

# Copy in lieu of original

Resolution #580-2023  
Contract #-297-2023

AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
ROSEMONT GARDEN SIDEWALKS  
SC-628-1700004171  
SYP ITEM # 07-03219.00  
SUPPLEMENTAL AGREEMENT NO. 4

This Amendment made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Lexington-Fayette Urban County Government (RECIPIENT) acting as an amendment to the Agreement entered into between the parties dated May 17, 2017.

WHEREAS, on May 17, 2017, the parties hereto entered into an agreement for the Rosemont Garden Sidewalks; and

WHEREAS, the parties desire to amend said agreement;

NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Budget and Scope of Work of Agreement numbered SC-628-1700004171 is hereby modified as show on Attachment A;
2. The project end date for the Agreement numbered SC-628-1700004171 is hereby extended to December 31, 2024;
3. All other terms and conditions of SC-628-1700004171 shall remain in effect.

IN WITNESS WHEREOF, the parties have hereto caused these presents to be executed by their officers thereunto duly authorized:

**Kentucky Transportation Cabinet:**

Approved as to form & legality:

\_\_\_\_\_  
Attorney  
Transportation Cabinet

Date: \_\_\_\_\_

**Lexington-Fayette Urban County Government:**

Approved as to form & legality:

\_\_\_\_\_  
Attorney

Date: \_\_\_\_\_

Commonwealth of Kentucky

\_\_\_\_\_  
Jim Gray, Secretary  
Transportation Cabinet

Date: \_\_\_\_\_

*Linda Denton*  
\_\_\_\_\_  
Mayor

Date: 10/31/2023

**ATTACHMENT A  
SCOPE OF WORK AND BUDGET**

**RECIPIENT UEI: VM1GLHWZXA96**

**SCOPE OF WORK:**

This supplemental agreement modifies the original budget to include an additional \$52,000 in dedicated STP (SLX) funding for construction activities.

**BUDGET:**

		Federal Funds (TAP)	Federal Funds (SLX)	Local Funds	State Match	Total
<b>ORIGINAL MOA (MAY 17, 2017)</b>	Design Phase Funding: LFUCG Program# 9241701D	\$100,000.00	-	\$25,000.00	-	\$125,000.00
	Design Phase Funding: Cabinet Program# 9241702D	\$10,000.00	-	-	\$2,000.00 (toll credits)	\$10,000.00
<b>SUPPLEMENTAL AGREEMENT NO. 1 (January 7, 2021)</b>	Design Phase Funding: LFUCG Program# 9241701D	-\$11,200.00	-	-\$2,800.00	-	-\$14,000.00
	Design Phase Funding: Cabinet Program# 9241702D	-\$1,120.00	-	-	-\$112.00 (toll credits)	-\$1,120.00
	RW Phase Funding: LFUCG Program# 9241701R	+\$11,200.00	-	+\$2,800.00	-	+\$14,000.00
	RW Phase Funding: Design Program# 9241702R	+\$1,400.00	-	-	+\$350.00 (state funds)	+\$1,750.00
<b>SUPPLEMENTAL AGREEMENT NO. 2 (November 9, 2022)</b>	Design Phase Funding: LFUCG Program# 9241701D	-\$39,864.01	-	-\$9,966.00	-	-\$49,830.01
	RW Phase Funding: LFUCG Program# 9241701R	-\$3,792.00	-	-\$948.00	-	+\$4,740.00

	RW Phase Funding: Design Program# 9241702R	-\$1,400.00	-	-	-\$350.00 (state funds)	-\$1,750.00
	Construction Phase Funding: LFUCG Program# 9241701C	+\$43,656.01	+\$312,000.00	+\$88,914.00	-	+\$444,570.01
	Construction Phase Funding: Cabinet Program# 9241702C	-	+\$28,800.00	-	+\$7,200.00 (state funds)	+\$36,000.00
<b>SUPPLEMENTAL AGREEMENT NO. 3 (April 3, 2023)</b>	Construction Phase Funding: LFUCG Program# 9241701C	-	+\$136,000.00	+\$34,000.00	-	+\$170,000.00
<b>SUPPLEMENTAL AGREEMENT NO. 4 (CURRENT)</b>	Construction Phase Funding: LFUCG Program# 92417	-	+\$52,000.00	+\$13,000.00	-	+\$65,000.00
<b>TOTAL DESIGN PHASE FUNDING LPA</b>		<b>\$48,935.99</b>	<b>-</b>	<b>\$12,234.00</b>	<b>-</b>	<b>\$61,169.99</b>
<b>TOTAL DESIGN PHASE FUNDING KYTC</b>		<b>\$8,880.00</b>	<b>-</b>	<b>-</b>	<b>\$2,220.00</b>	<b>\$8,880.00</b>
<b>TOTAL RIGHT OF WAY FUNDING LPA</b>		<b>\$7,408.00</b>	<b>-</b>	<b>\$1,852.00</b>	<b>-</b>	<b>\$9,260.00</b>
<b>TOTAL RIGHT OF WAY FUNDING KYTC</b>		<b>\$1,400.00</b>	<b>-</b>	<b>-</b>	<b>\$350.00</b>	<b>\$1,750.00</b>
<b>TOTAL CONSTRUCTION FUNDING- LPA</b>		<b>\$43,656.01</b>	<b>\$500,000.00</b>	<b>\$135,914.00</b>	<b>-</b>	<b>\$679,570.01</b>
<b>TOTAL CONSTRUCTION FUNDING- KYTC</b>		<b>-</b>	<b>\$28,800.00</b>	<b>-</b>	<b>\$7,200.00</b>	<b>\$36,000.00</b>

