

AGREEMENT: PUBLIC TRANSPORTATION - TRANSPORTATION DEVELOPMENT CREDITS (TDC)
TRANSIT PROVIDER: **Fort Bend County**
TXDOT PROJECT #: **TDC 1401 (12)**
NOT RESEARCH AND DEVELOPMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

**TRANSPORTATION DEVELOPMENT CREDITS (TDC)
AGREEMENT**

THIS TDC AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the "State," and **Fort Bend County**, called the "Transit Provider."

WITNESSETH

WHEREAS, on May 9, 1995, FTA published notice in the Federal Register describing innovative financing techniques that could be utilized to enhance the effectiveness of capital investment programs; and,

WHEREAS, Title 23 U.S.C. §120(j), as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and Public Law 109-59 (2005), permits states to use certain toll revenue expenditures generated and used by public, quasi-public and private agencies, to build, improve or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce, provided that the agencies have built, improved or maintained those facilities without federal funds, as credit toward the non-federal matching share of programs authorized by Title 23 (except for the Federal Highway Administration's emergency relief program funds) and for transit programs authorized by Chapter 53 of Title 49; and,

WHEREAS, Transportation Code, Chapter 455, authorizes the State to assist agencies in procuring aid for the purpose of establishing and maintaining public and mass transportation projects as defined under Transportation Code Chapter 456; and,

WHEREAS, the Texas Transportation Commission approved Minute Order Number **113728** authorizing the Transit Provider to use TDC towards the non-federal matching share of public transportation projects, allowing these credits to be all or part of the required percent of local matching funds;

NOW THEREFORE, the State and the Transit Provider agree as follows:

AGREEMENT

ARTICLE 1. GRANT TIME PERIOD

This TDC Agreement becomes effective when fully executed by both parties. This TDC Agreement shall remain in effect until **August 31, 2015**, unless terminated or otherwise

modified in an Amendment. Any cost incurred before or after the contract period are ineligible to be reimbursed with TDC.

ARTICLE 2. PROJECT DESCRIPTION

- A.** The Transit Provider shall complete the public transportation project described in Attachment A - Approved Project Description. Attachment A is attached to and made a part of this agreement. The Transit Provider shall complete the project in accordance with all applicable federal and state laws and regulations.
- B.** If applicable, the Transit Provider shall begin competitive procurement procedures by issuing an invitation for bids or a request for proposals no later than sixty (60) days after the effective date of this grant agreement for the purchase of the approved line items referenced in Attachment A. No later than sixty (60) days after the issuance of public notification, the Transit Provider shall publicly open all bids or privately review proposals. The Transit Provider shall enter into a binding agreement with a supplier no later than thirty (30) days after the opening of an acceptable bid or proposal. The Transit Provider shall notify the department in writing when it is necessary to exceed these deadlines.

ARTICLE 3. COMPENSATION

The maximum TDC amount available under this Agreement without modification is ~~2,612,454~~ Transportation Development Credits, provided that expenditures are made in accordance with the amounts and for the purposes authorized in Attachment A.

The original and one copy of the invoice is to be submitted to the following address:

Texas Department of Transportation
Attn: Travis Madison
Public Transportation Coordinator
P.O. Box 1386
Houston, Texas 77251-1386

ARTICLE 4. AMENDMENTS

Changes in the scope, objectives, cost, or duration of the project authorized in this agreement shall be enacted by written amendment approved by the parties before additional work may be performed or additional costs incurred. Any amendment must be executed by both parties within the grant period specified in the above Article 1, Grant Time Period.

ARTICLE 5. SUCCESSORS AND ASSIGNS

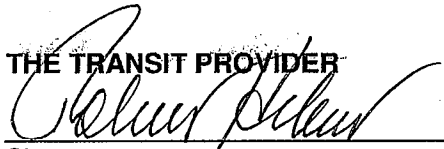
The Transit Provider binds themselves, their successors, assigns, executors and administrators in respect to all covenants of this agreement. The Transit Provider shall not sign, sublet, or transfer their interest in this agreement without the written consent of the State.

ARTICLE 6. 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 Transit Provider in duplicate.

THE TRANSIT PROVIDER



Signature

Robert E. Hebert

Typed, Printed, or Stamped Name

County Judge

Title

December 10, 2013

Date

THE STATE OF TEXAS

Signature

Travis Madison

Typed, Printed, or Stamped Name

Public Transportation Coordinator

Title

Date

List of Attachments

A – Approved Project Description

ATTACHMENT A **APPROVED PROJECT DESCRIPTION**

Fort Bend County has received funds from various federal sources for various projects described below. The TDC award will be used as soft match of federal dollars as shown.

