

ADOT File No.: IGA/ JPA 10-230I
ADOT CAR No.: 13-13-0000732-I
Amendment No. TWO: 14-0004291-
AG Contract No.: P0012011000387
Project: Pedestrian Sidewalks
Section: Westerly side of Six Shooter
Federal-aid No.: GCI-0(201)A
ADOT Project No.: SL648 01C/01D
02D/03D
TIP/STIP No.: GIL 07-01T
CFDA No.: 20.205 - Highway Planning
and Construction
Budget Source Item No.: N/A

**AMENDMENT NO. TWO
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE GILA COUNTY

THIS AMENDMENT NO. TWO to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. Two"), entered into this date _____, 2014, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the GILA COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the "County"). The County and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 10-230-I, A.G. Contract No. P001201100387, was executed on October 18, 2012, (the "Original Agreement") and Amendment No. One was executed on October 18, 2012, (the "Amendment No. One");

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 to enter into this Amendment No. Two and has delegated to the undersigned the authority to execute this Amendment No. Two on behalf of the State;

WHEREAS, the County is empowered by Arizona Revised Statutes § 11-251 to enter into this Amendment No. Two and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. Two and has authorized the undersigned to execute this Amendment No. Two on behalf of the County; and

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. Two is to increase the funding of the project and clarify administration and maintenance responsibilities. The State will administer design and advertise, bid, award and administer the construction of the Project. The County will monitor the design and maintain the Project and all its components upon completion of the Project. The Parties desire to amend the Original Agreement and Amendment No. One, as follows:

I. RECITALS

Section I. Paragraph 7 is revised, as follows:

SL648 01D - ADOT Project Management & Design Review (PMDR) fee:

Federal-aid funds @ 94.3% (capped)	\$ 25,461.00
County's match @ 5.7%	\$ 1,539.00
County funds @ 100%	<u>\$ 3,000.00</u>
Subtotal – PMDR costs	\$ 30,000.00

SL648 02D (Scoping/Design):

Federal-aid funds @ 94.3% (capped)	\$ 62,036.00
County's match @ 5.7%	<u>\$ 3,750.00</u>
Subtotal – Scoping/Design*	\$ 65,786.00

SL648 03D (environmental documents and clearances):

County funds @ 100%	\$ 17,811.00
Subtotal – Scoping/Design*	\$ 17,811.00

SL648 01C (construction):

Federal-aid funds @ 94.3% (capped)	\$ 437,448.00
County's match @ 5.7%	<u>\$ 26,442.00</u>
Subtotal – Construction (State-administered)	\$ 463,890.00

Summary:

Total Estimated County Funds	\$ 52,542.00
Total Federal Funds	<u>\$ 524,945.00</u>
TOTAL Project Cost	\$ 577,487.00

* (Included in the County Estimated Funds)

** (Includes 15% CE and 5% Project contingencies)

Consistent with the Original Agreement and Amendment No. One, the County has been invoiced and has paid, to the State, a total of \$24,561.00. The State will invoice the County for the County's PMDR match estimated at \$1,539.00. Once the Project costs have been finalized, the State will either invoice or reimburse the County for the difference between estimated and actual costs.

EXCEPT AS AMENDED herein, ALL OTHER terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. TWO shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Amendment No. Two and that the Amendment No. Two is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. Two the day and year first above written.

GILA COUNTY

STATE OF ARIZONA

Department of Transportation

By _____
MICHAEL A. PASTOR
Chairman

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
MARIAN SHEPPARD
County Clerk

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ATTORNEY APPROVAL FORM FOR THE GILA COUNTY

I have reviewed the above referenced Amendment No. Two to the Original Agreement and Amendment No. One between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the GILA COUNTY, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. Two to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. Two.

DATED this _____ day of _____, 2014.

County Attorney