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DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 18, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of an Amendment to the Supplemental Project Agreement with the Oregon Department of Transportation for the Canby Ferry Intelligent Transportation System Project. Amendment Value is \$127,741.65. Total Agreement Value is \$1,167,020.42 for 8 years. Funding is through the U.S. Department of Transportation and County Road Funds. No County General Funds are involved.

Previous Board Action/Review	05/11/23: Approval of a Contract with Northstar Electrical Contractors, Inc. for the Canby Ferry ITS Project 03/02/23: Approval of Amendment No. 3 to the Supplemental Project Agreement No. 31087 with ODOT for the Canby (M.J. Lee) Ferry ITS Project 07/15/21: Approval of a Resolution Declaring Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the Canby Ferry ITS Project and Authorizing Good Faith Negotiations and Condemnation Actions 04/01/21: Approval of Amendment No. 2 to the Supplemental Project Agreement No. 31087 with ODOT for the Canby (M.J. Lee) Ferry ITS Project 07/25/19: Approval of a Contract with Harper Houf Peterson Righellis, Inc. for the Canby Ferry ITS Project 10/04/18: Approval of an Intergovernmental Agreement with ODOT for Right of Way Services for the Canby (M.J. Lee) Ferry Bank Stabilization and ITS Project 09/06/18: Approval of Amendment No. 1 to the Supplemental Project Agreement No. 31087 with ODOT for the Canby (M.J. Lee) Ferry Bank Stabilization and ITS Project 11/09/16: Approval of Supplemental Project Agreement No. 31087 with ODOT for the Canby (M.J. Lee) Ferry Bank Stabilization and ITS Project		
Performance Clackamas	1. Build a strong infrastructure		
Counsel Review	Yes	Procurement Review	No
Contact Person	Joel Howie	Contact Phone	503-742-4658

EXECUTIVE SUMMARY: Clackamas County has received FBDP funds to construct an Advanced Traffic Management System (ATMS) at the Canby Ferry that will allow County staff and boat operators to remotely control, view, and monitor existing traffic signals at the two boat ramps and electronic

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signs approaching the ferry area using fiber optic network communication and closed-circuit television surveillance cameras. The project will also ultimately allow the use of electronic payments at the Canby Ferry.

Construction of the project is substantially complete, but the final construction phase estimate is \$127,741.65 higher than previous estimates. This increase is solely related to an increase in County and ODOT costs. The original project schedule expected the contractor to complete the work in 3 to 4 months. Instead, the contractor implemented the project in segments over a one-year period, causing a significant increase in the County's inspection and construction management efforts and in ODOT's oversight of the project.

With this amendment, FBDP funds will cover \$102,193.32 (80 percent) of the increase, with County Road Funds providing a match of \$25,548.33 (20 percent). FBDP funds will be limited to \$886,084.21 of the project's total cost, requiring County Road Funds of \$280,936.21.

RECOMMENDATION: Staff respectfully recommends that the Board approve and sign Amendment No. 4 to the Supplemental Project Agreement No. 31087 with ODOT for the Canby (M.J. Lee) Ferry ITS Project.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

**AMENDMENT NUMBER 04
LOCAL AGENCY CERTIFICATION PROGRAM
SUPPLEMENTAL PROJECT AGREEMENT
FERRY BOAT DISCRETIONARY PROGRAM
CANBY (M.J. LEE) FERRY ITS PROJECT
*Clackamas County***

This is Amendment No. 04 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State” or “ODOT,” and **Clackamas County**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into on February 7, 2017; Amendment No. 01, entered into on September 27, 2018; Amendment No. 02, entered into on April 9, 2021; and Amendment No. 03, entered into on March 15, 2023.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to increase project funds, update language, and revise Exhibit B.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

a. **Exhibit B shall be deleted in its entirety and replaced with the attached Revised Exhibit B. All references to “Exhibit B” shall hereinafter be referred to as “Revised Exhibit B.” The requirement to comply with the terms and conditions of Revised Exhibit B shall be effective upon execution of this Amendment.**

b. **TERMS OF AGREEMENT, Paragraph 2, Page 2, which reads:**

2. The total estimated cost of the Project is \$1,039,278.77, which is subject to change.

Shall be deleted in its entirety and replaced with the following:

2. The total estimated cost of the Project is \$1,167,020.42, which is subject to change.

c. **TERMS OF AGREEMENT, Paragraph 3, Page 2, which reads:**

3. The Project shall be conducted as a part of the Ferry Boat Discretionary Program (FBDP) under Title 23, United States Code. FBDP funds for this Project shall be limited to \$811,648.82. Federal share is eighty (80) percent. The Project will be financed with FBDP funds at the maximum allowable federal participating amount, with County providing the twenty

(20) percent match and any non-participating costs, including all costs in excess of the available federal funds.

Shall be deleted in its entirety and replaced with the following:

3. The Project shall be conducted as a part of the Ferry Boat Discretionary Program (FBDP) under Title 23, United States Code. FBDP funds for this Project shall be limited to \$886,084.21 Federal share is eighty (80) percent. The Project will be financed with FBDP funds at the maximum allowable federal participating amount, with County providing the twenty (20) percent match and any non-participating costs, including all costs in excess of the available federal funds.

d. TERMS OF AGREEMENT, Paragraph 26, Page 4, which reads:

26. By signing this Federal-Aid Agreement Agency agrees to comply with the provisions of the Federal Funding Accountability and Transparency Act (FFATA) and is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>. If, in the preceding fiscal year, Agency received more than 80% of its gross revenues from the federal government, those federal funds exceed \$25,000,000 annually, and the public does not have access to information about the compensation of executives through reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986, Agency shall report the total compensation and names of its top five executives to State. Agency shall report said information to State within 14 calendar days of execution of this Agreement and annually thereafter, utilizing the FFATA form attached hereto as Exhibit "B".

