

ADOT CAR No.: IGA 22-0009021-I
Amendment No. One: 25-0011070-I
AG Contract No.: P0012023000077
Project Location/Name: City of Yuma;
Various Citywide Locations
Type of Work: Pedestrian Hybrid Beacons
Federal-aid No.: HSIP-YUM-0(225)T
ADOT Project No.: T0410 01D/03D/01C
TIP/STIP No.: YU-23-07D
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.: 101668

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF YUMA

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the “Amendment No. One”), is entered into this date _____, pursuant to Arizona Revised Statutes (“A.R.S.”) §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the “State” or “ADOT”) and the CITY OF YUMA, acting by and through its MAYOR and CITY COUNCIL (the “City”). The State and the City are each individually referred to as a “Party” and are collectively referred to as the “Parties.”

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 22-0009021-I, A.G. Contract No. P0012023000077, was executed on March 3, 2023, (the “Original Agreement”);

WHEREAS, the State is empowered by A.R.S. § 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 City is empowered by A.R.S. § 48-572 to enter into this Amendment No. One and has by resolution, if required, a copy of which is attached and made a part of, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to revise the Project by reducing the number of locations from five to four and to increase design costs; Exhibit A is revised and replaced accordingly. The Parties desire to amend the Original Agreement, as follows:

The Parties incorporate the paragraphs set forth above as part of the body of this Amendment No. One.

I. RECITALS

3. The work proposed under this Agreement consists of installing Pedestrian Hybrid Beacons (PHBs), which includes installing new wire and signal poles, at the following two locations: 24th Street and 6th Avenue, and Giss Parkway between 1st Avenue and Madison Avenue, (the "Project"). The Project cost, shown in Exhibit A, is estimated at \$2,213,098, which includes federal aid and the local agency's costs. The State will administer the design, and the State will advertise, bid and award, and administer the construction of the Project.

II. SCOPE OF WORK

(NO CHANGES)

III. MISCELLANEOUS PROVISIONS

(NO CHANGES)

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

Remainder of this page is intentionally left blank.

(Signatures begin on the next page)

THIS AMENDMENT NO. ONE shall become effective upon the full completion of signing and dating by all Parties to this Amendment No. One.

IN ACCORDANCE WITH A.R.S. § 11-952 (D), the written determination of each Party's legal counsel providing 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 is set forth below.

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

CITY OF YUMA

By _____ Date _____
JOHN D. SIMONTON
Acting City Administrator

ATTEST:

By _____ Date _____
LYNDA L. BUSHONG
City Clerk

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 City of Yuma, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 48-572 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the City 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.
Approved as to Form:

By _____ Date _____
RICHARD W. FILES
City Attorney

ARIZONA DEPARTMENT OF TRANSPORTATION

By _____ Date _____
AUDRA MERRICK
Infrastructure Delivery and Operations Division
Division Director

By _____ Date _____
GREG BYRES
Deputy Director for Transportation
State Engineer

This Amendment No. One, an Agreement between public agencies, the State of Arizona and the City of Yuma has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 28-401 by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona. No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Amendment No. One.

By _____ Date _____
Assistant Attorney General

EXHIBIT A
City of Yuma; Various Citywide Locations
Cost Estimate

IGA: 22-0009021-I
Amendment No. One: 25-0011070-I

T0410 01D/03D/01C

The Project costs are estimated as follows:

	Original Executed Date: March 3, 2023	Amend #1 Pending	AMENDED TOTAL
<u>ADOT Project Development Administration (PDA) Cost:</u>			
Federal-aid funds @ 100%	\$ 60,000		\$ 60,000
<u>Scoping/Design:</u>			
Federal-aid funds @ 100%	\$ 213,000		\$ 213,000
Local Agency's costs @ 100%*	\$ -	\$ 197,754	\$ 197,754
Subtotal - Scoping/Design/PDA	\$ 273,000	\$ 197,754	\$ 470,754
<u>Construction:**</u>			
Federal-aid funds @ 100%	\$ 1,742,344	\$ -	\$ 1,742,344
Estimated TOTAL Project Cost	\$ 2,015,344	\$ 197,754	\$ 2,213,098
Total Estimated Local Agency Funds	\$ -	\$ 197,754	\$ 197,754
Total Federal Funds	\$ 2,015,344	\$ -	\$ 2,015,344

*(The local agency has been invoiced and paid the design costs of \$ 197,754 per the terms of the original agreement)

**(Includes a minimum 20% construction engineering (CE) and administration cost (this percentage is subject to change, any change will require concurrence from the Local Agency) and 5% Project contingencies)