Funding Award Year	Project ID	Project Description	Federal Source	Federal Amount	TDC Award	Match Ratio
FY12	TX-57-X038	Purchase 3 replacement mini-vans	\$5317 New Freedom	\$126,000	25,200	80/20
FY12	TX-37-X103	Purchase 3 replacement buses	\$5316 Job Access Reverse Commute	\$240,000	48,000	80/20
FY12	TX-37-X103	Operating Subsidy for WHEELS project	\$5316 Job Access Reverse Commute	\$274,967	274,967	50/50
		Purchase 1 Expansion Van for WHEELS project	\$5316 Job Access Reverse Commute	\$96,386	16,386	83/17
		Capital Cost of Contracting for WHEELS project	\$5316 Job Access Reverse Commute	\$191,373	38,275	80/20
FY12	TX-90-Y026	Operating support for demand response and commuter bus services	\$5307 Urbanized Area Formula	\$2,209,626	2,209,626	50/50

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

Page 1 of 1

VARIOUS Districts

The Texas Transportation Commission (commission) desires to award 3,825,255 Transportation Development Credits (TDC) to various transit providers to be used as local match for federally funded capital and operating projects.

Title 43, Texas Administrative Code (TAC), §5.111 allows any MPO to transfer TDC allocated to it under §5.105 of the subchapter to the commission. The Houston-Galveston Area Council (H-GAC) has requested the transfer of 3,158,845 previously allocated TDC back to the commission to award to transit projects as identified by H-GAC's Transportation Policy Committee as critical and time sensitive.

The commission recognizes that state and federal law permits the substitution of TDC as the required non-federal match for projects. Title 43, Texas Administrative Code (TAC), §5.109 establishes a process by which TDC may be awarded at the discretion of the commission.

In August 2013, the commission awarded TDC to various agencies. Subsequent to the awards, information from H-GAC has indicated their project listing incorrectly identified some project awards. To clarify public record, the commission rescinds and withdraws Minute Order 113674 dated August 29, 2013.

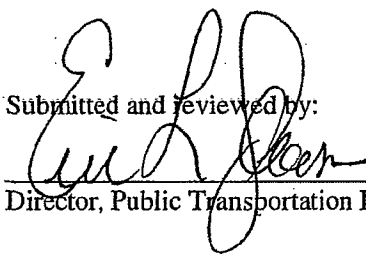
In making this award, the commission has considered the potential of the projects to expand the availability of funding for public transportation projects and finds that the projects meet the established program goals set forth in 43 TAC §5.102 to maximize the use of available federal funds, particularly in situations in which federal funds otherwise would be unused because of the inability to provide the non-federal share; and to support public transit.

Transportation Code, Chapter 455 assigns a broad spectrum of public transportation roles and missions to the Texas Department of Transportation.

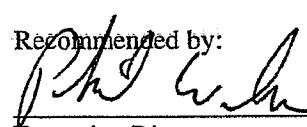
Transportation Code, Chapter 456 authorizes the commission to administer funds appropriated for public transportation.

IT IS THEREFORE ORDERED by the commission that the executive director or the directors designee is directed to proceed with the awards as described in Exhibit A, and enter into the necessary contracts in accordance with the priorities established in this minute order.

Submitted and reviewed by:


Director, Public Transportation Division

Recommended by:


Executive Director

113728 OCT 31 13

Minute	Date
Number	Passed

EXHIBIT A
AWARD TRANSPORTATION DEVELOPMENT CREDITS (TDC)
TO TRANSIT PROJECTS

Agency	Federal Fund Source	TDC Amount	Project Type
American Red Cross	Section 5310	2,800	Capital
Odessa, City of	Section 5307	600,000	Capital
Fort Bend County	Section 5317	25,200	Capital
	Section 5316	48,000	Capital
	Section 5316	329,628	Capital and Operating
	Section 5307	2,209,626	Operating
	Section 5310	122,123	Capital Purchase of Service
Golden Crescent Regional Planning Commission	Section 5307	59,811	Capital
Gulf Coast Center	Section 5309 State of Good Repair	47,040	Capital
Harris County	Section 5307	299,154	Capital and Operating
	Section 5310	75,000	Capital Purchase of Service
Montgomery County Committee on Aging, Inc. D/B/A The Friendship Center	Section 5310	6,873	Capital Purchase of Service
TOTAL		3,825,255	