

ADOT File No.: IGA/ JPA.: 16-0005853-I
Amendment No. One: 17-0006363-I
AG Contract No.: P0012016001648
Project Location/Name: Paradise Lane, 55th
Avenue to 59th Avenue
Type of Work: Design Sidewalk
Improvements
Federal-aid No.: GLN-0(256)T
ADOT Project No.: T007001D/01C
TIP/STIP No.: GLN18-441DGLN18-441D2
and GLN19-741
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: N/A

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF GLENDALE

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"), entered into this date _____, 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 CITY OF GLENDALE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The City and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 16-0005853-I, A.G. Contract No. P0012016001648, was executed on July 11, 2016, (the "Original Agreement").

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

WHEREAS, the City is empowered by Arizona Revised Statutes § 48-572 to enter into this Amendment No. One and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to increase federal funding for the design phase of the Project. The Parties desire to amend the Original Agreement, as follows:

I. RECITALS**Section I. Paragraph 7. is revised as follows:**

7. The federal funds will be used for the scoping/design and construction of the Project, including the construction engineering and administration cost (CE). The estimated Project costs are as follows:

T0070 01D (scoping/design):

Federal-aid funds @ 94.3%	\$ 137,843.00
City's match @ 5.7%	<u>\$ 8,332.00</u>
Subtotal – Scoping/Design*	\$ 146,175.00

T0070 01C (construction):

Federal-aid funds @ 94.3% (capped)	\$ 223,402.00
City's match @ 5.7%	\$ 13,504.00
City's Contribution @ 100%	<u>\$ 27,194.00</u>
Subtotal – Construction**	\$ 264,100.00
TOTAL Estimated Project Cost	\$ 410,275.00
Total Estimated City's Funds	\$ 49,030.00
Total Federal Funds	\$ 361,245.00

* (Includes ADOT Project Management & Design Review (PMDR) Costs of \$30,000.00)

** (Includes 15% CE (this percentage is subject to change, any change will require concurrence from the City) and 5% Project contingencies)

The Parties acknowledge that the final Project costs may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all actual costs exceeding the final bid amount.

Consistent with the Original Agreement, the City was invoiced and has paid \$3,306.00 to the State. After execution of this Amendment No. One, the State will invoice the City for the City's additional match of \$5,026.00; within 30 days of receipt of an invoice, the City will pay to the State the additional match.

III. MISCELLANEOUS PROVISIONS

Section III, Paragraph 19. is added, as follows:

19. The Parties shall comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

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

THIS AMENDMENT NO. ONE 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 and incorporated in this Amendment No. One is the written determination of each Party’s legal counsel that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

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

CITY OF GLENDALE

STATE OF ARIZONA

Department of Transportation

By _____
KEVIN R. PHELPS
City Manager

By _____
STEVE BOSCHEN, P.E.
Division Director

ATTEST:

By _____
JULIE K. BOWER
Clerk

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ATTORNEY APPROVAL FORM FOR THE CITY OF GLENDALE

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

DATED this _____ day of _____, 2017.

City Attorney