

STATE OF COLORADO AMENDMENT

Amendment #: 1 Project #: STU 2873-215 (24105)
SIGNATURE AND COVER PAGES

State Agency Department of Transportation	Amendment Routing Number 22-HA4-XC-00225-M0001
Local Agency CITY OF FORT COLLINS	Original Agreement Routing Number 22-HA4-XC-00225
Agreement Maximum Amount \$1,568,701.00	Agreement Performance Beginning Date May 04, 2022
	Initial Agreement Expiration Date October 05, 2031

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Each person signing this Amendment represents and warrants that he or she is duly authorized to execute this Amendment and to bind the Party authorizing his or her signature.

STATE OF COLORADO
Jared S. Polis, Governor
 Department of Transportation
 Shoshana M. Lew, Executive Director

DocuSigned by:


 Keith Stefanik, P.E., Chief Engineer

Date: 6/26/2024

<p style="text-align: center;">LOCAL AGENCY CITY OF FORT COLLINS</p> <div style="display: flex; align-items: center; justify-content: center; margin-top: 20px;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px; font-size: 8px;">DocuSigned by:</div> </div> <p style="margin-left: 100px;">_____ Kelly DiMartino Signature City Manager By: (Print Name and Title)</p> <p>Date: <u>6/26/2024</u></p>	<p style="text-align: center;">ADDITIONAL LOCAL AGENCY SIGNATURES CITY OF FORT COLLINS</p> <p>ATTEST:</p> <div style="display: flex; align-items: center; justify-content: center; margin-top: 20px;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px; font-size: 8px;">DocuSigned by:</div> </div> <p style="margin-left: 100px;">_____ Delynn Coldiron Signature City Clerk By: (Print Name and Title)</p> <p>Date: <u>6/26/2024</u></p> <p>APPROVED AS TO FORM:</p> <div style="display: flex; align-items: center; justify-content: center; margin-top: 20px;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px; font-size: 8px;">DocuSigned by:</div> </div> <p style="margin-left: 100px;">_____ Heather Jarvis Signature Assistant City Attorney By: (Print Name and Title)</p> <p>Date: <u>6/23/2024</u></p>
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In accordance with §24-30-202 C.R.S., this Amendment is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By:  _____
Department of Transportation

Amendment Effective Date: 6/26/2024

1) PARTIES

This Amendment (the “Amendment”) to the Original Agreement (the “Agreement”) shown on the Signature and Cover Pages for this Amendment is entered into by and between the Local Agency and the State.

2) TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Agreement shall be construed and interpreted in accordance with the Agreement.

3) EFFECTIVE DATE AND ENFORCEABILITY

A. Amendment Effective Date

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Pages for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay the Local Agency for any Work performed or expense incurred under this Amendment either before or after the Amendment term shown in **§3.B** of this Amendment

B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Agreement contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Pages for this Amendment and shall terminate on the Expiration Date of the Agreement.

4) PURPOSE

The Parties entered into the Agreement for the US 287 Traffic Signals project. The Parties now desire to update the Funding Provisions.

5) MODIFICATIONS

The Parties now desire to:

a) Increase the total funds from \$1,059,084.00 by \$509,617.00 to a new total funds amount of \$1,568,701.00.

b) Replace **Exhibit C-3** with **Exhibit C-4**. Any reference in the Agreement to **Exhibit C** shall now be a reference to **Exhibit C-4**.

c) Update the Local Agency Resolution and replace **Exhibit D** with **Exhibit D-1**, which is attached hereto. Any reference in the Agreement to **Exhibit D** shall now be a reference to **Exhibit D-1**.

6) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Agreement, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Agreement to the extent that this Amendment specifically modifies those Special Provisions.

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Fed \$ LA Work

EXHIBIT C-4 - FUNDING PROVISIONS**City of Fort Collins - STU 2873-215 (24105)****A. Cost of Work Estimate**

The Local Agency has estimated the total cost the Work to be \$1,568,701.00, which is to be funded as follows:

1. FUNDING

a.	Federal Funds (82.79% of STBG Award)	\$ 876,816.00
b.	Local Agency Funds (17.21% of STBG Award)	\$ 182,268.00
c.	Federal Funds (100% of ADA Award)	\$ 509,617.00

TOTAL FUNDS ALL SOURCES	\$ 1,568,701.00
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2. OMB UNIFORM GUIDANCE

a.	Federal Award Identification Number (FAIN):	TBD
b.	Name of Federal Awarding Agency:	FHWA
c.	Local Agency Unique Entity Identifier	VEJ3BS5GK5G1
d.	Assistance Listing # Highway Planning and Construction	ALN 20.205
e.	Is the Award for R&D?	No
f.	Indirect Cost Rate (if applicable)	N/A
g.	Amount of Federal Funds Obligated by this Action:	\$0.00
h.	Amount of Federal Funds Obligated to Date (including this Action):	\$192,722.00

3. ESTIMATED PAYMENT TO LOCAL AGENCY

a.	Federal Funds Budgeted	\$ 1,386,433.00
b.	Less Estimated Federal Share of CDOT-Incurred Costs	\$ 0.00

TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY	88.38%	\$ 1,386,433.00
TOTAL ESTIMATED FUNDING BY LOCAL AGENCY	11.62%	\$ 182,268.00
TOTAL PROJECT ESTIMATED FUNDING	100.00%	\$ 1,568,701.00

4. FOR CDOT ENCUMBRANCE PURPOSES

a.	Total Encumbrance Amount (Federal funds + Local Agency funds)	\$ 1,568,701.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$ 0.00

NET TO BE ENCUMBERED BY CDOT IS AS FOLLOWS	\$ 1,568,701.00
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Note: Only \$232,784.00 in Design funds are currently available. Additional Design and Construction funds will become available after execution of an Option letter (Exhibit B) or formal Amendment.

