

C-8916-1
06/14/2016

CITY CLERK
ORIGINAL

ADOT File No.: IGA/ JPA 13-0003922-I
Amendment No. One: 16-0005798- I
AG Contract No.: 13-0003922
Project Name: New River North Shared Use
Pathway
Project Location Hillcrest Blvd. and 75th Ave.
North for 1,600 feet
Federal-aid No.: GLN-0(244)T
ADOT Project NoSZ107 01D 03D 01C
TIP/STIP No.: GLN16-405
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 June 28, 2016, 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 13-0003922-I, A.G. Contract No13-0003922, was executed on June 4, 2014, (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 hereto and made a part hereof, 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 agreements expressed herein, the purpose of this Amendment No. One is to add right-of-way acquisition costs and revise funding... The Parties desire to amend the Original Agreement, as follows:

I. RECITALS**Section I. Paragraph 3. and 6. are revised as follows::**

3. The work proposed under this Agreement will consist of providing a 1,600 foot long, 10 foot wide, concrete multi-use pathway to connect with bike lanes on Hillcrest Boulevard near 75th Avenue, now referred to as the "Project". The City will pay for the usage of an ADOT on-call consultant for the scoping/ design, and right-of-way acquisition costs, and the State will facilitate contracting the design consultant and oversee the City's administration of the design. In addition, the State will advertise, bid, award, and administer the construction of the Project. The plans, estimates and specifications for the Project will be prepared and, as required, submitted to the State and Federal Highway Administration (FHWA) for its review and approval.

6. The federal funds will be used for the construction of the Project. The estimated Project scoping, design and construction costs are as follows:

SZ107 01D / 03D (ADOT Project Management Design Review (PMDR) Cost, non-federal-aid) :

City's contribution @ 100% (SZ107 03D)*	\$ 80,000.00
(PMDR) Costs (SZ107 01D)*	\$ <u>30,000.00</u>
Subtotal – Scoping/Design/PMDR	\$ 110,000.00

SZ107 01R Right-of-Way

City's contribution @ 100%	\$ 10,000.00
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SZ 107 01C (construction):

Federal-aid funds @ 94.3% (capped)	\$ 330,850.00
City's match @ 5.7%	\$ <u>19,998.00</u>
Subtotal – Construction* (State administered)	\$ 350,848.00

Summary:

Total Estimated City Funds	\$ 139,998.00
Total Federal Funds	\$ 330,850.00

Estimated TOTAL Project Cost	\$ 470,848.00
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* (Included in the City Estimated Funds)

** (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 eventual, actual costs exceeding the initial estimate. If the final Project scoping, design and construction estimate is less than the initial estimate, the difference between the final scoping, design and construction estimate 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 eventual, actual costs exceeding the estimated Project scoping, design and construction amount.

II. SCOPE OF WORK

Section II, Paragraph 1. d is added as follows:

1. The State will:

c. Execute this Agreement and invoice the City for right-of-way acquisition costs, estimated at \$10,000.00. Once the costs are finalized, the State will either invoice or reimburse the City for the difference between the estimated and actual costs.

Section II, Paragraph 2. d is added as follows:

2. The City will:

c. Within 30 days of receipt of an invoice from the State, pay to the State the City's share of the Project right-of-way acquisition costs estimated at \$10,000.00. Be responsible for any difference between the estimated and actual costs.

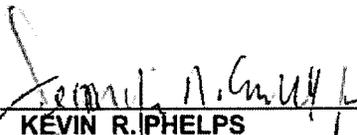
EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. 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 hereto and incorporated herein 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.

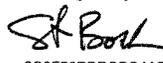
IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

CITY OF GLENDALE

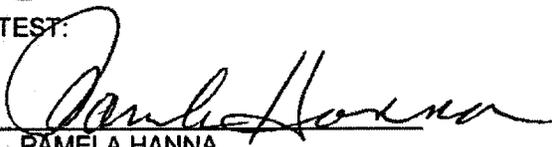
By 
KEVIN R. PHELPS
City Manager

STATE OF ARIZONA

Department of Transportation

DocuSigned by:

By 
STEVE BOSCHEN, P.E.
IDO Assistant Director

ATTEST:

By 
PAMELA HANNA
City Clerk

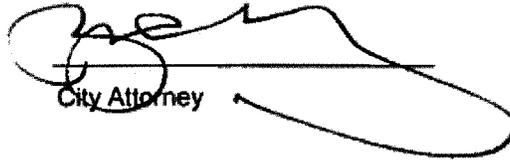
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ATTORNEY APPROVAL FORM FOR THE CITY OF GLENDALE

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 14 day of June, 2016.


City Attorney



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE GOVERNMENT DIVISION /
TRANSPORTATION SECTION

DAWN NORTHUP
DIVISION CHIEF COUNSEL
SUSAN E. DAVIS
ASSISTANT ATTORNEY GENERAL
DIRECT LINE: 602-542-8855
E-MAIL: SUSAN.DAVIS@AZAG.GOV

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. P0012014000095 (**ADOT IGA/JPA 13-0003922-I**), **Amendment No. One**, an Agreement between public agencies, the State of Arizona and the City of Glendale, has been reviewed pursuant to A.R.S. §§ 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 28, 2016

MARK BRNOVICH
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:rl:# 5171021
Attachment