



RESOLUTION 2020-029

AUTHORIZING AN AMENDMENT TO THE EXISTING CONTRACT WITH REDFLEX TRAFFIC SYSTEMS

WHEREAS, the City of Sherwood and Redflex Traffic Systems are parties to a contract for photo traffic enforcement dated May 15, 2018; and

WHEREAS, in response to increasing and ongoing traffic safety issues in the area of Highway 99W and SW Kruger/Sunset Rds., including the completion of the new Sherwood High School, City Council asked City staff to reassess the photo enforcement program at the intersection of Highway 99W southbound at SW Kruger/Sunset; and

WHEREAS, City staff reviewed speed data for the Highway 99W southbound traffic at the intersection of SW Kruger/Sunset and has determined there is sufficient speed data to support the addition of speed enforcement to the existing red light cameras; and

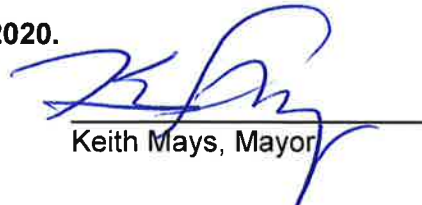
WHEREAS, City Council has determined that is necessary and appropriate to amend the City's existing contract with Redflex Traffic Systems to add speed enforcement at this intersection.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to enter into a contract amendment in a form substantially similar to the attached Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd of June, 2020.


Keith Mays, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

FIRST AMENDMENT TO THE EXCLUSIVE AGREEMENT BETWEEN THE CITY OF
SHERWOOD, OREGON AND REDFLEX
TRAFFIC SYSTEMS, INC. FOR AN AUTOMATED PHOTO ENFORCEMENT PROGRAM
Amendment No. 1

This First Amendment (the “First Amendment”) to the Exclusive Agreement between the City of Sherwood, Oregon and Redflex Traffic Systems, Inc. for an Automated Photo Enforcement Program is entered into effective June 2, 2020 (the “Effective Date”) by and between the City of Sherwood (“City”) and Redflex Traffic Systems, Inc., a Delaware Corporation (“Redflex”) (individually a “Party” and collectively the “Parties”).

WHEREAS, City and Redflex entered into a contract dated May 15, 2018 for provision of automated photo enforcement within Sherwood’s corporate limits (the “Contract”); and

WHEREAS, the parties wish to amend the Contract as described herein;

NOW, THEREFORE, the parties hereby agree to amend the Contract as set forth below and in accordance with the Change Order Proposal for Speed Enforcement at an additional Intersection Approach, attached hereto as Exhibit 1 and incorporated herein.

The Parties agree as follows:

TERMS AND CONDITIONS

1. **DEFINITIONS**. Subsections 1.39 and 1.40 of the Contract shall be revoked in their entirety and the following substituted in their place:

1.2 Subsection 1.39 “*Violation*” means any traffic violation as provided for in any applicable rule, regulation or law of any other Governmental Authority, including but not limited to operating a motor vehicle contrary to traffic signals, operating a motor vehicle at a speed in excess of the posted limit, and operating a motor vehicle without displaying a valid license plate or registration.

1.3 Subsection 1.40 “*Violation Criteria*” means the standards and criteria by which Potential Violations will be evaluated by Authorized Employees of the City, which standards and criteria shall include, but are not limited to, the duration of time that a traffic light must remain red prior to a Violation being deemed to have occurred, the location(s) in an intersection through which a motor vehicle must pass during a red light signal prior to being deemed to have committed a Violation, and operating a vehicle at a speed exceeding the speed limit, all of which shall be in compliance with all applicable laws, rules and regulations of Governmental Authorities. Should physical criteria change which requires additional modification to the Program or its detection equipment, any costs incurred in connection with such modifications shall be the responsibility of the Customer.

- 2 **Photo Enforcement Upgrades**. Redflex will install equipment at the Existing Intersection Approach SHE-PASU-03 (Pacific Hwy West at Sunset Blvd, Southbound) to enable the Existing Approach to enforce both speed and red light violations (“Upgrade”). This Upgrade

will consist of the addition of a secondary radar and equipment necessary for speed verification and enforcement, including back office software changes for speed enforcement. The upgrade will be completed no later than July 1st, 2020 and speed enforcement will be activated following the completion of the Upgrade.

2.1 Exhibit A, Subsection 1.2 titled "Existing Intersection Approaches to Monitor for both Speed and Red Light Violations" shall add Intersection Approach SHE-PASU-03, Pacific Hwy West at Sunset Blvd, SB.

3 **Pricing.** Pricing under Exhibit "D" COMPENSATION & PRICING section 1.1 for a Combo Approach is applicable to this Upgrade upon installation and activation.

4 **Enforceability of Non-Amended Terms and Conditions.** Except as expressly stated in this First Amendment, the terms and conditions of the Contract shall remain in full force and effect. To the extent that this First Amendment conflicts with the terms and conditions of the Contract, this First Amendment shall control. Any capitalized terms not defined in the First Amendment shall have the meanings ascribed to them in the Contract.

IT IS SO AGREED.

IN WITNESS WHEREOF, the Parties have executed this First Amendment effective as of the Effective Date.

CITY OF SHERWOOD

REDFLEX

By _____
Joseph Gall, ICMA-CM
City Manager

By _____
Mark Talbot
President

Date signed: _____

Date signed: _____

APPROVED AS TO FORM:

Josh Soper
City Attorney

Date

Exhibit 1

Change Order Proposal for Speed Enforcement at an additional Intersection Approach

At the city's request, both parties have mutually agreed to upgrade the Intersection Approach SHE-PASU-03 (Pacific Hwy West at Sunset Blvd, Southbound) to enforce Speed on Green in addition to the current Redlight Enforcement. The upgrade will consist of the addition of a secondary radar and equipment necessary for speed verification and enforcement. Additionally, back office software changes will be made for Speed Enforcement.

Timeline:

The upgrade will be completed no later than July 1st, 2020 and speed enforcement will be turned on immediately following the completion of the upgrade.

Cost:

Based on the current contract, under Exhibit D "Compensation and Pricing", once Speed Enforcement will be turned on, this approach will be considered an Existing Intersection Approach Concurrently Monitors for Redlight and Speed Violations ("Combo Approach") and the Redflex monthly Fee will be \$5,000 Per Combo Approach per month. For the current term of the contract until 5/17/2023, there will be 34 months left from Go live at an additional cost of \$2,500/month, therefore a total cost of \$85,000 for the new service provided.