

PUBLIC WORKS & UTILITIES COMMITTEE

14-0185R

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MNDOT AGREEMENT NO. 94505 FOR PRELIMINARY ENGINEERING AND ENVIRONMENTAL DOCUMENTATION FOR THE MUNGER TRAIL EXTENSION.

CITY PROPOSAL:

THE CITY COUNCIL FINDS:

- (a) That MNDOT has a contract with the city identified as MNDOT Contract No. 94505 for MNDOT to act as the city's agent in accepting federal aid funds for this project; and
- (b) That the agreement is being amended to extend the amount of time needed to complete the work. Heavy rains and subsequent flooding which occurred in 2012 delayed completion of this project. In addition, funding is being added to the contract for final design of phases 2 and 4; and
- (c) MNDOT and the city are willing to amend the contract as stated below.

RESOLVED, that the contract be amended to show Cindy Voigt as the city authorized representative.

FURTHER RESOLVED, that the original contract amount is changed from \$500,000 to \$706,000. Of this total, \$564,800 (80%) is to be paid from federal funds and \$141,200 (20%) will be paid from capital funds.

FURTHER RESOLVED, that the term of the agreement be changed from five to

seven years from the effective date.

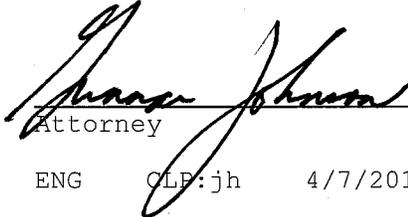
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

ENG CLP:jh 4/7/2014

STATEMENT OF PURPOSE: Federal funding is being used for the preliminary engineering for the Munger (Cross City) Trail. As a result, MNDOT has an agreement with the city of Duluth to act as our agent for the federal funds. This addendum allows the term of the contract to be extended for two years, increases the contract total amount to \$706,000, and changes the authorized representative on the contract itself.



**Minnesota Department of Transportation**

**State Aid for Local Transportation**

395 John Ireland Boulevard, MS 500

Saint Paul, MN 55155

April 7, 2014

Cindy Voigt  
411 West First Street  
211 City Hall  
Duluth, MN 55802

**SUBJECT: SP 118-090-014, HPPH H146(001))  
Preliminary Engineering for Munger trail extension  
Agency Agreement No. 94505 Amendment no. 1**

Dear Ms. Voigt:

Attached are four copies of the agency agreement amendment between the City of Duluth and MnDOT, which allows for MnDOT to act as the City's agent in accepting federal aid in connection with the above referenced project.

Please review and if approved, have all four copies signed. A City Council resolution similar to the example attached, must be passed. The certified resolution should then be placed as the last page in **each** of the four copies of the agreement. Please verify that the person/title authorized to sign as stated in the resolution, corresponds to the signature (person/title) on the signature page. Please return all four copies of the agreement to me for MnDOT signatures. A fully executed copy will be returned to you. If you have any questions or need any revisions, please feel free to contact me at 651.366.3822.

Sincerely,

  
Lynnette Roshell, PE  
Project Development Engineer

Enclosures

cc: Walter Leu--DSAE  
File

An Equal Opportunity Employer



**AMENDMENT No. 1 TO MnDOT AGREEMENT No.: 94505.**

Contract Start Date:	<u>06/05/2009</u>	Original Contract Amount:	<u>\$500,000.00</u>
Orig. Contract Exp. Date:	<u>06/05/2014</u>	Prev. Amendment(s) Total:	<u>\$0.00</u>
		Current Amendment	
Amended Exp. Date	<u>06/05/2016</u>	Amount:	<u>\$206,000.00</u>
		Current Contract Total	<u>\$706,000.00</u>

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Project Identification :	<u>Preliminary Engineering and environmental documentation for the Munger Trail Extension.</u>		
State Project (SP):	<u>118-090-014</u>	Federal Project	<u>HPPH H146(001)</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Transportation ("MnDOT") and the City of Duluth ("City").

**Recitals**

1. The MnDOT has a contract with the City identified as MnDOT Contract Number 94505 ("Original Contract") for MnDOT to act as the City's agent in accepting federal aid funds for this project.
2. The agreement is being amended to extend the amount of time needed to complete the work as well as increase the amount of the contract. The heavy rains and subsequent flooding which occurred in 2012 revised city priorities and delayed completion of this project.
3. The MnDOT and the City are willing to amend the Original Contract as stated below.

**Contract Amendment**

In this Amendment deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

**REVISION 1.** Article I.B. ELIGIBILITY/COSTS. is amended as follows;

- B. The estimated cost of the Preliminary Engineering is ~~\$500,000~~ \$706,000.
1. It is anticipated that 80% ( up to ~~\$400,000~~ \$564,800) of the cost of the Preliminary Engineering is to be paid from federal funds made available by the FHWA....

**REVISION 2.** Article III. AUTHORIZED REPRESENTATIVES. is amended as follows;

- A. The City authorized representative is ~~Kimberly Sannes~~ Cindy Voigt, 411 West First Street, 211 City Hall, Duluth, MN 55802, phone 218.730.~~5056~~5200, or her successor.

**REVISION 3.** Article VII. TERM OF AGREEMENT is amended as follows;

This agreement will be effective upon execution of the city and appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect for ~~five (5)~~ seven (7) years from the effective date or until all obligations set for the in this agreement have been satisfactorily fulfilled, whichever occurs first.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.