

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 40, SERIES 2013**

**A RESOLUTION APPROVING AMENDMENT #1 TO THE CONTRACT WITH THE
COLORADO DEPARTMENT OF TRANSPORTATION FOR MONIES TO
CONSTRUCT THE WIDENING OF HARMONY ROAD.**

WHEREAS, the Town of Timnath ("Town") has the power to pass resolutions pursuant to C.R.S. § 31-15-103; and

WHEREAS, the Timnath Town Council supports the completion of the Harmony Road widening; and

WHEREAS, the Timnath Town Council previously approved the contract with CDOT as Resolution No. 60, Series 2010

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF TIMNATH, COLORADO AS FOLLOWS:

Section 1. Approval

The Town hereby approves Amendment #1 to the Contract with the Colorado Department of Transportation for the widening of Harmony Road and authorizes its execution by the Mayor, or other person authorized by the Town adopted resolution or Documents.

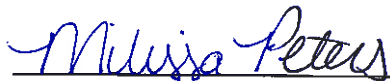
INTRODUCED, MOVED, AND ADOPTED BY THE TOWN OF TIMNATH, ON OCTOBER 22, 2013.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



CONTRACT AMENDMENT

Date: 10/7/13	Amendment # 1	Original Contract CMS # 10 HA4 12455 Project # STU M288-001 (17566)	Amendment CMS # 10 HA4 61754 PO 200000026
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1) PARTIES

This Amendment to the above-referenced Original Contract ("Contract") is entered into by and between the Town of Timnath ("Local Agency" or "Contractor"), and the STATE OF COLORADO ("State") acting by and through the Department of Transportation, ("CDOT").

2) EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee ("Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3) FACTUAL RECITALS

The Parties entered into the Agreement for the Local Agency to perform the widening of Harmony Road from Main Street to RR tracks.

The Parties now desire to do the following:

- a) encumber \$1,207,875.00 in construction funding;
- b) revised funding by showing the encumbered construction funding but also to remove the Local Agency Overmatching Funds;
- c) replace **Exhibit C** with **Exhibit C-1**;

4) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

5) MODIFICATIONS

The Contract and all prior options, amendments, etc. thereto, if any, are modified as follows:

Exhibit C-1

The Funding Provisions (**Exhibit C**) have been revised to reflect the additional encumbrance. **Exhibit C** is deleted in its entirety and replaced with **Exhibit C-1** attached hereto and incorporated herein by this reference. Any reference to **Exhibit C** shall hereafter refer to **Exhibit C-1**.

6) START DATE

This Amendment shall take effect upon the date of the State Controller's Signature.

7) ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

8) AVAILABLE FUNDS

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT

* Persons signing for The Local Agency hereby swear and affirm that they are authorized to act on The Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

<p>THE LOCAL AGENCY Town of Timnath, Colorado</p> <p><u>Jill Grossman - Belisle</u> Print Name of Authorized Individual</p> <p><u>Mayor</u> Print Title of Authorized Individual:</p> <p><u>[Signature]</u> *Signature</p> <p>Date: <u>10-22-13</u></p>	<p>STATE OF COLORADO John W. Hickenlooper, GOVERNOR Colorado Department of Transportation</p> <p>By: Timothy J. Harris, P.E. Chief Engineer For: Donald E. Hunt, Executive Director</p> <p>Date: _____</p>

ALL AGREEMENTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The Local Agency is not authorized to begin performance until such time. If The Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay The Local Agency for such performance or for any goods and/or services provided hereunder.

<p>STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>By: _____</p> <p>Colorado Department of Transportation</p> <p>Date: _____</p>
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32. EXHIBIT C-1 – FUNDING PROVISIONS

STU M288-001 (17566)

A. Cost of Work Estimate

The Local Agency has estimated the total cost the Work, which is to be funded as follows:

1 BUDGETED FUNDS			
a. Federal Funds			\$1,000,000.00
	(82.79% of Participating Funds)		
b. Local Matching Funds			\$207,875.00
	(17.21% of Participating Funds)		
TOTAL BUDGETED FUNDS			\$1,207,875.00
2 ESTIMATED CDOT-INCURRED COSTS			
a. Federal Share			\$0.00
b. Local Agency			
TOTAL ESTIMATED CDOT-INCURRED COSTS			\$0.00
3 ESTIMATED PAYMENT TO LOCAL AGENCY			
a. Federal Funds Budgeted			\$1,000,000.00
b. Less Estimated Federal Share of CDOT-Incurred Costs (2a)			\$0.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY			\$1,000,000.00
FOR CDOT ENCUMBRANCE PURPOSES			
1a. Federal Funds			\$1,000,000.00
1b. Local Agency Matching Funds			\$207,875.00
Less: ROW Acquisitions 3111 and/or ROW Relocations 3109			\$0.00
Total Encumbrance			\$1,207,875.00
Net to be encumbered as follows:			
	WBS Element 17566.10.30	Design 3020	\$0.00
	WBS Element 17566.20.10	Const 3301	\$1,207,875.00

B. Matching Funds

The matching ratio for the federal participating funds for this Work is 82.79% federal-aid funds (CFDA #20 2050) to 17.21% Local Agency funds, it being understood that such ratio applies only to the \$1,207,875.00 that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100%. If the total participating cost of performance of the Work exceeds \$1,207,875.00, and additional federal funds are made available for the Work, the Local Agency shall pay 17.21% of all such costs eligible for federal participation and 100% of all non-participating costs; if additional federal funds are not made available, the Local Agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$1,207,875.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein.

C. Maximum Amount Payable

The maximum amount payable to the Local Agency under this Agreement shall be \$1,000,000.00 (For CDOT accounting purposes, the federal funds of \$1,000,000.00 and the Local Agency matching funds of \$207,875.00 in the amount of \$1,207,875.00 will be encumbered for a total encumbrance of \$1,207,875.00, unless such amount is increased by an appropriate written modification to this Agreement executed before any increased cost is incurred). It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving more than \$500,000 from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of OMB Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations) see also, 49 C.F.R. 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to Sub-The Local Agency receiving federal funds are as follows:

- **Expenditure less than \$500,000**
If Sub-The Local Agency expends less than \$500,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.
- **Expenditure exceeding than \$500,000-Highway Funds Only**
If Sub-The Local Agency expends more than \$500,000 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.
- **Expenditure exceeding than \$500,000-Multiple Funding Sources**
If Sub-The Local Agency expends more than \$500,000 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.
- **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

STATE OF COLORADO

Center for Procurement and Contract Services
Bob Corman, Director
4201 E. Arkansas Avenue, Suite 200
Denver, CO 80222
(303) 757-9236



November 17, 2013

Sherri Wagner
Town of Timnath
4800 Goodman Street
Timnath, Colorado 80547

RE: **Executed Amendment #1**
Harmony Road Widening, Main Street to RR

Enclosed please find an executed original copy of the above referenced amendment between the Town of Timnath and CDOT.

This amendment encumbers the construction funding of \$1,207,875.00.

Please coordinate with the CDOT Project Manager (Tim Tuttle) before starting any work affected by this amendment.

Please call me at (303) 757-9291 if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Perkins', is written over the typed name.

Randy Perkins
Contracting Officer

Enclosure

CONTRACT AMENDMENT

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STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: [Signature]

Colorado Department of Transportation

Date: 11/15/13

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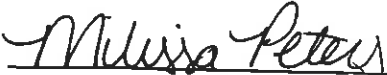
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TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk

