

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE FORT ROBINSON BRIDGE REPLACEMENT PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, on March 1, 2016, the board approved Resolution No.: 2016-118 establishing an agreement with Tennessee Department of Transportation (TDOT) for the project to replace the Fort Robinson Drive bridge;

WHEREAS, on November 7, 2017, the board approved Resolution No.: 2018-067 which authorized an amendment to the agreement approved in 2016; and

WHEREAS, due to unforeseen circumstances with the economy, necessary adjustments have been made and as such will increase the city's portion for the PE-NEPA phase by \$16,060.20 for an estimated amount for city's portion being \$64,460.20; and

WHEREAS, city would like to amend the agreement for a second time with TDOT for the Fort Robinson Bridge replacement project allowing for the increased local match; and

WHEREAS, the funding is available and identified in project no.: GP1618.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the second amendment to the agreement with Tennessee Department of Transportation for the Fort Robinson Bridge replacement project is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a second amendment to the agreement with Tennessee Department of Transportation for the Fort Robinson Bridge replacement project and all documents necessary and proper to effectuate the purpose of the agreement or this resolution, said agreement being as follows:

Amendment to Replace Exhibit A  
Amendment Number: 2  
Agreement Number: 160012  
Project Identification Number: 122156.00  
Federal Project Number: BRZ-9108(47)  
State Project Number: 82956-3590-94

THIS AGREEMENT AMENDMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_ 20\_\_ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the CITY OF KINGSPORT (hereinafter called the "Agency"), for the purpose of providing an understanding among the parties of their respective obligations related to the management of the project described as:

"Fort Robinson Drive, Bridge over Dry Hollow, LM 0.39 in Kingsport (IA)"

I. The language of Agreement# 160012 Amendment 1 dated December 11, 2017, Exhibit A is hereby deleted in its entirety and replaced with the attached Exhibit A for Amendment 2  
**All** provisions of the original contract not expressly amended hereby shall remain in full force and effect.

**Amendment TIP**

**EXHIBIT "A" for AMENDMENT 2**

Agreement#: **160012**

Project Identification #: **122156.00**

Federal Project#: **BRZ-9108(47)**

State Project#: **82956-3590-94**

Project Description: Fort Robinson Drive, Bridge over Dry Hollow, LM 0.39 in Kingsport (IA)

**Change in Cost:** Cost hereunder is controlled by the figures shown in the TIP and any amendments, adjustments, or changes thereto.

Type of Work: Bridge Replacement

Phase	Funding Source	Fed%	State%	Local%	Estimated Cost
PE-NEPA	BRR-L	80%	0%	20%	\$180,301.00
PE-DESIGN	BRR-L	80%	0%	20%	\$142,000.00
RIGHT-OF-WAY	BRR-L	100%	0%	0%	\$124,000.00
CONSTRUCTION	BRR-L	100%	0%	0%	\$2,879,900.00
CEI	BRR-L	100%	0%	0%	\$295,100.00

**Ineligible Cost:** One hundred percent (100%) of the actual cost will be paid from Agency funds if the use of said state or federal funds is ruled ineligible at any time by the Federal Highway Administration.

Legislative Authority: STP: 23 U.S.C.A., Section 144, Highway Bridge Replacement and Rehabilitation Program Funds (BRZ)

**TOOT Engineering Services (TOOTES):** In order to comply with all federal and state laws, rules, and regulations, the TOOT Engineering Services line item in Exhibit A is placed there to ensure that TDOT's expenses associated with the project during construction are covered.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose including recreational and educational, and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 6th day of June, 2023.

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PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY