

ADOT CAR No.: IGA 22-0008643-I
Amendment No. One: 25-0011092-I
AG Contract No.: P0012022001127
Project Location/Name: Missouri
eastward; 55th Ave – 51st Ave
Type of Work: Improve Sidewalks & ADA
Ramps
Federal-aid No.: CMAQ-GLN-0(268)T
ADOT Project No.: T0372 01D/01C
TIP/STIP No.: GLN22-041D-CL/GLN24-
250D1/GLN25-250C
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”), 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 22-0008643-I, A.G. Contract No. P0012022001127, was executed on August 17, 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 Project construction costs; Exhibit A is revised and replaced accordingly. The Parties desire to amend the Original Agreement, as follows:

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 work proposed under this Agreement consists of design and construction of pedestrian and bicycle improvements in a 0.4 square mile area in the vicinity of Missouri Ave and Bethany Home Rd, (the "Project"). The Project improvements include two collector streets (Missouri and 55th avenues), and three local streets (San Miguel, Montebello, and 57th avenues). Four of these streets are missing sections of sidewalk, resulting in gaps in the sidewalk network. This Project will construct 2.2 miles of new concrete sidewalk to close those gaps. ADA compliant sidewalk ramps are proposed at intersections and driveway locations. The Project cost, shown in Exhibit A, is estimated at \$4,941,814, which includes federal aid and City funds. The State will administer the design, and the State will advertise, bid and award, and administer the construction of the Project.

II. SCOPE OF WORK

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

2. 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 \$414,463. 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 3.d. is revised, as follows:

3. The City will:
 - d. 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, the City's share of the Project construction costs, estimated at \$414,463, and if applicable, the difference between the final and initial construction cost estimates. 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

Section III, Paragraphs 20. and 23. are revised, as follows:

20. Contractor Certifications. The Parties shall certify that all contractors comply with the applicable requirements of A.R.S. §§ 35-393.01 and 35-394.
23. Revisions to Contacts. Any revisions to the names and addresses above may be updated administratively by either Party with written notice to the other Party.

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

Remainder of this page is intentionally left blank.

(Signatures begin on the next page)

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 GLENDALE

By _____ Date _____
JERRY WEIERS
Mayor

ATTEST:

By _____ Date _____
JULIE K. BOWER
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 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. One to be in proper form and within the powers and authority granted to the City of Glendale 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 _____
AUDRA MERRICK, PE
Infrastructure Delivery and Operations Division
Division Director

This 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. §§ 11-951 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

EXHIBIT A

IGA: 22-0008643-I

Missouri eastward; 55th Ave - 51st Ave

Amendment No. One: 25-0011092-I

Cost Estimate

T0372 01D/01C

The Project costs are estimated as follows:

| | Original | Amend #1 | AMENDED TOTAL |
|--|------------------------|------------------------|------------------------|
| | <i>August 17, 2022</i> | <i>Pending</i> | |
| <u>ADOT Project Development Administration (PDA) Cost, non-federal-aid:</u> | | | |
| City's costs @ 100% | \$ 30,000.00 | \$ - | \$ 30,000.00 |
| <u>Scoping/Design:</u> | | | |
| Federal-aid funds @ 94.3% | \$ 358,569.00 | \$ - | \$ 358,569.00 |
| City's costs @ 5.7% | \$ 21,674.00 | \$ - | \$ 21,674.00 |
| Subtotal - Scoping/Design/PDA | \$ 410,243.00 | \$ - | \$ 410,243.00 |
| <u>Construction:*</u> | | | |
| Federal-aid funds @ 94.3% | \$ 2,208,260.00 | \$ 1,908,848.00 | \$ 4,117,108.00 |
| City's costs @ 5.7% | \$ 133,480.00 | \$ 115,381.00 | \$ 248,861.00 |
| City's costs @ 100% | \$ 165,602.00 | \$ - | \$ 165,602.00 |
| Subtotal - Construction | \$ 2,507,342.00 | \$ 2,024,229.00 | \$ 4,531,571.00 |
| Estimated TOTAL Project Cost | \$ 2,917,585.00 | \$ 2,024,229.00 | \$ 4,941,814.00 |
| Total Estimated City Funds | \$ 217,276.00 | \$ - | \$ 217,276.00 |
| Total Federal Funds | \$ 2,566,829.00 | \$ 1,908,848.00 | \$ 4,475,677.00 |

*(Includes a minimum 20% construction engineering (CE) and administration cost (this percentage is subject to change, any change will require concurrence from the City) and 5% Project contingencies)