

AFA ID #: Z00001751	Reviewed By: Hettie Thompson	Review Date: 10/20/2022
---------------------	------------------------------	-------------------------

## CONTRACT SERVICES AFA REVIEW CHECKLIST

### HEADER:

CSJ #(s): 0921-02-361  
D/D #: 21 - PHR

**Code Chart 64:** 50109  
**CFDA:** 20.205

### AGREEMENT:

Current template?  Yes  No *Explanation:*  
 Template modified?  Yes  No *Explanation:*  
 Venue - Travis County?  Yes  No MAFA?  Yes  No  N/A  
 On or Off System?  On  Off  Both CST or NCST?  CST  NCST  
 Minute Order correct?  Yes  No  N/A NCST Exp. Date: N/A  
 NCST Term date is less than 37 months.  Yes All dates in NCST scope are less than 37 months.  Yes  
 Other Party(ies): County of Hidalgo  
 Agreement Title: Advance Funding Agreement Amendment  
 Agreement Type:  Prime  Amendment  N/A  
 Amount of Contract: \$17,965,506.00  
 Amount of Amendment: \$1,740,000.00  
 If Amendment, Resulting Contract Balance: 17,965,506.00  
 Amendment #: 1  
 Brief Description of what Amendment is changing (including the "why"): To modify the project budget table to update federal funds to fully fund project and match the engineer's estimate;

Scope of Work: Widening of Nolana Loop from FM 1426 to FM 907;

### FUNDING PROVISIONS:

Funding Type: Specified % Overruns?  State  LG  N/A

#### **Construction & Construction Engineering (EDC):**

Percentages: Federal: 80% State: 16.6% Local: 3.4%

#### **ROW/Utilities:**

Percentages: Federal: 80% State: 0.0% Local: 20%

Agrees with TxDC:  Yes  No  N/A

### ATTACHMENTS:

All included?  Yes  No – See Explanation  N/A *Explanation:*  
 Correct pagination?  Yes  No

### DIVISION REVIEW:

Division Reviewed?  Yes  No  N/A Comments Incorporated?  Yes  No  N/A

### SPA:

SPA(s) Required?  Yes  No  N/A  
 All questions answered on SPA(s)?  Yes  No  N/A  
 Executed RA SPA sent to LGP (Sonya Ayers):  Yes  No  N/A

### LOCAL GOVERNMENT RECEIVABLES:

Is LG delinquent?  Yes – See Reason to Proceed  No  N/A  
 Approved to proceed by DED:  Yes  No  N/A  
 Reason to Proceed: N/A

### SIGNATURE BLOCK:

All originals correct. Yes No N/A

**Additional Comments:** none

In Process

<b>Federal Highway Administration:</b>			
<b>CSJ #</b>	0921-02-361 RCSJ	<b>AFA ID</b>	Z00001751
<b>District #</b>	21-Pharr	<b>CFDA No.</b>	20.205
<b>Code Chart 64 #</b>	50109	<b>CFDA Title</b>	Highway Planning and Construction
<b>Project Name</b>	Nolana Loop, from FM 1426 to FM 907		
<i>AFA Not Used For Research &amp; Development</i>			

**STATE OF TEXAS           §**

**COUNTY OF TRAVIS       §**

**ADVANCE FUNDING AGREEMENT  
AMENDMENT # 1**

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

**W I T N E S S E T H**

**WHEREAS**, the State and the Local Government executed a contract on December 20, 2019 to effectuate their agreement to widen Nolan Loop to four lanes from FM 1426 to FM 907; and,

**WHEREAS**, it has become necessary to amend that contract; to revise cost estimates and funding amounts; and,

**WHEREAS**, the Texas Transportation Commission passed Minute Order Number **115291 and 116292** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **the widening of Nolana Loop to four lanes from FM 1426 to FM 907**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and,

**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:

**A G R E E M E N T**

The parties agree that the Agreement is amended as follows:

- A. Attachment C, Project Budget, is deleted in its entirety and is replaced with Attachment C-1, Project Budget, which is attached to and made a part of this Amendment. The total estimated cost of the Construction and Construction Engineering Category 7 funds are increased by \$1,740,000, from \$13,100,418 to \$14,840,418, removing Category 7 Construction Direct State Costs funds and replacing them with local funds. The funds were increased to fully fund the project and to match the engineer's construction estimate.

