

TxDOT:				Federal Highway Administration:	
CCSJ #	0921-02-194	AFA ID	Z00001707	CFDA No.	20.205
AFA CSJ #	0921-02-194 & ROW CSJ 0921-02-372			CFDA Title	Highway Planning and Construction
District #	PHR-21	Code Chart 64#	50109		
Project Name	Liberty Blvd, from Mile 3 to US 83			<i>AFA Not Used For Research & Development</i>	

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For
Metropolitan Mobility and Rehabilitation Project
Surface Transportation Program
Off-System**

AMENDMENT #1

THIS AMENDMENT is made by and between the State of Texas, acting through the **Texas Department of Transportation**, called the “State”, and the **Hidalgo County**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

In Process

WITNESSETH

WHEREAS, the parties executed a contract on **July 6, 2018** to effectuate their agreement to **widen Liberty Boulevard from US 83 to Mile 3 Road**; and,

WHEREAS, it has become necessary to amend that contract in order to **add funds for construction due to increase of construction estimates and revised the project limits**;

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

AGREEMENT

1. Attachment C, **Project Budget**, is deleted in its entirety and replaced with Attachment C-**1**, **Project Budget**, which is attached to and made a part of this Amendment. The total estimated cost of the Project **increased** by \$ **5,261,016**, from \$ **13,865,301** to \$ **19,126,317**, due to **increases of the construction estimates**.
2. The Agreement is amended to incorporate changes in federal and state provisions and requirements by adding Attachment D, **Replaced Articles of Agreement**, which is attached to and made a part of this Amendment.

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

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Signatory Warranty

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

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

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

 Signature
 Kenneth Stewart

 Typed or Printed Name
 Director of Contract Services

 Typed or Printed Title

 Date

 Signature
 Richard F. Cortez

 Typed or Printed Name
 County Judge

 Typed or Printed Title

 Date

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ATTACHMENT C-1 PROJECT BUDGET

Construction cost will be allocated based on 80% Federal funding, 18.2% State funding and 1.8% Local Government funding until the federal funding reaches the maximum obligation amount. The Local Government will be responsible for 100% of costs.

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.
Preliminary Engineering (by Local Government)	\$1,141,874	0%	\$0	0%	0%	\$0	100%	100%	\$1,141,874
Environmental (by Local Government)	\$58,126	0%	\$0	0%	0%	\$0	100%	100%	\$58,126
Right of Way (by Local Government) Cat 7	\$153,945	80%	\$123,156	0%	0%	\$0	20%	20%	\$30,789
Right of Way (by Local Government) Funded 100% Local	\$84,210	0%	\$0	0%	0%	\$0	100%	100%	\$84,210
Utilities (by Local Government) Cat 7	\$246,055	80%	\$196,844	0%	0%	\$0	20%	20%	\$49,211
Utilities (by Local Government) Cat 10	\$701,032	80%	\$560,826	0%	0%	\$0	20%	20%	\$140,206
Construction (by Local Government) Cat. 7	\$9,048,858	80%	\$7,239,086	0%	18.2%	\$1,646,892	20%	1.8%	\$162,879
Construction (by Local Government) Cat. 12	\$400,000	80%	\$320,000	0%	18.2%	72,800	20%	1.8%	\$7,200
Construction (by Local Government) Cat 7 CRRSAA	\$4,902,414	100%	\$4,902,414	0%	0%	\$0	0%	0%	\$0
Construction Engineering (Local Government) Cat 7	\$1,086,619	80%	\$869,295	0%	18.2%	\$197,765	20%	1.8%	\$19,559
Subtotal	\$17,823,133		\$14,211,621			\$1,917,457			\$1,694,055
Environmental Direct State Costs	\$45,000	0%	\$0	0%	0%	\$0	100%	100%	\$45,000
ROW Direct State Cost	\$15,000	0%	\$0	0%	0%	\$0	100%	100%	\$15,000
Engineering Direct State Costs	\$75,000	0%	\$0	0%	0%	\$0	100%	100%	\$75,000
Utility Direct State Costs	\$15,000	0%	\$0	0%	0%	\$0	100%	100%	\$15,000
ROW Direct State Cost (Division review and oversight)	\$40,000	0%	\$0	0%	0%	\$0	100%	100%	\$40,000
Construction Direct State Cost (State review and oversight of Construction Engineering)	\$293,320	0%	\$0	0%	0%	\$0	100%	100%	\$293,320
Indirect State Cost (4.60%)	\$819,864	0%	\$0	100%	100%	\$819,864	0%	0%	\$0
Subtotal	\$1,303,184		\$0			\$819,864			\$483,320
TOTAL	\$19,126,317		\$14,211,621			\$2,737,321			\$2,177,375

Initial payment by the Local Government to the State Received on 6.20.18: \$190,000
 Payment by the Local Government for Construction Direct State Cost Received 10.20.22: \$3,912

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Payment by the Local Government to the State 60 days prior to the date set for receipt of the construction bids: \$289,408
 Estimated total payment by the Local Government to the State: \$483,320

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

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**ATTACHMENT D
REPLACED ARTICLES OF AGREEMENT**

The following Article is deleted in its entirety from the Agreement and replaced:

Name of Article
Inspection of Books and Records

The above Article is replaced in the Agreement with the following:

Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.