

AGREEMENT BETWEEN
THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET
AND
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
OLD FRANKFORT PIKE SCENIC BYWAY VIEWING AREA
FED PROJ# 4003-001/AUTH# 90078
CONTRACT# 1500003392/ITEM# 07-03201
PROJECT AWARD: \$603,120
AUTHORIZED PHASE/AMOUNT: DESIGN \$50,000 (Approved 04/02/15)
AUTHORIZED PHASE/AMOUNT: CONSTRUCTION \$553,120 (Approved 11/27/2017)
AUTHORIZED AMOUNT: FD39 MATCH FUNDS (Approved 3/6/2018)

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 that Agreement entered into between the parties dated **April 2, 2015**.

WHEREAS, on **April 2, 2015**, the parties hereto entered into an agreement for the **Old Frankfort Pike Scenic Byway Viewing Area**; 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. All requirements for the Construction Phase, including the programming of the funding, have been met. (PDC filed).
2. This amendment adds Construction Funding in the amount of **\$544,320** to the project budget and documented on Attachment A.
3. This amendment adds FD39 Funding in the amount of **\$92,280** to the project budget to serve as partial match, documented on Attachment A. The 20% local match obligation will first be met with local property donation, valued at **\$58,500**. After the property match has been depleted, the FD39 funds will serve as the remaining match.
4. The Agreement numbered **PO2-628- 1500003392** made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient is hereby extended until **June 30, 2019** at which time that Agreement shall expire;
5. All other terms and conditions of **PO2-628-1500003392** 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 _____

Greg Thomas, Secretary
Transportation Cabinet

Date _____

Local Public Agency

Approved as to form & legality:

Attorney
**Lexington-Fayette Urban County
Government**

Date _____

Mayor

Date _____

ATTACHMENT A

SCOPE OF WORK AND BUDGET SUMMARY

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.

Construct a visitor viewing area at the intersection of Old Frankfort Pike and Alexandria Drive in Lexington.

Supplemental #C – Adds programmed Construction Funding.

Supplemental #C Updated Attachment A

| Phase of Work | Federal Funds | Match | Total per phase |
|------------------------------------|---------------|------------|-----------------|
| Design (Civil Engineering) | \$38,800 | \$9,700 | \$48,500 |
| Design (Historical, Cultural) | \$20,000 | \$5,000 | \$25,000 |
| Property Value | \$0 | \$0 | \$0 |
| Construction | \$544,320 | \$136,080 | \$628,900** |
| <i>Est Completed Project Total</i> | \$603,120 | \$150,780* | \$753,900 |

Only Federal awarded funds

***Match will be met first with property, valued at \$58,500, and then FD39 funds in the amount of \$92,280 for a total potential match of \$150,780.**

**

- a. Upon acceptance of a successful bid: if the construction bid is below the estimate/available funds, the federal award for construction will be reduced to equal the federal portion of the bid amount.**
- b. Excess funds that result from a lower bid, are not available for any activity not in the original project application/scope.**
- c. A final budget will be calculated and adjusted after a successful bidder has been awarded.**