

ADOT CAR No.: IGA 11-121-I
Amendment No. Three: 23-0009088-I
AG Contract No.: P0012011002693
Project Location/Name: Davis Road
Central Highway to SR 191
Type of Work: DCR/Final Design
Federal-aid No.: CCH-0(203)T
ADOT Project No.: SS986 02D/03D/01C
TIP/STIP No.: SEAGO 2018-22 AM #2
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: N/A

**AMENDMENT NO. THREE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY

THIS AMENDMENT NO. THREE to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. THREE”), 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 COCHISE COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the “County”). The State and the County are each individually referred to as a “Party” and are collectively referred to as the “Parties.”

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 11-121-I, AG Contract No. P0012011002693, was executed on September 26, 2011, (the “Original Agreement”), IGA 11-121 Amendment No. One, AG Contract No. P0012011002693, was executed on October 15, 2012, (the “Amendment No. One”), and IGA 11-121-I Amendment No. Two, A.G. Contract No. P00120110026963, was executed on August 20, 2018, (the “Amendment No. Two”);

WHEREAS, the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. Three and has delegated to the undersigned the authority to execute this Amendment No. Three on behalf of the State;

WHEREAS, the County is empowered by A.R.S. § 11-251 to enter into this Amendment No. Three and has by resolution, if required, a copy of which is attached and made a part of, resolved to enter into this Amendment No. Three and has authorized the undersigned to execute this Amendment No. Three on behalf of the County; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. Three is to revise Project costs to include additional Project Development Administration (PDA) costs, Exhibit A is revised and replaced accordingly. The

County will be completing the design and the State will provide reviews and clearances. The Parties desire to amend the Original Agreement, Amendment No. One, and Amendment No. Two as follows:

Consistent with the Original Agreement, Amendment No. One, and Amendment No. Two the County has been invoiced and paid \$202,066.00 for PDA, scoping/design, and right of way aquisition and will pay the remaining \$30,000.00 for the County's share of PDA 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. Three.

I. RECITALS

(NO CHANGES)

II. SCOPE OF WORK

(NO CHANGES)

III. MISCELLANEOUS PROVISIONS

Section III, Paragrap 19. is revised, as follows:

19. 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, Amendment No. One, and Amendment No. Two remain in full force and effect.

Remainder of this page is intentionally left blank.

(Signatures begin on the next page)

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective upon the full completion of signing and dating by all Parties to this Agreement.

COCHISE COUNTY

By _____ Date _____
PEGGY JUDD
Chairperson of the Board

ATTEST:

By _____ Date _____
SHARON GILMAN
Clerk of the Board, Interim

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its Department of Transportation, and Cochise County, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 11-251 and declare this Agreement 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 Agreement. Approved as to Form:

By _____ Date _____
County Attorney

ARIZONA DEPARTMENT OF TRANSPORTATION

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

A.G. Contract No. P00120110026936 (ADOT IGA 08-111 Amendment No. Three), an Agreement between public agencies, the State of Arizona and Cochise County, 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 Agreement.

By _____ Date _____
Assistant Attorney General