

ADOT CAR No.: IGA 21-0008219-I
Amendment No. One: 23-0009362-I
AG Contract No.: P001 2021 001450
Project Location/Name: State Route 347:
State Route 238 to Maricopa City Limits
Type of Work: Minor Project-Capacity
Federal-aid No.: 347-A(213)T
ADOT Project No.: F0436 01D/01C
TIP/STIP No.: NA
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: NA

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF MARICOPA

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. One”), is entered into this date _____, pursuant to Arizona Revised Statutes (“A.R.S.”) §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the “State” or “ADOT”) and the CITY OF MARICOPA, acting by and through its Mayor and City Council (the “City”). The State and the City are each individually referred to as a “Party” and are collectively referred to as the “Parties.”

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 21-0008219-I, A.G. Contract No. P001 2021 001450, was executed on April 26, 2022, (the “Original Agreement”);

WHEREAS, the State is empowered by A.R.S. § 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 A.R.S. § 48-572 to enter into this Amendment No. One and has by resolution, if required, 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 construction costs and realign cost responsibility and contribution between the Parties. The Parties desire to amend the Original Agreement, as follows:

Consistent with the Original Agreement, prior to advertisement, the City was invoiced and paid \$3,072,050.00, which included \$2,000,000.00 for the City’s share of the original cost estimate as well as \$1,072,359.00 (50% of the overage at time of advertisement). The cost

estimate at time of advertisement was \$6,200,000.00, an overage of \$2,144,409.00; the State and the City each paid 50% of overages. The estimated Project cost after advertisement is \$7,284,868.00. The City will be invoiced and pay \$537,544.00, the City's 49.5% share of additional construction costs, within 30 days of receipt of an invoice.

The Parties incorporate the paragraphs set forth above as part of the body of this Amendment No. One.

I. RECITALS

Section I, Paragraph 3. is revised, as follows:

3. The City has identified the need for capacity improvements along State Route (SR) 347 from north of SR 238 to Maricopa City limits, (the "Project"). The State and the City will coordinate efforts to complete the Project. The Project will widen SR 347, adding a third northbound through lane, curb, gutter and sidewalk along the eastside of SR 347 from north of SR 238 to Lakeview Drive; a fourth northbound acceleration lane for the westbound to northbound movement at the Lakeview Drive intersection; asphalt repairs on existing asphalt on northbound SR 347. The State will design, advertise, award and administer construction of the Project. At the request of the City, the Project will include the following off-system improvements: reconstruction of the existing Lakeview Drive median, intersection, and roadway widening. The total Project cost is estimated at \$7,284,868.00, ADOT will contribute \$3,675,274.00 toward the Project. The City's contribution toward the Project is estimated at \$3,609,594.00. The State and the City will share in Project costs exceeding the estimate of \$7,284,868.00 at a 50.5% and 49.5% split respectively. In accordance with IGA 22-0008745, after completion and acceptance of the Project and with approval from the State's Transportation Board, the City will accept ownership, jurisdiction, and maintenance responsibilities of the Project area.

II. SCOPE OF WORK

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

1. The Parties agree:
 - c. The Parties, at 50.5% and 49.5% split, will share any costs exceeding the cost estimate of \$7,284,868.00. The City agrees to pay for 49.5% of said overages within 30 days of receipt of an invoice from the State. Any unused contributions will be returned to both Parties in the same percentages as originally contributed.

III. MISCELLANEOUS PROVISIONS

Section III, Paragraph 17. is revised, as follows:

17. Contractor Certifications. The Parties shall certify that all contractors comply with the applicable requirements of A.R.S. §§ 35-393.01 and 35-394.

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 the full completion of signing and dating by all Parties to this Amendment No. One.

IN ACCORDANCE WITH A.R.S. § 11-952 (D), the written determination of each Party's legal counsel providing 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 is set forth below.

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

CITY OF MARICOPA

By _____ Date _____
NANCY SMITH
Mayor

ATTEST:

By _____ Date _____
VANESSA BUERAS
City Clerk

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 MARICOPA, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 48-572 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.
Approved as to Form:

By _____ Date _____
City Attorney

ARIZONA DEPARTMENT OF TRANSPORTATION

By _____ Date _____
STEVE BOSCHEN, PE
Infrastructure Delivery and Operations Division
Division Director

A.G. Contract No. P0012021001450 (ADOT IGA 21-0008219-I Amendment No. One: 23-0009362-I), an Agreement between public agencies, the State of Arizona and City of Maricopa has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 28-401 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 Amendment No. One.

By _____ Date _____
Assistant Attorney General