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May 12, 2014

The Honorable Ramon Garcia
Hidalgo County Judge
P.O. Box 1356
Edinburg, Texas 78540

**RE: Advance Funding Agreement (AFA) – Amendment #2
Mile 2 N From SH 364 to Moorefield Road
CSJ# 0921-02-323**

HIDALGO COUNTY
BUDGET OFFICE
2014 MAY 14 PM 2:21

Dear Judge Garcia:

Enclosed please find two originals of Amendment #2 to the subject AFA. This amendment revises the Attachment C-1 Project Budget page to separate Construction Engineering and Contingencies, which are reimbursable, from the Construction Direct State Costs (DSC) for State review and oversight. A new line item was also added for Right of Way (ROW) DSC which is needed for the review and oversight by our ROW Division in Austin. As you are aware this project has been accelerated to a June 2014 local letting and as such the County's share for Preliminary Engineering (PE), ROW and Construction DSC as outlined in Amendment #2 is now due. Taking into account the deposit of \$25,200 received previously from the County, the following is a breakdown of the amount now due and payable by the County:

Amendment #2 –	
Amount due for PE DSC:	\$25,200
Amount due for ROW DSC:	\$ 5,040
Amount due for Construction DSC:	<u>\$40,000</u>
Subtotal due:	\$70,240
Less amount previously deposited: (Ck# 14563 & 15456):	- <u>\$25,200</u>
Total amount now due from County:	\$45,040

Please sign and return both originals of Amendment #2 to the attention of Mr. Homero Bazan, Jr., our Director of Transportation Planning and Development, at 600 West Expressway 83, Pharr, Texas 78577 for further processing. Please also include a check for \$45,040 to cover the County's remaining estimated share of PE, ROW and Construction DSC associated with this project, made payable to the Texas Department of Transportation Trust Fund. Please contact Mr. Bazan or me at 702-6100 if you have any questions regarding this submission.

Sincerely,

Toribio Garza, Jr., P.E.
Pharr District Engineer

Enclosure

cc: Pedro R. Alvarez, P.E., Deputy District Engineer
Homero Bazan, Jr., P.E., Director of Transportation Planning and Development
Hector Gonzalez, Interim Pharr Area Engineer
Jesus A. Noriega, P.E., Project Manager
Project File

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT # 2**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and **Hidalgo County**, acting by and through its duly authorized officials, called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on the 14th day of September, 2012 under CSJ: 0921-02-293 to effectuate their agreement to widen Mile 2 N to a 4 lane from SH 364 to Moorefield in Hidalgo County; and,

WHEREAS, the State and the Local Government executed Amendment #1 on the 27th day of February, 2014 to revise project limits, update costs and add new federal provisions; and

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

AGREEMENT

1. Description of Amended Items

Attachment C-1 “Project Budget” is deleted in its entirety and replaced with Attachment C-2 “Project Budget”, which is attached to this amendment.

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0921-02-323
RCSJ# 0921-02-326
District # 21 – Pharr
Code Chart 64 # 28500
Project: **Mile 2 N from SH 364
to Moorefield Road**
Federal Highway Administration
CFDA # 20.205
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date

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ATTACHMENT C - 2 PROJECT BUDGET

This project has received a total of \$2,604,621 in Category 7, Metropolitan Mobility and Rehabilitation (7MM) funds. With the approved 92% Economically Disadvantaged County Program reduction to the required local match for construction and construction engineering and contingencies costs, the federal share is 80%, state's share is 18.4% and the local Government's share is 1.6%. The ROW/Utilities costs are 80% Federal and 20% Local Government. The Local Government will be responsible for 100% of the Preliminary Engineering (PE), the Direct State Costs for PE, ROW and Construction, and all project costs exceeding the approved funding. The following is an estimated breakdown of the project costs and funding participation:

Description	Total Estimated Cost	Federal Participation		State Participation			Local Government Participation EDC @ %		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Preliminary Engineering (by LG)	\$ 96,462	0%	\$ 0	0%	0%	\$ 0	100%	100%	\$ 96,462
Right of Way/Utilities (by LG) Cat 7	\$ 228,905	80%	\$ 183,124	0%	0%	\$ 0	20%	20%	\$ 45,781
100% Local	\$ 251,095	0%	\$ 0	0%	0%	\$ 0	100%	100%	\$ 251,095
Construction (by LG) Cat 7	\$1,898,230	80%	\$ 1,518,584	20%	18.4%	\$ 349,274	20%	1.6%	\$ 30,372
100% Local	\$ 70,386	0%	\$ 0	0%	0%	\$ 0	100%	100%	\$ 70,386
Construction Engineering and Contingencies (by LG) Cat 7	\$ 226,391	80%	\$ 181,113	0%	18.4%	\$ 41,656	20%	1.6%	\$ 3,622
SUBTOTAL	\$2,771,469		\$ 1,882,821			\$ 390,930			\$ 497,718
Direct State Costs for State Review and Oversight (\$25,200)	Environmental (30%)	\$ 7,560	\$0	0%	0%	\$0	100%	100%	\$ 7,560
	Right of Way (10%)	\$ 2,520	\$0	0%	0%	\$0	100%	100%	\$ 2,520
	Preliminary Engineering (50%)	\$ 12,600	\$0	0%	0%	\$0	100%	100%	\$ 12,600
	Utility (10%)	\$ 2,520	\$0	0%	0%	\$0	100%	100%	\$ 2,520
ROW Direct State Costs (Division review and oversight)	\$ 5,040	0%	\$0	0%	0%	\$0	100%	100%	\$ 5,040
Construction Direct State Costs (State review and oversight)	\$ 40,000	0%	\$0	0%	0%	\$0	100%	100%	\$ 40,000
Indirect State Costs (6.20%)	\$ 122,054	0%	\$0	100%	100%	\$ 122,054	0%	0%	\$0
SUBTOTAL	\$ 192,294		\$0			\$ 122,054			\$ 70,240
TOTAL	\$ 2,963,763		\$1,882,821			\$ 512,984			\$ 567,958

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Initial payment by the Local Government to the State:	\$ 30,240
Less amount previously collected from LG	- \$ 25,200
Balance due for initial payment by LG to the State	\$ 5,040
Payment by the Local Government to the State before construction:	\$ 40,000
Estimated total payment by the Local Government to the State	\$ 45,040

This is an estimate. The final amount of Local Government participation will be based on actual costs.