

AMENDMENT NUMBER 2 TO AGREEMENT NUMBER 311409

BACKGROUND:

1. On October 17, 2019, the State of South Dakota, acting by and through its Department of Transportation, referred to in this Amendment as the "State," and the city of Rapid City, South Dakota, referred to in this Amendment as the "Sub-Recipient," entered into an agreement for accomplishing the Rapid City Area Metropolitan Transportation Planning Process, which agreement, referred to in this Amendment as the "AGREEMENT," was signed by representatives of each party and assigned Agreement Number 311409 by the State.
2. Having previously amended the AGREEMENT, the parties now wish to further amend the AGREEMENT.

THE STATE AND THE SUB-RECIPIENT MUTUALLY AGREE AS FOLLOWS:

1. Paragraphs A.1.f., A.1.g., and A.1.h. of the AGREEMENT are revised to read as follows:

A. REQUIRED AUDIT PROVISIONS FOR GRANT AWARDS

1. FEDERAL AWARD IDENTIFICATION:

- f. Amount of federal funds obligated to the Sub-Recipient by this Agreement: \$796,334.62
- g. Total amount of federal funds obligated to the Sub-Recipient: \$796,334.62
- h. Total amount of federal award committed to the Sub-Recipient: \$796,334.62

2. Paragraph A.3.c.i. is amended as follows:

c. SCOPE OF PROJECT

- i. The work to be performed under this Agreement for the Rapid City Metropolitan Transportation Planning Process will be conducted in accordance with the CY 2020 Unified Planning Work Program incorporated in this Agreement by reference as **Attachment D**, the 2020 Unified Planning Work Program Amendment 2020-01, incorporated in and attached to this Agreement as **Attachment F**, and the 2020 Unified Planning Work Program Amendment 2020-02, incorporated in and attached to this Agreement as **Attachment G**.

3. Paragraphs A.4.a., A.4.b., A.4.c, A.4.f., and A.4.g of the AGREEMENT are revised to read as follows:

4. BASIS FOR SUBAWARD AMOUNT:

- a. The maximum limiting amount will not exceed Seven Hundred Ninety-six Thousand Three Hundred Thirty-four Dollars and Sixty-two Cents (\$796,334.62) and cannot be exceeded by the combined vouchering of the participating parties in the Rapid City Transportation Planning Process and for which this Agreement will be in effect.
- b. The maximum distribution of Federal Highway Administration Planning Funds is Seven Hundred Ninety-six Thousand Three Hundred Thirty-four Dollars and Sixty-two Cents (\$796,334.62), for which this Agreement will regulate and be accountable for are as follows, until amended, for work in the CY 2020 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendments 2020-01 and 2020-02.
- c. The State will provide compensation to the Sub-Recipient on a cost reimbursement basis for the federal participating share for eligible costs incurred for work activities in the approved CY 2020 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendment 2020-01. Compensation for Federal Highway Administration Planning Funds will be on a cost reimbursement basis by payment of 81.95 percent of the total eligible costs incurred for work activities in the approved CY 2019 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendments 2020-01 and 2020-02, and for Federal Transit Administration Planning Funds will be on a cost reimbursement basis of 80 percent of the total eligible costs incurred for work activities in the approved CY 2020 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendments 2020-01 and 2020-02. Eligible costs are defined in 2 CFR Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- f. The Sub-Recipient will charge specific work items as contained in the approved CY 2020 Unified Planning Work Program and 2020 Unified Planning Work Program Amendments 2020-01 and 2020-02. The Sub-Recipient will provide the State with the Sub-Recipient's annual progress report.

g. All travel by the Sub-Recipient which will use funds in accordance with this Agreement will be on the basis of the company policy and also subject to preauthorization by the State. Estimates of travel by the Sub-Recipient's staff which will use funds in accordance with this Agreement for CY 2020 are identified in the CY 2020 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendments 2020-01 and 2020-02.