WBS Element 24105.10.30	Performance Period Start*/End Date 7/26/2022 - 03/31/2025	Design 3020	\$232,784.00
WBS Element 24105.20.10	Performance Period Start*/End Date TBD- TBD	Const. 3301	\$0.00

* The Local Agency should not begin work until all three (3) of the following are in place: 1) Phase Performance Period Start Date; 2) the execution of the document encumbering funds for the respective phase; and 3) Local Agency receipt of the official Notice to Proceed. Any work performed before these three (3) milestones are achieved will not be reimbursable.

B. Funding Ratios

The funding ratio for the federal funds for this Work is 88.38% federal funds to 11.62% Local Agency

funds, and this ratio applies only to the \$1,568,701.00 that is eligible for federal funding. All other costs are borne by the Local Agency at 100%. If the total cost of performance of the Work exceeds \$1,568,701.00, and additional federal funds are not available, the Local Agency shall pay all such excess costs. If the total cost of performance of the Work is less than \$1,568,701.00, then the amounts of Local Agency and federal funds will be decreased in accordance with the funding ratio described in A1. This applies to the entire scope of Work.

C. Maximum Amount Payable

The maximum amount payable to the Local Agency under this Agreement shall be \$1,386,433.00. For CDOT accounting purposes, the federal funds of \$1,386,433.00 and the Local Agency funds of \$182,268.00 will be encumbered for a total encumbrance of \$1,568,701.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total budget is \$1,568,701.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total cost of the Work is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that any cost is subject to revisions agreed to by the parties prior to bid and award. The maximum amount payable will be reduced without amendment when the actual amount of the Local Agency's awarded Agreement is less than the budgeted total of the federal funds and the Local Agency funds. The maximum amount payable will be reduced through the execution of an Option Letter as described in Section 7. E. of this contract. This applies to the entire scope of Work.

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving \$750,000 or more from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of 2 CFR part 200, subpart F (Audit Requirements) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to the Local Agency receiving federal funds are as follows:

i. Expenditure less than \$750,000

If the Local Agency expends less than \$750,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.

ii. Expenditure of \$750,000 or more-Highway Funds Only

If the Local Agency expends \$750,000 or more, in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.

iii. Expenditure of \$750,000 or more-Multiple Funding Sources

If the Local Agency expends \$750,000 or more in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.

iv. Independent CPA

Single Audit shall only be conducted by an independent CPA, not by an auditor on staff. An audit is an allowable direct or indirect cost.

EXHIBIT D-1
LOCAL AGENCY RESOLUTION

RESOLUTION 2022-035
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS ON
U.S. ROUTE 287 (COLLEGE AVENUE)

WHEREAS, U.S. Route 287 (College Avenue) is a major throughfare for Fort Collins residents and serves as a regional connection for Northern Colorado communities; and

WHEREAS, traffic poles and signals require improvements at three intersections in the City along US 287 at (1) Columbia Road and South College Avenue, (2) Pitkin Street and South College Avenue, and (3) Harvard Street and South College Avenue; and

WHEREAS, plans have been developed to make such improvements at these three intersections on US 287 to increase travel reliability and flow of commuter traffic (hereafter referred to as the “Project”); and

WHEREAS, the plans for the Project include replacing and relocating traffic poles, relocating traffic signals to optimize visibility, and evaluating and improving pedestrian crossings at these intersections; and

WHEREAS, the Project will promote increased safety and traffic efficiency at these intersections, and should have the result of reducing idle time as well as unwanted emissions; and

WHEREAS, the City was awarded Federal Highway Administration Surface Transportation Block Grant funds of \$876,816 by the North Front Range Metropolitan Planning Organization for the Project; and

WHEREAS, these grant funds for the Project are to be administered by the Colorado Department of Transportation (“CDOT”) pursuant to an Intergovernmental Agreement (“IGA”) with CDOT that requires the City of Fort Collins to provide local matching funds of \$182,268; and

WHEREAS, CDOT has proposed an IGA between CDOT and the City that outlines the terms and conditions of the use of grant funds; and

WHEREAS, Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000 and the proposed IGA requires the City to provide matching funds in the amount of \$182,268; and

WHEREAS, the City Council has determined that the Grant is in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT in support thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

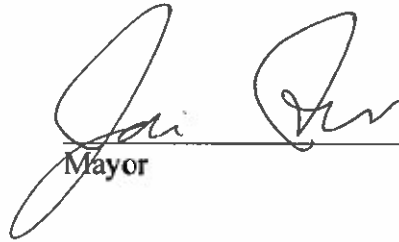
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That City Council authorizes the Mayor to execute, on behalf of the City, the Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit "A," with such additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Section 3. That the City Council hereby authorizes the City Manager to approve and execute future amendments to the IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the IGA, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the IGA.


Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of March, A.D. 2022.





Mayor

ATTEST:



City Clerk