Shall be deleted in its entirety and replaced with the following:

26. Agency agrees to provide to ODOT the subaward reporting information required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by section 6202 of Public Law 110–252 ("Federal Transparency Act") in accordance with "Revised Exhibit B – Federal Transparency Act Subaward Reporting," attached hereto and by this reference made a part hereof. See **CFR Appendix A to Part 170, Title 2**.

- a. Agency's Unique Entity Identifier is: NVWKAVB8JND6.
- b. Agency is not required to report executive compensation information per the Federal Transparency Act in accordance with Revised Exhibit B.

3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
5. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are "Electronic Signatures" under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

THE PARTIES, by execution of this Amendment, hereby acknowledge that their signing representatives have read this Amendment, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #19641) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

CLACKAMAS COUNTY, by and
through its elected officials

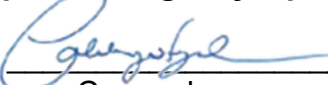
By _____
Chair

Date _____

By _____

Date _____

**LEGAL REVIEW APPROVAL (If
required in Agency's process)**

By  _____
Agency Counsel

Date June 3, 2025

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Certification Program Manager
Date _____

By no change, not required. _____
State Traffic Engineer
Date _____

State/Agency
Amendment No. 31087-04

Agency Contact:

Joel Howie
Clackamas County
150 Beaver Creek Road
Oregon City, Oregon 97045
503-742-4658
jhowie@co.clackamas.or.us

**APPROVED AS TO LEGAL
SUFFICIENCY**

By N.A.

Date _____

State Contact:

Mahasti Hastings
ODOT Region 1
123 NW Flanders Street
Portland, Oregon 97209
971-264-8253
Mahasti.v.hastings@odot.oregon.gov

Revised Exhibit B Federal Transparency Act Subaward Reporting

Agency agrees to comply with the following provisions in this Exhibit B. For purposes of this Exhibit B, references to “your organization” mean “Agency” and references to “project agreement” mean “Supplemental Project Agreement.”

A. Background: To fulfill its obligations under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by section 6202 of Public Law 110–252 (“Federal Transparency Act”), the Oregon Department of Transportation (ODOT) must report subawards (also known as subrecipient awards) and, when applicable, information about a subrecipient’s highly compensated executives to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). Federal Transparency Act reporting is required for each subaward that equals or exceeds thirty thousand dollars (\$30,000) in federal funds.

The Federal Transparency Act requires information on federal awards (federal financial assistance and expenditures) be made publicly available on a single, searchable website: <https://www.usaspending.gov/>. More information about the Federal Transparency Act is available at <https://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>, [CFR Appendix A to Part 170, Title 2](#), and the FSRS website <https://www.fsr.gov/>.

B. Unique Entity Identifier: Prior to execution of the project agreement, your organization shall provide to ODOT the federal Unique Entity Identifier (UEI) applicable to the project so that ODOT may include the UEI in its reports to FSRS. Effective April 4, 2022, the UEI is the primary means of identifying entities registered for federal awards in the System for Award Management (SAM) at <https://www.sam.gov>. If your entity is already registered in SAM, it has been assigned a UEI. The Federal Service Desk has [posted instructions for finding the UEI in SAM](#).

C. Executive compensation: Prior to execution of the project agreement, your organization shall determine and provide ODOT information on whether your organization’s executive compensation information must be reported under the Federal Transparency Act, based on the following criteria:

1. In your organization’s previous fiscal year, did your organization receive eighty percent (80%) or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Federal Transparency Act, as defined in [2 CFR 170.320](#) (and subawards), and twenty five million dollars (\$25,000,000) or more in federal procurement contracts (and subcontracts) and federal financial assistance subject to the Federal Transparency Act, as defined in 2 CFR 170.320 (and subawards)? (Include parent organization, all branches, and all affiliates worldwide in determining annual gross revenues.)
 - If “yes,” proceed to question 2.

- If “no,” reporting executive compensation to ODOT will not be required.
2. Does the public have access to information about the compensation of the senior executives in your organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 ([15 U.S.C. 78m\(a\)](#), [78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986? (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)
- If “yes,” reporting executive compensation to ODOT will not be required.
 - If “no,” within fourteen (14) calendar days of execution of this Amendment and annually thereafter, your organization shall report the names and total compensation for each of your organization’s five most highly compensated executives for the preceding completed fiscal year by completing the following online form:

Federal Transparency Subaward Report:
<https://forms.office.com/g/WNVpUFmdki>.

(*Total compensation* means the cash and noncash dollar value earned by the executive during your organization’s preceding fiscal year. For more information on the compensation information required see [17 CFR 229.402\(c\)\(2\)](#).)

D. Subrecipient information to be provided to ODOT: By signing the project agreement with ODOT, your organization certifies it has reviewed and confirmed that the following subrecipient information included in the project agreement is true and accurate at the time of execution:

- Your organization’s UEI.
- Whether your organization is required to report executive compensation to comply with the Federal Transparency Act.

E. Technical assistance: If you have any questions about this exhibit, email the ODOT Federal Funding Manager at: ODOTFederalFunding@odot.oregon.gov.