

ADOT CAR No.: IGA 21-0008180-I
Amendment No. Two: 25-0011121-I
AG Contract No.: P0012021000756
Project Location/Name: 67th Avenue;
Missouri Avenue – Cholla Street
Type of Work: Install Bike Lanes &
Enhance Pedestrian Facilities
Federal-aid No.: CMAQ-GLN-0(265)T
ADOT Project No.: T0318 01D/03D/01C
TIP/STIP No.: GLN24-040D1, GLN24-
040C1
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: 103744

**AMENDMENT NO. TWO
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF GLENDALE

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 Glendale, acting by and through its MAYOR and CITY COUNCIL (the “City” or “Local Agency”). 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 21-0008180-I, A.G. Contract No. P0012021000756, was executed on June 3, 2021, (the “Original Agreement”); IGA 21-0008180-I Amendment No. One, was executed on May 12, 2023, (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, if required, 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 revise Project costs. The Parties desire to amend the Original Agreement and Amendment No. One, as follows:

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

I. RECITALS

3. The work proposed under this Agreement consists of installation of bicycle lanes and enhancement of pedestrian facilities, on an approximate five mile section, between Missouri Avenue and Cholla Street, (the "Project"). The Project may include widening and extending sidewalks. The Project cost, shown in Exhibit A, is estimated at \$6,216,738.72, which includes federal aid and the City's funds. The State will administer the design and advertise, bid and award, and administer the construction phase of the Project.

II. SCOPE OF WORK

(NO CHANGES)

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.

Remainder of this page is intentionally left blank.

(Signatures begin on the next page)

THIS AMENDMENT NO. TWO shall become effective upon the full completion of signing and dating by all Parties to this Amendment No. Two.

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. Two and that the Amendment No. Two is in proper form is set forth below.

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

CITY OF GLENDALE

By _____ Date _____
JERRY WEIERS
Mayor

ATTEST:

By _____ Date _____
JULIE BOWER
City Clerk

I have reviewed the above referenced Amendment No. Two 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 A.R.S. §§ 11-951 through 11-954 and A.R.S. § 48-572 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.
Approved as to Form:

By _____ Date _____
City Attorney

ARIZONA DEPARTMENT OF TRANSPORTATION

By _____ Date _____
AUDRA MERRICK, PE
Infrastructure Delivery and Operations Division
Division Director

This Amendment No. Two, between public agencies, the State of Arizona and the City of Glendale 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. Two.

By _____ Date _____
Assistant Attorney General

EXHIBIT A
67th Avenue;
Missouri Avenue - Cholla Street
Cost Estimate

IGA: 21-0008180-I
Amendment No. Two: 25-0011121-I

T0318 01D/03D/01C

The Project costs are estimated as follows:

	Original	Amend #1	Amend #2**	AMENDED TOTAL
Executed Date:	June 3, 2021	May 12, 2023	Pending	
<u>ADOT Project Development Administration (PDA) Cost, non-federal-aid:</u>				
Federal-aid funds @ 94.3%	\$ 28,290.00	\$ -	\$ -	\$ 28,290.00
City's match @ 5.7%	\$ 1,710.00	\$ -	\$ -	\$ 1,710.00
 <u>Scoping/Design:</u>				
Federal-aid funds @ 94.3%	\$ 616,422.00	\$ -	\$ (131,156.00)	\$ 485,266.00
City's match @ 5.7%	\$ 37,260.00	\$ -	\$ (7,928.00)	\$ 29,332.00
City's costs @ 100%	\$ -	\$ -	\$ -	\$ -
Subtotal - Scoping/Design/PDA	\$ 683,682.00	\$ -	\$ (139,084.00)	\$ 544,598.00
 <u>Construction:*</u>				
Federal-aid funds @ 94.3%	\$ 4,283,289.00	\$ 532,406.00	\$ 329,159.00	\$ 5,144,854.00
City's match @ 5.7%	\$ 258,905.00	\$ 32,182.00	\$ 19,897.00	\$ 310,984.00
City's costs @ 100%	\$ -	\$ -	\$ 216,302.72	\$ 216,302.72
Subtotal - Construction	\$ 4,542,194.00	\$ 564,588.00	\$ 565,358.72	\$ 5,672,140.72
Estimated TOTAL Project Cost	\$ 5,225,876.00	\$ 564,588.00	\$ 426,274.72	\$ 6,216,738.72
Total Estimated City Funds	\$ 297,875.00	\$ 32,182.00	\$ 228,271.72	\$ 558,328.72
Total Federal Funds	\$ 4,899,711.00	\$ 532,406.00	\$ 329,159.00	\$ 5,658,410.00

*(Includes 18% construction engineering (CE) and administration cost (this percentage is subject to change, any change will require concurrence from the City) and 5% Project contingencies)

** (In accordance with the Original Agreement and Amendment No. One, the City of Glendale has already been invoiced and paid \$558,329 for the design and construction of the Project.)