

STATE OF TEXAS §

COUNTY OF TRAVIS §

**FUNDING AGREEMENT
FOR BORDER COLONIA ACCESS PROGRAM
AMENDMENT #13**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the “State” and Hidalgo County acting by and through its duly authorized officials, hereinafter called the “County”.

WITNESSETH

WHEREAS, the State and the County executed a contract on the 28th day of August 2008 to effectuate their agreement to establish a transportation program to construct access roads in the County and,

WHEREAS, amendment #1 was executed on the 15th day of January 2009 to transfer funds to other eligible colonia projects as approved by Texas Transportation Commission Minute Order 111637 and,

WHEREAS, amendment #2 was executed on the 17th day of March 2010 to correct a typographical error for Colonia Esperanza #1 and,

WHEREAS, amendment #3 was executed on the 13th day of August 2010 to extend the contract and,

WHEREAS, amendment #4 was executed on the 20th day of June 2011 to remove no longer eligible projects, add one new project and extend the contract and,

WHEREAS, amendment #5 was executed on the 1st day of November 2011 to cancel two non-competitive projects and to transfer 1st and 2nd Call non-competitive and competitive under runs to the 3rd Call and,

WHEREAS, amendment #6 was executed on the 21st day of March 2012 to redefine a non-competitive project and to apply non-competitive under runs to new projects and,

WHEREAS, amendment #7 was executed on the 23rd day of August 2012 to extend the contract and,

WHEREAS, amendment #8 was executed on the 28th day of August 2014 to apply non-competitive under runs to new projects and to extend the contract and,

WHEREAS, amendment #9 was executed on the 26th day of August 2015 to extend the contract and,

WHEREAS, amendment #10 was executed on the 11th day of August 2016 to apply non-competitive under runs to new projects and,

WHEREAS, amendment #11 was executed on the 10th day of February 2017 to apply non-competitive under runs to new projects and to extend the contract and,

Contract # 21-8BCF5001
District # 21- Pharr
Code Chart 64 # 50109
Project: Various Projects in Hidalgo
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WHEREAS, amendment #12 was executed on the 20th day of December 2017 to apply non-competitive under runs to new projects and to extend the contract and,

WHEREAS, it has become necessary to extend that contract in order to utilize existing funding; and,

WHEREAS, it has become necessary to amend the agreement; and,

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the County do agree to amend the agreement as follows:

AGREEMENT

I. Description of Amended items:

Article 3. Schedule, is deleted in its entirety and is replaced with the following:

3. Schedule. Upon final execution of this Agreement, the County shall submit a project schedule. This schedule shall include a monthly project development timeline including estimated monthly expenditures. If the County does not complete the Project by October 31, 2019, this agreement will be terminated in accordance with the provisions of Article 9, Termination of this Agreement.

Article 9. Termination of this Agreement, item c is deleted in its entirety and is replaced with the following:

Article 9. Termination of this Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless the:

- a. Agreement is terminated in writing with the mutual consent of the parties;
- b. Agreement is terminated because the County has breached the contract; or
- c. Project is not completed by October 31, 2019.

If the Agreement is terminated, the County must reimburse the State for all previously reimbursed costs on non-completed colonia projects that were commenced but not completed prior to termination.

II. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement of behalf of the party they represent.

All other provisions of the original agreement not hereby amended remain in full force and effect.

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IN WITNESSETH WHEREOF, THE STATE AND COUNTY have executed duplicate counterparts to effectuate this agreement.

THE COUNTY

Hidalgo County, Texas

By: _____
Ramon Garcia
County Judge

Date

THE STATE OF TEXAS

By: _____
Pedro R. Alvarez, P.E.
Pharr District Engineer

Date