

**STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION  
SUPPLEMENTAL AND MODIFICATION AGREEMENT NO. 1  
PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT**

WIDEN JENKINS AVE. FROM IMHOFF RD EXTENDING NORTH 1.0 MILE TO LINDSEY ST. IN NORMAN

**Project No.: STP-214B(165)AG**

**State Job No.: 36148(04)**

This Supplemental and Modification Agreement, made the day and year last written below, by and between the City of NORMAN, hereinafter referred to as the Sponsor, and the Department of Transportation of the State of Oklahoma, hereinafter referred to as the Department, for the following intents and purposes and subject to the following terms and conditions, to wit:

**WITNESSETH**

**WHEREAS**, It is deemed necessary by the Department and Sponsor, and in order to revise the scope of the original Project Maintenance, Financing, And Right-Of-Way Agreement; and,

**WHEREAS**, Under the terms of Section 11 of the original Project Maintenance, Financing, And Right-Of-Way Agreement, said revisions must be reduced to a written supplemental agreement and executed by the Department and Sponsor.

**NOW, THEREFORE:** the Department and Sponsor, in consideration of the mutual covenants and stipulations as set forth herein, do mutually promise and agree as follows:

- A. The following sections are hereby modified from the original Project Maintenance, Financing, And Right-Of-Way Agreement;

**SECTION 4: FUNDING SUMMARY**

4.1 The Department and the Sponsor agree that the project will be financed at a not-to-exceed, total estimated ACOG STBG cost of \$10,250,000 as described below:

Old Funding Table

FUNDING SOURCE =>			ACOG STBG		SPONSOR	
STATE JOB PIECE NO.	DESCRIPTION	TOTAL ESTIMATED COST	SHARE (%)	AMOUNT	SHARE (%)	AMOUNT
36148(04)	Construction - (With 6% Inspection)	\$9,375,000	80 up to a limit of	\$7,500,000	Remainder	\$1,875,000
<b>Total</b>		<b>\$9,375,000</b>	<b>Total=&gt;</b>	<b>\$7,500,000</b>	<b>Total=&gt;</b>	<b>\$1,875,000</b>

New Funding Table

FUNDING SOURCE =>			ACOG STBG		SPONSOR	
STATE JOB PIECE NO.	DESCRIPTION	TOTAL ESTIMATED COST	SHARE (%)	AMOUNT	SHARE (%)	AMOUNT
36148(04)	Construction - (With 6% Inspection)	\$17,234,262	80 up to a limit of	\$10,250,000	Remainder	\$6,984,262
<b>Total</b>		<b>\$17,234,262</b>	<b>Total=&gt;</b>	<b>\$10,250,000</b>	<b>Total=&gt;</b>	<b>\$6,984,262</b>

\*\*\*This supplement is to increase federal funds\*\*\*

4.2 Furthermore, the Department and the Sponsor agree that actual ACOG STBG costs incurred by project phases (**JP 36148(04)**) may exceed initial estimates. Costs between these project phases will be administratively adjusted based on actual cost of each phase, within the total cost of this agreement, without formal supplemental agreement, in so far as the total project agreement is not exceeded.

4.3 It is understood by the SPONSOR and the Department that the funding participation stipulated herein may be altered due to bid prices, actual construction supervision costs and non-participating costs incurred during construction. The SPONSOR will be responsible for payment of any estimated local funding prior to advertising the project for bid. Upon final acceptance of this project, the total project cost will be determined, and the final amount of local funds (if any) will be determined by the Department's Comptroller per the terms of this agreement. A refund will then be made by the Department to the SPONSOR or additional funding will be requested. The SPONSOR agrees to make arrangements for payment of any Department invoice within 45 days of receipt.

B. That the original Project Maintenance, Financing, And Right-Of-Way Agreement is hereby modified as above described, said agreement in all other respects shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Director of the Department of Transportation, pursuant to authority vested in him by the State Transportation Commission, has hereunto subscribed his name as Director of the Department of Transportation and the Sponsor has executed same pursuant to authority prescribed by law for the Sponsor.

The Sponsor, \_\_\_\_\_ on this \_\_\_\_\_ of \_\_\_\_\_,  
20\_\_\_\_, and the Department on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE CITY OF NORMAN

APPROVED AS TO FORM  
AND LEGALITY

By \_\_\_\_\_  
City Attorney

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Attest: City Clerk

(SEAL): Approved – THE CITY OF NORMAN

STATE OF OKLAHOMA  
DEPARTMENT OF TRANSPORTATION

Recommended for Approval

\_\_\_\_\_  
Local Government                      DATE  
Division

\_\_\_\_\_  
Director of Project Delivery                      DATE

APPROVED AS TO FORM  
AND LEGALITY

APPROVED

\_\_\_\_\_  
General Counsel                      DATE

\_\_\_\_\_  
Deputy Director                      DATE