

AMENDMENT TO CONTRACT 22-5349

DA
Control Section STU 81000
Job Number 205591CON
Project 22A0722
CFDA No. 20.205 (Highway
Research Planning &
Construction)
Contract No. 22-5527

THIS AMENDATORY CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF ANN ARBOR, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to this Amendment to CONTRACT #22-5349.

WITNESSETH:

WHEREAS, the parties to the Amendment have heretofore, by a Contract dated August 29, 2022, hereinafter referred to as "CONTRACT 22-5349" provided for the construction and financing of that which is hereinafter referred to as the "PROJECT" and is described as follows:

PART A – FEDERAL PARTICIPATION

Hot mix asphalt cold milling and resurfacing, grading, aggregate base, subbase, clearing, concrete curb and gutter, sidewalk and curb ramps, concrete pavement with integral curb, storm sewer, permanent signing including rectangular rapid flashing beacons and permanent pavement markings along Scio Church Road from S Seventh Street to S Maple Road; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Water main, audio-visual recording, fire hydrant assembly and underground sprinkling systems along the limits as described in PART A; and all together with necessary related work.

WHEREAS, the DEPARTMENT and the REQUESTING PARTY having appropriate authority desire to amend CONTRACT 22-5349 to provide for the revised funding in the estimated PROJECT COST.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that:

1. Section 5 of CONTRACT 22-5349 is revised to read as follows:

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Flex Funds in combination with Federal Surface Transportation Ann Arbor Urban Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$1,112,449, or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract with Federal Surface Transportation Flex Funds limited to \$738,048 and used first. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

2. EXHIBIT I of CONTRACT 22-5349 is superseded by EXHIBIT I REVISED, dated November 14, 2022, attached hereto and made a part hereof. Any references to EXHIBIT I in CONTRACT 22-5349 shall be construed to mean EXHIBIT I REVISED.

3. Except as amended by the provisions herein, all of the provisions, covenants, and obligations of the parties contained in CONTRACT 22-5349 shall remain in full force and effect.

4. The REQUESTING PARTY waives any and all claims it has or may have against the DEPARTMENT which arise out of the need to amend CONTRACT 22-5349.

5. This Amendatory contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto; upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF ANN ARBOR

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title: Christopher Taylor, Mayor

By _____
Department Director MDOT

By _____
Title: Jacqueline Beaudry, City Clerk



Approved as to substance

Brian Steglitz, Interim Public Service Area Administrator

Milton Dohoney Jr., City Administrator

Approved as to Form and Content

Atleen Kaur, City Attorney

November 14, 2022

EXHIBIT I REVISED

CONTROL SECTION STU 81000
JOB NUMBER 205591CON
PROJECT 22A0722

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$3,389,000	\$187,100	\$3,576,100

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$3,389,000	\$187,100	\$3,576,100
Less Federal Funds*	<u>\$1,112,449</u>	<u>\$ 0</u>	<u>\$1,112,449</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$2,276,551	\$187,100	\$2,463,651

*Federal Funds for the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT