

ITEM # 13
DATE: 11-08-22

COUNCIL ACTION FORM

SUBJECT: 2021/22 SHARED USE PATH SYSTEM EXPANSION – IOWAY CREEK

BACKGROUND:

At its June 14, 2022 meeting, City Council approved the Iowa Department of Transportation (DOT) Funding Agreement for the 2021/22 Shared Use Path System Expansion Project – Ioway Creek. This project is located along the north side of Ioway Creek from S 5th Street to the well field access road behind Walmart.

The Transportation Alternatives Program (TAP) funding amount was recently increased by the Ames Area Metropolitan Planning Organization (AAMPO) via an administrative modification to the FFY 2023-26 Transportation Improvement Program (TIP). **The TAP funding amount for the project has increased from \$560,000 to \$728,000.** The DOT has prepared the attached Addendum to the original agreement to increase the funding amount.

This project is on schedule to be re-bid through the Iowa DOT with a February 2023 letting.

ALTERNATIVES:

1. Approve the Addendum to the Iowa DOT Agreement for TAP funding for the 2021/22 Shared Use Path System Expansion – Ioway Creek project.
2. Reject the Agreement Addendum.

CITY MANAGER'S RECOMMENDED ACTION:

Approval of this agreement addendum with the Iowa DOT should occur before moving forward with rebidding the project in February 2023.

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 22-TAP-110
FOR A FEDERAL-AID PROGRAM PROJECT**

Subrecipient: **City of Ames**
Subrecipient DUNS Number: **061320917**
Project Number(s): **TAP-U-0155(709)--8I-85**
Iowa DOT Addendum Number: **22-TAP-110-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. 22-TAP-110 for the above referenced project.

Subsequent to the execution of Agreement No. 22-TAP-110 it was determined that the funding amount for the above referenced project has changed. Previously executed Agreement 22-TAP-110 shall remain in effect except as amended herein.

Now, therefore, it is agreed as follows:

1. Paragraph 4 of Agreement 22-TAP-110 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 (**\$728,000**) 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.

2. This addendum is not assignable without the prior written consent of the Department.
3. If any part of this addendum is found to be void and unenforceable, the remaining provisions of this addendum shall remain in effect.

4. It is the intent of both parties that no third-party beneficiaries be created by this addendum.

5. This addendum, as well as the unaffected provisions of previously executed Agreement No. 22-TAP-110 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. 22-TAP-110-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