

ADOT File No.: IGA 19-0007382-I
Amendment No. Two: 21-0008140-I
AG Contract No.: P001 2019 001941
Project Location/Name: SR 347 Smith
Enke Rd.- Edison Rd.
Type of Work: Sidewalk Project
Federal-aid No.: MAR-0(212)T
ADOT Project No.: T0221 01D/03D/01C
TIP/STIP No.: MAR19-801D/MAR22-
802C
CFDA No.: 20.205 - Highway Planning and
Construction

**AMENDMENT NO. TWO
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF MARICOPA

THIS AMENDMENT NO. TWO to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. Two”), 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 CITY MANAGER and CITY COUNCIL (the “City”). The State and the City are collectively referred to as the “Parties.”

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 19-0007382-I, A.G. Contract No. P001 2019 001941, was executed on August 6, 2019, (the “Original Agreement”); IGA 19-0007382-I Amendment No. One, executed on May 13, 2020, (the “Amendment No. One”);

WHEREAS, the State is empowered by A.R.S. § 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 City is empowered by A.R.S. § 48-572 to enter into this Amendment No. Two and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Amendment No. Two and has authorized the undersigned to execute this Amendment No. Two on behalf of the City; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. Two is to add Maricopa Association of Governments (MAG) close-out funds to the Project and to revise and replace Exhibit A . The Parties desire to amend the Original Agreement and Amendment No. One, as follows:

I. RECITALS

(NO CHANGES)

II. SCOPE OF WORK

Section II, Paragraph 1.e., is revised, as follows:

1. The State will:
 - e. After completion of design and prior to bid advertisement, invoice the City for the actual PDA costs, as applicable, and the City's share of the Project construction costs, estimated at \$35,525.00. After the Project costs for construction are finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs. De-obligate or otherwise release any remaining federal funds from the scoping/design phase of the Project.

Section II, Paragraph 2.e., is revised, as follows:

2. The City will:
 - e. After completion of design, within 30 days of receipt of an invoice from the State and prior to bid advertisement, pay to the State, any outstanding PDA costs and the City's share of the Project construction costs, estimated at \$35,525.00. Be responsible for and pay the difference between the estimated and actual construction costs of the Project, within 30 days of receipt of an invoice.

III. MISCELLANEOUS PROVISIONS

(NO CHANGES)

EXCEPT AS AMENDED, ALL OTHER terms and conditions of the Original Agreement and Amendment No. One 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 A.R.S. § 11-952 (D) attached and incorporated in this Amendment No. Two 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. 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.

CITY OF MARICOPA

STATE OF ARIZONA
Department of Transportation

By _____
CHRISTIAN PRICE
Mayor

By _____
STEVE BOSCHEN, PE
Division Director

ATTEST:

By _____
VANESSA BUERAS
City Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF MARICOPA

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 CITY OF MARICOPA, 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 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. Two.

City Attorney

Date

EXHIBIT A

Cost Estimate

T0221 01D/03D/01C

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

ADOT Project Development Administration (PDA) Cost:

Federal-aid funds @ 94.3%	\$ 28,290.00
City's match @5.7%*	\$ 1,710.00

Scoping/Design:

Federal-aid funds @ 94.3%	\$ 80,155.00
City's match @ 5.7%**	<u>\$ 4,845.00</u>

Subtotal - Scoping/Design/PDA*	\$ 115,000.00
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Construction:

Federal-aid funds @ 94.3%	\$ 345,005.00
City's match @ 5.7%	\$ 20,854.00
City's contribution @ 100%	<u>\$ 14,671.00</u>

Subtotal - Construction**	\$ 380,530.00
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Estimated TOTAL Project Cost	\$ 495,530.00
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Total Estimated City Funds	\$ 42,080.00
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Total Federal Funds	\$ 453,450.00
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* (Consistent with the Original Agreement and Amendment No One, the City has been invoiced and paid \$6,555.00 for the City's share of PDA and design costs.)

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