

The RMRA Executive Committee voted via email on Monday, July 13 to grant approval to Chairman Dale to sign the TEMS Supplemental Agreement for \$123,408. The vote was 4 to 1 with two abstentions. The TEMS Supplemental Agreement was signed on Monday July 13.

Background

The RMRA Board at its meeting on Friday, June 26 granted the Executive Committee the authority to approve an agreement with CDOT for fifty percent of the funding for TEMS Supplemental Agreement Task 5 Freight Railroad Risk Assessment work. This dollar amount would have been \$27,938.

John Tangen working closely with CDOT staff completed a full reconciliation of our study expenditures and CDOT reimbursements from the SB97-01 ten percent for transit grant through May 2009. The result of this reconciliation work determined that the remaining balance on the CDOT grant contract along with our member contribution twenty percent local match would pay for the TEMS and PBS&J initial contract work along with additional tasks 1 -3, most of task 5 and the complete Peer Review process. As a result there was no need to pursue an additional agreement with CDOT for task 5 dollars.

Chairman Dale conveyed this information to the Executive Committee who agreed there was no longer a need to pursue an additional agreement with CDOT.

Chairman Dale then asked the Executive Committee to grant him approval to sign the TEMS Supplemental Agreement for \$123,408. Unfortunately, there was one additional wrinkle that was not understood at the June 26 RMRA Board meeting. RMRA Consultants and Board members had missed the expiration date of the CDOT SB97-01 ten percent for transit grant which was March 31, 2009. The language in the contract is below:

Section 3. Term

This Agreement shall be effective upon approval of the State Controller or designee, or on the date made, whichever is later. For construction related projects, the term of this Agreement shall continue through the completion and final acceptance of the Project by the State and the Local Agency. For all other projects, the initial term will expire on March 31, 2009, with the option to extend this time period as outlined in Section 27 of this Agreement.

Clearly the contract language provided an option to extend the contract expiration date, however no one caught it in time to work with CDOT staff on an extension. CDOT staff has been working with the State Controller's Office on our behalf to reconcile the problem and has since granted us approval to submit June 2009 study expenses for reimbursement. We will do this following the approval of those study expenses at our July 24, 2009 Board meeting.

Harry Dale
Chairman, RMRA