

**AMENDMENT TO THE AGREEMENT BETWEEN
KENTUCKY TRANSPORTATION CABINET
AND THE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (DUNS # 020428777)
WILSON DOWNING SIDEWALKS/ ITEM NO. 07-03216.00 (SIDEWALK) & 07-03216.10 (BRIDGE)
SC-628-1700004178**

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 May 17, 2017.

WHEREAS, on May 17, 2017, the parties hereto entered into an agreement for the Wilson Downing Sidewalks Project; 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-628-1700004178 is hereby modified as show on Attachment A;
2. All other terms and conditions of SC-628-1700004178 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:

Commonwealth of Kentucky

Attorney
Transportation Cabinet

Jim Gray, Secretary
Transportation Cabinet

Date: _____

Date: _____

Lexington-Fayette Urban County Government:

Approved as to form & legality:

Attorney

Linda Gorton

Mayor

Date: _____

Date: 2/1/2022

**ATTACHMENT A
 SCOPE OF WORK AND BUDGET**

Scope of Work:

The scope of work of this project includes PE, environmental, design and Right-of-Way activities for approximately 6,000 feet of sidewalk to connect various sections of sidewalk along Wilson Downing Road and the replacement of a deteriorated westbound lane bridge section of Wilson Downing Road Bridge across West Hickman Creek.

This supplemental agreement corrects the Attachment A budget table to show the initial Design phase funding of \$80,000 for LFUCG and \$5,000 for KYTC state forces authorized under the Original MOA as Transportation Alternatives (TAP) funding, instead of Congestion Mitigation and Air Quality (CMAQ), and correct the program numbers for the SLX design phase funding authorized in Supplemental Agreement No. 1 in the amount of \$55,000 for LFUCG from 9381103D to 9237103D and the SLX KYTC state forces funding in the amount of \$5,000 from 9381104D to 9237104D.

Budget:

		Federal Funds (TAP)	Federal Funds (CMAQ)	Federal Funds (SLX)	Local Funds	Toll Credits	Total
Original MOA May 17, 2017	Design Phase Funding: LFUCG Program# 9237101D	\$80,000.00	-	-	\$20,000.00	-	\$100,000.00
	Design Phase Funding: Cabinet Program# 9237102D	\$5,000.00	-	-	-	\$1,000.00	\$5,000.00
Supplemental Agreement No. 1 (March 14, 2018)	Design Phase Funding: LPA Program# 9237103D	-		\$55,000.00	\$13,750.00	-	\$68,750.00
	Design Phase Funding: Cabinet Program# 9237104D	-		\$5,000.00	-	\$500.00	\$5,000.00

Supplemental Agreement No. 2 (Current)	R/W Phase Funding: LPA Program# 9237101R	-	+\$8,000.00	-	+\$2,000.00	-	+\$10,000.00
	R/W Phase Funding: Cabinet Program# 9237102R	-	+\$1,000.00	-	-	+\$200.00	+\$1,000.00
Design Phase Total for LPA		\$80,000.00		\$55,000.00	\$33,750.00	-	\$168,750.00
Design Phase Total for Cabinet		\$5,000.00	-	\$5,000.00	-	\$1,500.00	\$10,000.00
R/W Phase Total for LPA		\$8,000.00	\$8,000.00	-	\$2,000.00	-	\$10,000.00
R/W Phase Total for Cabinet		\$1,000.00	\$1,000.00	-	-	\$200.00	\$1,000.00

**ATTACHMENT B
ATTACH A RESOLUTION HERE**

The RECIPIENT will pass a resolution authorizing the Mayor to sign this Agreement on behalf of the RECIPIENT. An acceptable Resolution shall contain the project name, description, amount of funds being provided. By accepting the funds, the RECIPIENT agrees to all terms and conditions stated in the Agreement. A copy of the resolution shall be attached here and made a part of this Agreement.

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3 WITH THE KENTUCKY TRANSPORTATION CABINET, FOR ACCEPTANCE OF ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$8,000.00 FOR THE WILSON DOWNING SIDEWALKS PROJECT, THE ACCEPTANCE OF WHICH DOES NOT OBLIGATE THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF FUNDS.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute Supplemental Agreement No. 3, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$8,000.00 for Wilson Downing Sidewalks Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: January 27, 2022



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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**ATTACHMENT C
PERSON IN RESPONSIBLE CHARGE**

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.

PERSON IN RESPONSIBLE CHARGE

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: <u>Tyson Pelkofer, P.E.</u>	Position with RECIPIENT: <u>MAN. ENG. SR.</u>
E-mail: <u>tpelkofer@lexingtonky.gov</u>	Phone: <u>859-258-3478</u>
Signature: <u>Tyson Pelkofer</u>	

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 Horton 2/1/2022
Mayor Date