All federally-funded projects are set up in phases (design, ROW, utilities, construction). No work can begin on any phase of a project until the CABINET provides a written notice to proceed for that phase. Funding for this project will be programmed with FHWA as each phase is approved. Effective December 26, 2014, FHWA requires a project end date for each federal project phase programmed. As each phase of the project is programmed with FHWA a supplemental agreement will be sent to the project sponsor to add the funding and adjust the project end date. Any expenditure incurred by the project sponsor after the end date will not be eligible for reimbursement. If the project sponsor requires an extension, they must notify the Administering Office thirty (30) days before the project end date.

**ATTACHMENT B**

**ATTACH A RESOLUTION HERE**

A resolution authorizing the Mayor or Judge/Executive to sign this agreement is necessary if funds are being added or removed from a project or the original terms and conditions are being altered. An acceptable Resolution shall contain the **project name, description, and amount of funds being provided by the Agreement.** If the Resolution does not contain this information, the Agreement will be returned to the Recipient for correction.

An example resolution can be found at:

<https://transportation.ky.gov/Program-Management/Documents/LPA1%20-%20Attach%20%20-%20Sample%20Resolution.pdf>

**ATTACHMENT C  
PERSON IN RESPONSIBLE CHARGE FORM**

If the Person in Responsible Charge has changed since the execution of the original MOA, please attach a new form as Attachment C.

The form can be accessed at: <https://transportation.ky.gov/Program-Management/Documents/LPA1%20-%20Attach%203%20-%20Person%20in%20Responsible%20Charge%20Form.docx>.

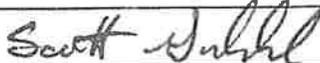
If a new form is unnecessary, no Attachment C will be required with this Supplemental Agreement.

R-615-2020  
C-257-2020

**PERSON IN RESPONSIBLE CHARGE** Rosemont Garden Sidewalks / Item No. 7-3219

Upon federal-aid project delegation to the RECIPIENT by the CABINET, the undersigned hereby certifies the following, to the best of his or her knowledge and belief, on behalf of the RECIPIENT:

1. Pursuant to 23 CFR 635.105(c) (4), the RECIPIENT acting as a subrecipient of federal transportation funds must provide an employee of that agency, who is available full time, to be in responsible charge of the PROJECT. The individual in responsible charge of the PROJECT is held accountable for ensuring that all applicable Federal and State regulations are followed on the PROJECT. This person will have the authority and resources to manage the PROJECT and will be the primary point of contact with the CABINET. This person may be the project engineer provided that the project engineer is a full-time employee of the RECIPIENT. If the project engineer is a consultant, the person in responsible charge must be a full-time employee of the RECIPIENT.
2. The undersigned and the designated RECIPIENT's person in responsible charge of this PROJECT has read and understands the contract administration and inspection responsibilities described in the CABINET's *Federal-Aid Highway Program Project Development Guide for Local Public Agencies* (LPA Guide).
3. The undersigned will carry out this PROJECT in accordance with the applicable Federal and State laws and associated regulations identified in the LPA Guide.
4. The undersigned will enforce compliance with the above-mentioned laws, regulations, policies, and guidelines by its consultants, contractors, and subcontractors.
5. The undersigned certifies the designated person in responsible charge will:
  - Have the ability to visit the PROJECT or attend meetings related to the PROJECT as needed.
  - Be responsible for ensuring that the PROJECT is delivered on time in accordance with established milestones and the terms of the contract between the RECIPIENT and the CABINET.
6. In accordance with the requirements outlined above, RECIPIENT has selected the following individual as the person in responsible charge for the PROJECT:

Name: Scott Gabbard, P.E.	Position with RECIPIENT: Municipal Engineer Sr.
E-mail: sgabbard@lexingtonky.gov	Phone: 859 258-3437
Signature: 	

7. Should the RECIPIENT require a change to the Person in Responsible Charge, they will notify the CABINET, designate a new Person in Responsible Charge, and resubmit this form within 7 days of the change.

  
Linda Gorton, Mayor

  
Date