

Contract No.:	D20408
Vendor No.:	0000054357
Control No.:	2104850

COOPERATIVE PROJECT AGREEMENT – CONSTRUCTION

The New Mexico Department of Transportation (Department), and the City of Roswell (Local Agency) enter into this Agreement for Federal Highway Administration (FHWA) funding under NMSA 1978, Section 67-3-28. This Agreement for Project Control No.: 2104850 is effective as of the date of the last party to sign it on the signature page.

1. Funding and Project Description.

- a. Funding for Construction Work is as follows:
 1. **FFY 2024 Highway Infra Off Bridge(HIOBP IIJA) Funds**
Department's 100.00% share
 Bridge rail and concrete repair. (Description as per STIP database, this agreement only pertains to the Construction Work portion of Project Control No. 2104850.)
 2. **The Total Project Funding for Construction Work** \$2,440,000
- b. Attached as Exhibit A is a table of data on funding as required by 2 CFR 200.331.
- c. The Local Agency shall provide all the work, labor, materials, and services necessary to perform the Project.
- d. The Local Agency is responsible for all Project costs that exceed federal funding.
- e. The Local Agency must repay certain federal funding to the Department if:
 1. The Project is cancelled.
 2. An audit determines an overpayment or federal funds were used for ineligible cost items.
 3. The construction of a road on a right-of-way acquisition is not undertaken within twenty (20) years after the fiscal year in which the funds are authorized.
 4. Acquisition of right-of-way or construction of the road for a preliminary engineering project is not undertaken within ten (10) years following the fiscal year in which the project is authorized.

The Local Agency must repay or establish a repayment plan for the federal funds within forty-five (45) days of notice from the Department.

2. Payment – Reimbursement.

The Department will reimburse the Local Agency upon receipt of reimbursement requests with supporting documentation and certification that costs have been incurred. Reimbursement requests may be submitted monthly or, at a minimum, quarterly. Expenses that are documented and determined to be eligible under 2 CFR Part 200 will be reimbursed based on the Local Agency's required Match. The final Project payment request must be submitted within thirty (30) calendar days of completion of (a) the PS&E package or (b) final payment to the contractor for Construction or Project Work and (c) prior to termination of this Agreement. The Department will not reimburse the Local Agency for costs incurred (a) prior to obligation of federal funding and the effective date of this Agreement; (b) after expiration of this Agreement; or (c) in excess of the federal funding identified in Section 1.

3. Federal, State and Department Requirements.

By entering into this Agreement, the Local Agency certifies and agrees to comply with any applicable Federal and State laws and regulations, and terms and conditions as set forth in:

- a. Title 23, U.S. Code Highways and its associated regulations