

ITEM # 18
DATE: 04-26-22

COUNCIL ACTION FORM

SUBJECT: 2020/21 SHARED USE PATH SYSTEM EXPANSION – VET MED TRAIL (S. 16TH STREET TO S. GRAND AVENUE)

BACKGROUND:

At its February 9, 2021 meeting, City Council approved the DOT Funding Agreement for the 2020/21 Shared Use Path System Expansion – Vet Med Trail (S. 16th Street to S. Grand Avenue) project. The DOT recently realized that draft language for another project was inadvertently included in the agreement and have prepared an addendum to the original agreement to remove this language.

This project is on track for a June 21, 2022, letting through the Iowa DOT with construction in the fall of 2022 or spring of 2023.

ALTERNATIVES:

1. Approve the Addendum to the Iowa DOT Agreement for TAP funding for the 2020/21 Shared Use Path System Expansion – Vet Med Trail (S. 16th Street to S. Grand Avenue) project.
2. Reject the Agreement Addendum.

CITY MANAGER'S RECOMMENDED ACTION:

Approval of this agreement addendum with the Iowa DOT should happen before moving forward with the contract letting for this project. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

**ADDENDUM
TO IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT 21-TAP-159
FOR A FEDERAL-AID PROGRAM PROJECT**

Subrecipient: **City of Ames**

Subrecipient DUNS Number: **061320917**

Project Number(s): **TAP-U-0155(704)—8I-85**

Iowa DOT Addendum Number: **21-TAP-159-A**

This is an addendum to the agreement between City of Ames (hereinafter referred to as the Subrecipient) and the Iowa Department of Transportation, the federal pass-through entity (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44, provide for the Subrecipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects in Iowa with federal funds.

Whereas the Subrecipient and the Department previously entered into Agreement No. 21-TAP-159 for the above referenced project.

Subsequent to the execution of Agreement No. 21-TAP-159 it was determined that the program funds to be obligated for the above referenced project has changed. Previously executed Agreement 21-TAP-159 shall remain in effect except as amended herein.

Now, therefore, it is agreed as follows:

1. The Recipient will not receive federal funding through the Iowa's Transportation Alternatives Program (Iowa's TAP), as described in Section 1103 and 1122 of the Moving Ahead for Progress in the 21st Century (MAP-21), Public Law 112-141, which are hereinafter referred to TAP funds.
2. The Recipient will not receive federal funding through the Iowa's Transportation Alternatives Program (Iowa's TAP), which is funded by the Transportation Alternatives Set-aside of the Surface Transportation Block Grant Program (TA Set-aside), as codified in Section 133(h) of Title 23, United States Code (U.S.C.), which are hereinafter referred to as TA Set-aside funds.
3. The Recipient will not receive federal funding through the Surface Transportation Block Grant Program (STBG), as codified in Section 133 of Title 23, United States Code (U.S.C.), which are hereinafter referred to as STBG funds.
4. Paragraph 4 of Agreement 21-TAP-159 is stricken and replaced with the following:

The Subrecipient shall receive reimbursement for costs of authorized and approved eligible project activities under the Iowa's TAP program from STBG funds. The portion of the project costs reimbursed with STBG funds shall be limited to a maximum of either 80 percent of eligible costs (other than those reimbursed with other federal funds) or the amount listed (\$159,000) in the Ames Area Metropolitan Planning Organization current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less. Eligible project activities will be as described in Section 133(h) of Title 23, United States Code (U.S.C.), and determined by the Department to be eligible.

5. This addendum is not assignable without the prior written consent of the Department.
6. If any part of this addendum is found to be void and unenforceable, the remaining provisions of this addendum shall remain in effect.
7. It is the intent of both parties that no third-party beneficiaries be created by this addendum.
8. This addendum shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same addendum.
9. This addendum, as well as the unaffected provisions of previously executed Agreement No. 21-TAP-159 referenced herein, constitute the entire agreement between the Department and the Subrecipient concerning this project. Representations made before the signing of this addendum are not binding, and neither party has relied upon conflicting representations in entering into this addendum. Any change or alteration to the terms of this addendum shall be made in the form of a subsequent addendum. The addendum shall become effective only upon written approval of the Department and the Subrecipient.

IN WITNESS WHEREOF, each of the parties hereto has executed Addendum No. 21-TAP-159-A as of the date shown opposite its signature below.

SUBRECIPIENT: City of Ames

By: _____ Date _____, _____

Title: Mayor _____

CERTIFICATION:

I, _____, certify that I am the Clerk of the city, and that
(Name of City Clerk)

_____, who signed said Agreement for and on behalf of
(Name of Mayor/Signer Above)

the city was duly authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city, on the ____ day of _____, _____.

Signed: _____

City Clerk of Ames, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION

Transportation Development Division
800 Lincoln Way, Ames, Iowa 50010
Tel. 515-239-1664

By: _____ Date _____, _____

Craig Markley
Director
Systems Planning Bureau