

NORTH CAROLINA  
WAKE COUNTY

**3<sup>rd</sup> SUPPLEMENTAL AGREEMENT**

DATE: 7/15/2021

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: U-5537

AND

WBS ELEMENTS: PE 44112.1.F1

ROW 44112.2.1

TOWN OF APEX

CON 44112.3.1

OTHER FUNDING: 15B.22.33

FEDERAL-AID #: STPDA-0501(34)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$200,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Apex, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 1/30/2014, entered into a certain Project Agreement for the original scope: the widening of Lake Pine Drive to 3 lanes, 10' wide asphalt multi-use path on east side, 5' wide concrete sidewalk on west side and hi-visibility crosswalk with refuge area at Versailles Drive in Apex., programmed under Project U-5537; and,

WHEREAS, the Department and the Municipality on 2/17/2016, entered into a supplemental Project Agreement to include the construction phase and additional funds; and,

WHEREAS, CAMPO allocated additional funding on 3/4/2021 to complete the Project; and,

WHEREAS, the Department has allocated additional funding to repair and replace an aging culvert;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

## SCOPE

As part of widening Lake Pine Drive, the existing pipes that carry Williams Creek under the roadway will be replaced with a double box culvert.

## FUNDING

The Department's original participation was \$2,133,827. The Department will reimburse 100% of costs related to the culvert replacement up to \$200,000, using non-FEMA/FHWA Emergency and Electrical funds. The Municipality will need to track costs associated with culvert replacement and identify said costs on project documents and reimbursement requests. Specific line items that would be eligible for construction include:

Line Item	Description
122	REMOV EXIST STR -L- STA 19+27.00
123	CULV EXCAV @ -L- STA 19+27.00
124	FOUNDATION COND. MTL, BOX CULVERT
125	CLASS A CONCRETE (CULVERT)
126	REINF STEEL (CULVERT)
127	RIP RAP, CLASS II (2'-0" THICK)

Costs for the culvert replacement that exceed \$200,000 may be reimbursed out of Federal funds and non-federal match.

### REVISED FUNDING TABLE

Phase of Work	Federal / State Funds Amount	Participation Rate	Non-Federal Match	Non-Federal Part. Rate
PE and ROW	\$899,000 (Fed)	70%	\$385,286	30%
Construction	\$1,234,827 (Fed)	80%	\$308,707	20%
Culvert Replacement	\$200,000 (State)	100%	N/A	N/A
<b>Subtotals</b>	<b>\$2,333,827</b>		<b>\$693,993</b>	
Additional Local Contribution		N/A	\$926,120	100%
<b>Total Available Funds</b>		<b>\$3,953,940</b>		

Except as hereinabove provided, the Agreements heretofore executed by the Department and the Municipality on 1/30/2014, 2/7/2016, and 3/4/2021 are ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF APEX

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

Town of Apex

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 8/5/2021 (Date)