

Summary:

The Board approved the Mobility Authority to enter into an Advanced Funding Agreement with TxDOT at their July 7, 2012 meeting for payment related to Surface Transportation Program Metropolitan Mobility (STP-MM) for the HERO Program. TxDOT has authorized extending the existing Advanced Funding Agreement to September 30, 2016 and increasing the allocated funds to \$6,040,082 for the program.

Based on the review of the proposed amendment by Mobility Authority staff and the GEC, approval of Amendment No. 1 to Advanced Funding Agreement with TxDOT for payment related to Surface Transportation Program Metropolitan Mobility (STP-MM) for the HERO Program is recommended.

Backup provided: Draft Amendment No. 1 to Advanced Funding Agreement
Draft Resolution for Board Consideration

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 16-0XX

**APPROVE AMENDMENT NO. 1 TO ADVANCE FUNDING AGREEMENT WITH
THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE HERO PROGRAM**

WHEREAS, by Resolution 12-043, dated July 25, 2012, the Board of Directors approved an Advanced Funding Agreement (the "AFA") with the Texas Department of Transportation ("TxDOT") for the Highway Emergency Response Operator Patrol Services ("HERO Program"); and

WHEREAS, the AFA is set to expire on March 30, 2016; and

WHEREAS, TxDOT has authorized Amendment No. 1 to extend the existing AFA to September 30, 2016 and increasing the allocated funds to \$6,040,082 for the HERO Program; and

WHEREAS, the Board has determined it is in the best interests of the Mobility Authority and the traveling public to continue and expand the HERO Program using the funds to be made available under Amendment No. 1 of the AFA.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves Amendment No. 1 to AFA and authorizes the Executive Director to execute the Amendment No. 1 to AFA for HERO Program in the form or substantially the same form attached to this resolution as Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24th day of February, 2016.

Submitted and reviewed by:

Approved:

Geoffrey S. Petrov, General Counsel

Ray A. Wilkerson
Chairman, Board of Directors

Exhibit 1

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #1**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and Central Texas Regional Mobility Authority, 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 a contract on August 9th of 2012 to effectuate their agreement to implement the Highway Emergency Response Operators (HERO) Project; and,

WHEREAS, it has become necessary to amend that contract to extend the termination date;

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

Article 1: Period of Agreement: The Project termination date is extended from March 30, 2016 to September 30, 2016.

Attachment C: Additional funds have been allocated to the program. Due to this increase of funds, it has become necessary to update the Project Budget to reflect these additional funds. Therefore, Attachment C of the original agreement is void in its entirety and replaced with Attachment C-1, contained herein.

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

2. Signatory Warranty

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

CSJ #0914-00-358/0914-00-361

District #14-Austin

Code Chart 64 #60432

Project: HERO Project

Federal Highway Administration

CFDA #20.205

Not Research and Development

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

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

Date

**ATTACHMENT C-1
 PROJECT BUDGET ESTIMATE**

Costs will be allocated based on 80% Federal funding and 20% State funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation
		%	Cost	%	Cost	%	
HERO for Obligation in 2013	\$1,931,250	80%	\$1,545,500	20%	\$386,250	0%	\$0
HERO for Obligation in 2014	\$2,703,750	80%	\$2,163,000	20%	\$540,750	0%	\$0
HERO Obligation in 2016	\$850,000	80%	\$680,000	20%	\$170,000	0%	\$0
Direct State Costs - 3%	\$164,550	0%	\$0	100%	\$164,550	0%	\$0
Indirect Direct State Costs - 7.12%	\$390,532	0%	\$0	100%	\$390,532	0%	0%
TOTAL	\$6,040,082		\$4,388,500		\$776,782		\$0

Payment by the Local Government to the State \$0

This is an estimate. The final amount of Local Government participation will be based on actual costs.