4. Paragraph B.3. of the AGREEMENT is revised to read as follows:

The State and the Sub-Recipient will, at all times, be accorded proper facilities for review and inspection of each other's work as outlined in the approved CY 2020 Unified Planning Work Program and the 2020 Unified Planning Work Program Amendment 2020-01 and 2020-02. In addition, the State and the Sub-Recipient will also, at all times, provide proper facilities for review and inspection of this same work to authorized personnel of the Federal Highway Administration and the Federal Transit Administration.

5. The MPO has designated the Mayor of Rapid City as the MPO's authorized representative and has empowered the Mayor with the authority to sign this Amendment on behalf of the MPO. A copy of the MPO Committee minutes or resolution authorizing the execution of this Amendment by the Mayor as the MPO's authorized representative is attached to this Amendment as **Attachment H**.

6. Except as amended above, all other provisions of the AGREEMENT, along with the prior Amendment Number 1, will remain in full force and effect.

City of Rapid City, South Dakota

**State of South Dakota
Department of Transportation**

By: _____
Steve Allender, Mayor Date

By: _____
Darin P. Bergquist, Secretary Date

Attest:

Recommended By:

Finance Officer

Michael Behm, Planning and Engineering Director

[CITY SEAL]

Mark Leiferman, Project Development Program Mgr.

Approved as to Form:

Approved as to Form:

City Attorney

/S/ Becky A. Janssen

Special Assistant Attorney General

Rapid City Metropolitan Planning Organization

By: _____
Larry Larson, Chair Date
Chairperson, Executive Policy Committee

Attachment G

2020 Unified Planning Work Program Amendment Number 2020-02

The Rapid City Metropolitan Planning Organization is requesting an amendment to the Federal Highway Administration Section of the 2020 Unified Planning Work Program to include additional funding and work activity within the *Professional Services/Consultant Services* identified in the 2020 Unified Planning Work Program as follows:

<u>Years</u>	<u>Project Description</u>	<u>Amount</u>
<u>Professional Services/Consultant Services</u>		
2020	Meade County Corridor Study	\$65,000
2020	Metropolitan Transportation Plan	\$247,000
2020	Website Updates and Maintenance	\$8,500
Amendment Total		\$320,500
Approved 2020 Unified Planning Work Program Total		\$1,581,232
Amended 2020 Unified Planning Work Program Total		\$1,901,732

Professional Services/Consultant Services

- a. *Meade County Corridor Study*
- d. *Metropolitan Transportation Plan*
- j. *Website Updates and Maintenance*

The amounts and totals referenced above are subject to and conditioned upon final audit reconciliation between the City of Rapid City and the South Dakota Department of Transportation as work tasks are completed.

All the terms and conditions of the original agreement, as amended, and not specifically modified by this addendum shall remain in effect.

Committee Approval Section:

CAC Approval Date: _____
TCC Approval Date: _____
EPC Approval Date: _____

City of Rapid City, South Dakota

By: _____
Mayor Date

Attest: _____

City Finance Officer
[Seal]

APPROVED AS TO FORM:

By: _____
Assistant City Attorney

South Dakota Department of Transportation

Planning & Programs Approval:

By: _____
Sarah M. Gilkerson Date
Metropolitan Planning Organization Coordinator

Federal Highway Administration

Approval Section:

By: _____
Mark Hoines Date
Planning Coordinator, South Dakota Division

Metropolitan Planning Organization

By: _____
Larry Larson, Chair Date
Executive Policy Committee

**2020 Unified Planning Work Program Amendment
Amendment Number 2020-02**

	City of Box Elder	City of Rapid City	Pennington County	Meade County	SDDOT	Total
Personnel Services		\$457,232				\$457,232
Professional Services/ Consultants		\$444,500		\$65,000	\$930,000	\$1,439,500
Capital Resources		\$5,000				\$5,000
Total Cost		\$906,732		\$65,000	\$930,000	\$1,901,732
Federal Amount 81.95%		\$743,067		\$53,268	\$762,135	\$1,558,470
Local Match 18.05%		\$163,665		\$11,732		\$175,397
SDDOT Local Match 18.05%					\$167,865	\$167,865
Total Cost		\$906,732		\$65,000	\$930,000	\$1,901,732