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.

<b>Federal Highway Administration:</b>			
<b>CSJ #</b>	0921-02-361 RCSJ	<b>AFA ID</b>	Z00001751
<b>District #</b>	21-Pharr	<b>CFDA No.</b>	20.205
<b>Code Chart 64 #</b>	50109	<b>CFDA Title</b>	Highway Planning and Construction
<b>Project Name</b>	Nolana Loop, from FM 1426 to FM 907		
<i>AFA Not Used For Research &amp; Development</i>			

Each party is signing this amendment on the date stated under that party's signature.

### THE LOCAL GOVERNMENT

\_\_\_\_\_  
Signature

Richard F. Cortez

\_\_\_\_\_  
Typed or Printed Name

Hidalgo County Judge

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

### THE STATE OF TEXAS

In Process

\_\_\_\_\_  
Kenneth Stewart

Director of Contract Services

Texas Department of Transportation

\_\_\_\_\_  
Date

<b>TxDOT:</b>				<b>Federal Highway Administration:</b>		
<b>CSJ #</b>	<b>0921-02-361 RCSJ: 0921-02-421</b>			<b>CFDA No.</b>	<b>20.205</b>	
<b>District #</b>	<b>21-Pharr</b>	<b>AFA ID</b>	<b>Z00001751</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>	
<b>Code Chart 64 #</b>	<b>50109</b>					
<b>Project Name</b>	<b>Nolana Loop, from FM 1426 to FM 907</b>				<b>AFA Not Used For Research &amp; Development</b>	

## ATTACHMENT C-1 PROJECT BUDGET

The cost for Right-of-Way (ROW), utilities, construction, and construction engineering totals \$16,840,418 which includes a combination of Category 7 (Surface Transportation Block Grant) federal funds, state funds and local funds.

For ROW/Utilities costs, the federal share is 80% and the local government share is 20%. Considering an 83% Economically Disadvantaged County Program reduction to the project's construction and construction engineering costs, the federal share is 80%, the state share is 16.6% and the local government share is 3.4% for these costs. The Local Government will be responsible for 100% of the direct state costs for ROW and utilities, and all project costs exceeding the approved federal funding. The costs for preliminary engineering (PE) and the environmental document for this project were processed through an Advance Funding Agreement (AFA) for CSJ 0921-02-169 and are not included in this AFA. The following is an estimated breakdown of the project costs and funding participation:

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Right of Way (by LG) Cat 10 (Earmark)	\$1,400,000	80%	\$1,120,000	0%	0%	\$0	20%	20%	\$280,000
Utilities (by LG) Cat 10 (Earmark)	\$600,000	80%	\$480,000	0%	0%	\$0	20%	20%	\$120,000
Construction (by LG) Cat 7	\$13,640,418	80%	\$10,912,334	0%	16.6%	\$2,264,309	20%	3.4%	\$463,774
Construction Engineering (by LG) Cat.7	\$1,200,000	80%	\$960,000	0%	16.6%	\$199,200	20%	3.4%	\$40,800
<b>Subtotal</b>	<b>\$16,840,418</b>		<b>\$13,472,334</b>			<b>\$2,463,509</b>			<b>\$904,574</b>
Right of Way Direct State Cost	\$28,000	0%	\$0	0%	0%	\$0	100%	100%	\$28,000
Utility Direct State Cost	\$2,800	0%	\$0	0%	0%	\$0	100%	100%	\$2,800
ROW Direct State Cost (Division review and oversight)	\$51,000	0%	\$0	0%	0%	\$0	100%	100%	\$51,000
Construction Direct State Cost (State review and oversight of Construction Engineering)	\$240,000	0%	\$0	0%	0%	\$0	100%	100%	\$240,000
Indirect State Cost	\$803,288	0%	\$0	100%	100%	\$803,288	0%	0%	\$0
<b>Subtotal</b>	<b>\$1,125,088</b>		<b>\$0</b>			<b>\$803,288</b>			<b>\$321,800</b>
<b>TOTAL</b>	<b>\$17,965,506</b>		<b>\$13,472,334</b>			<b>\$3,266,797</b>			<b>\$1,226,374</b>

