

RESOLUTION NO. 38-15

A RESOLUTION AMENDING AN AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR WORK ON THE I-70 AT HORIZON DRIVE (EXIT 31) INTERCHANGE IMPROVEMENTS PROJECT, AUTHORIZING CITY MATCHING FUNDS AND AUTHORIZING THE CITY MANAGER TO SIGN AMENDMENT #1 TO THE APRIL 23, 2014 INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION

Recitals:

The City has requested funds from the Colorado Department of Transportation's (CDOT) Responsible Acceleration of Maintenance and Partnerships (RAMP) program to construct two roundabouts at the ramp termini replacing the three signals improving not only vehicular traffic circulation but also bike and pedestrian access and safety.

RAMP program funds were awarded by CDOT for the project and are documented through an Intergovernmental Agreement (IGA) between the Colorado Department of Transportation (CDOT) and the City of Grand Junction dated April 23, 2014. The Project Number is PROJECT NHPP 0701-223 (19911) and is referred to as RAMP 3-24. Based on actual bids received the April 23, 2014 IGA is revised by this IGA Amendment #1 increasing the City's participation in the construction phase to \$1,412,950. Including ROW, the total City contribution of matching funds is \$1,708,650 toward the \$6,608,000 project.

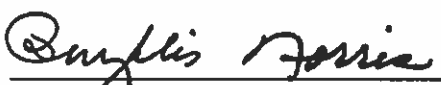
Pursuant the IGA Amendment #1, should the final construction cost be less than the estimated construction amount, the State shall reimburse the City 100% up to \$553,630, and thereafter 20% of any savings above that amount.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

State RAMP program funds in the amount of \$4,623,000 awarded toward the I-70 at Horizon Drive (Exit 31) Interchange Improvements Project are hereby accepted and that the City Manager is hereby authorized to expend \$1,708,650 in matching funds for the project and specifically \$1,412,950 towards construction. The City Manager is authorized to execute and enter into the Intergovernmental Agreement with the Colorado Department of Transportation.

PASSED AND APPROVED this 19th day of August, 2015.




Phyllis Norris
President of the Council

AGREEMENT AMENDMENT

Amendment No.: 1	Original Agreement Routing No.: NA	Amendment Routing No.: 14-HA3-XC-00177
---------------------	---------------------------------------	---

- 1. PARTIES**

This Amendment to the above-referenced Original Agreement (hereinafter called the "Agreement") is entered into by and between City of Grand Junction (hereinafter called "Contractor"), and the STATE OF COLORADO (hereinafter called the "State") acting by and through the Department of Transportation, (hereinafter called "CDOT").
- 2. EFFECTIVE DATE AND ENFORCEABILITY**

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.
- 3. FACTUAL RECITALS**

The Parties entered into the Agreement to construct the I-70 Exit 31 Roundabouts and Intersection Improvements.

The Parties agree to increase the Local Agency contribution by \$362,950.00, bringing the total cost of Local Agency contribution to the work to an amount not to exceed \$1,412,950.00.
- 4. CONSIDERATION – COLORADO SPECIAL PROVISIONS**

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The Parties agree to replacing the Colorado Special Provisions with the most recent version (if such have been updated since the Agreement and any modification thereto were effective) as part consideration for this Amendment.
- 5. LIMITS OF EFFECT**

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.
- 6. MODIFICATIONS**

The Amendment and all prior amendments thereto, if any, are modified as follows:

 - a. Section 4., B is deleted in its entirety and replaced with the following:

B. The Contribution shall not exceed \$1,412,950.00
Construction Phase
Local Agency Contribution **\$1,412,950.00.**
 - b. Section 4., C is deleted in its entirety and replaced with the following:

C. Should the final construction cost be less than the estimated construction amount, the State shall reimburse the Local Agency 100% up to \$553,630.00, and thereafter 20% of any savings above that amount. Savings are defined as any amount less than the bid amount.
- 7. EFFECTIVE DATE OF AMENDMENT**

The effective date hereof is upon approval of the State Controller or their delegate.
- 8. ORDER OF PRECEDENCE**

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Agreement or any amendment shall always control other provisions in the Agreement or any amendments.
- 9. AVAILABLE FUNDS**

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

* Persons signing for The Local Agency hereby swear and affirm that they are authorized to act on The Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

STATE OF COLORADO John W. Hickenlooper, GOVERNOR	
THE LOCAL AGENCY City of Grand Junction By: _____ Title: _____ _____ *Signature Date: _____	Colorado Department of Transportation Shallen P. Bhatt, Executive Director By: Joshua Laipply, P.E., Chief Engineer Date: _____
2nd The Local Agency Signature (if Needed) By: _____ Title: _____ _____ *Signature Date: _____	LEGAL REVIEW Cynthia H. Coffman, Attorney General By: Assistant Attorney General Date: _____

ALL AGREEMENTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The Local Agency is not authorized to begin performance until such time. If The Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay The Local Agency for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Colorado Department of Transportation Date: _____
--