

RESOLUTION NO. 2788

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR DESIGN OF THE EAST BONITA STREET PROJECT.

WHEREAS, the Town of Payson entered into a Intergovernmental Agreement with the State of Arizona, Department of Transportation for the design of E. Bonita Street, from Highway 87 to S. Bentley Street, in July of 2013 (See Resolution 2727); and

WHEREAS, additional funds have become available for the design portion of this project; and

WHEREAS, the State of Arizona and the Town have negotiated an amendment to the Intergovernmental Agreement to allow the use of such funds,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Amendment No. One to Intergovernmental Agreement for Project number SZ068 01D/03D between the Town of Payson and the State of Arizona, a copy of which is attached as Exhibit A ("the First Amendment"), is approved in substantially the form attached.

Section 2. That Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute the First Amendment in substantially the form attached.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney

JUN 05 2014 2.2

**EXHIBIT A
TO
RESOLUTION 2788**

ADOT File No.: IGA/ JPA 13-000836-I
Amendment No. One: 14-0004125-I
AG Contract No.: P0012013 001617
Project: E. Bonita St. Phase II
Section: Highway 87 to S. Bentley St.
Federal-aid No.: PAY-0(203)T
ADOT Project No.: SZ068 01D/03D
TIP/STIP No.:PAY 13-01D(B)
CFDA No.: 20.205 - Highway Planning
and Construction
Budget Source Item No.: N/A

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON**

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"), entered into this date _____, 2014, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PAYSON, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The Town and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 13-0000836-I, A.G. Contract No. P0012013001617, was executed on July 5, 2013, (the "Original Agreement");

WHEREAS, the State is empowered by Arizona Revised Statutes § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

WHEREAS, the Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Amendment No. One and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the Town; and

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. One is to increase the funding of the Project. The Parties desire to amend the Original Agreement, as follows:

I. RECITALS**Section I. Paragraph 7. Is revised as follows:**

7. The federal funds will be used for the scoping/design of the Project. The estimated Project design costs are revised as follows:

SZ068 01D (ADOT Project Management & Design Review (PMDR) Cost Non-Federal aid):

State design review fee	\$ 10,000.00
Subtotal – PMDR Non-federal aid	\$ 10,000.00

SZ068 03D (scoping/design):

Federal-aid funds @ 94.3% (capped)	\$ 640,000.00
Town's match @ 5.7%	\$ 38,685.00
Subtotal – Scoping/Design**	\$ 678,685.00
TOTAL Estimated Project Cost	\$ 688,685.00
Total Estimated Town Funds*	\$ 48,685.00
Total Federal Funds	\$ 640,000.00

*(Includes non-federal aid PMDR Cost and scoping/design costs, received by ADOT)

** (Includes additional ADOT Project Management & Design Review (PMDR) Cost)

Consistent with the Original Agreement, the Town has been invoiced and has paid, to the State, a total of \$42,461.00. The State will invoice the Town for the Town's additional match estimated at \$6,224.00. Once the Project costs have been finalized, the State will either invoice or reimburse the Town for the difference between estimated and actual costs.

III. MISCELLANEOUS PROVISIONS**Section III, Paragraph 17. is added as follows:**

17 The Town acknowledges compliance with federal laws and regulations and may be subject to the Office of Management and Budget (OMB), Single Audit, Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Entities that expend \$500,000.00 or more (prior to 12/26/14) and \$750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine(9) months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. ONE shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

IN ACCORDANCE WITH Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each Party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

TOWN OF PAYSON

STATE OF ARIZONA

Department of Transportation

By _____
KENNY EVANS
Mayor

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
SILVIA SMITH
Clerk

ATTORNEY APPROVAL FORM FOR THE TOWN OF PAYSON

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF PAYSON, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. One.

DATED this _____ day of _____, 2014.

Town Attorney