Initial payment by the Local Government to the State Received on 12.18.19: \$81,800

Payment by the Local Government to the State 60 days prior to the date set for receipt of the construction bids: \$240,000

Estimated total payment by the Local Government to the State: \$321,800

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

**Certificate Of Completion**

Envelope Id: 56EBF062A0804549BF8A239222F58A09	Status: Sent
Subject: Please DocuSign AFAID Z00001751 with Hidalgo County	
Source Envelope:	
Document Pages: 10	Signatures: 0
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Hettie Thompson
Time Zone: (UTC-06:00) Central Time (US & Canada)	125 E. 11th Street
	Austin, TX 78701
	hettie.thompson@txdot.gov
	IP Address: 209.112.106.2

**Record Tracking**

Status: Original	Holder: Hettie Thompson	Location: DocuSign
10/20/2022 8:36:26 AM	hettie.thompson@txdot.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Texas Department of Transportation	Location: DocuSign

**Signer Events**

Signature	Timestamp
Richard F. Cortez	Sent: 10/20/2022 8:43:44 AM
countyjudge@co.hidalgo.tx.us	Resent: 11/16/2022 2:22:13 PM
Hidalgo County Judge	Viewed: 11/16/2022 2:23:05 PM
Hidalgo County	

Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
 Accepted: 11/16/2022 2:23:05 PM  
 ID: 25510056-0602-4986-ab90-95817540be53

Kenneth Stewart  
 Kenneth.Stewart@txdot.gov  
 Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

**In Person Signer Events**

**Editor Delivery Events**

**Agent Delivery Events**

**Intermediary Delivery Events**

**Certified Delivery Events**

**Carbon Copy Events**

Griselda Saldivar  
 griselda.saldivar@txdot.gov  
 Project Manager  
 Texas Department of Transportation  
 Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

**COPIED**

Sent: 10/20/2022 8:43:44 AM  
 Viewed: 10/20/2022 8:44:46 AM

In Process

Carbon Copy Events	Status	Timestamp
--------------------	--------	-----------

Armando.Garzajr@co.hidalgo.tx.us

**COPIED**

Sent: 10/20/2022 8:43:45 AM

Armando.Garzajr@co.hidalgo.tx.us

Viewed: 10/20/2022 8:58:03 AM

Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Finance

FIN\_Local-Participation@txdot.gov

Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Sonya Ayers

Sonya.Ayers@txdot.gov

Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Letting

Daniel.Dargevics@txdot.gov

Security Level: Email, Account Authentication (Optional)

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

In Process

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
-------------------------	--------	------------

Envelope Sent	Hashed/Encrypted	10/20/2022 8:43:44 AM
---------------	------------------	-----------------------

Payment Events	Status	Timestamps
----------------	--------	------------

Electronic Record and Signature Disclosure
--

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Texas Department of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact Texas Department of Transportation:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [kevin.setoda@txdot.gov](mailto:kevin.setoda@txdot.gov)

### **To advise Texas Department of Transportation of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [kevin.setoda@txdot.gov](mailto:kevin.setoda@txdot.gov) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

### **To request paper copies from Texas Department of Transportation**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to [kevin.setoda@txdot.gov](mailto:kevin.setoda@txdot.gov) and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with Texas Department of Transportation**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to [kevin.setoda@txdot.gov](mailto:kevin.setoda@txdot.gov) and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"><li>• Allow per session cookies</li></ul>

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li></ul> |
|--|---|

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Texas Department of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Texas Department of Transportation during the course of my relationship with you.