



MEMORANDUM

August 21, 2011

TO: The Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
David Parker, P.E., City Engineer
Paul Holzen, P.E., Director of Engineering
Tom Ingram, P.E., Engineering Supervisor
Jonathan Marston, P.E., Staff Engineer 2

SUBJECT: McEwen Drive Phase 3 – Amendment No. 1 to Agency Program Agreement with TDOT
COF Contract No. 2012-0133 (TDOT Contract No. 060059)

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider approval of Amendment No. 1 to the Agency Program Agreement with the Tennessee Department of Transportation (TDOT) for the McEwen Drive Phase 3 roadway project.

Background

On February 13, 2007, the BOMA unanimously approved the execution of an agreement with TDOT to allow for terms of reimbursement for the McEwen Drive Phase 3 project. This *Agency Program Agreement*, with an execution date of August 14, 2007, allowed for a 50/50 split in all eligible costs for the McEwen Drive Phase 3 project. The completion date set forth in that agreement was June 30, 2012. After this date, no further reimbursement requests from the City of Franklin to TDOT were allowed.

City staff requested that TDOT extend the completion date of this agreement to September 30, 2012. This extension will allow the City to collect approximately \$330,500.00 in additional reimbursement for this project.

Financial Impact

No Cost. Allows the City receive full benefit of the TDOT reimbursement process.

Recommendation

Staff recommends approval of Amendment No. 1 to the *Agency Program Agreement* with TDOT, which extends the project completion date to September 30, 2012.

Amendment Number: 1

Agreement Number: 060059

Project Identification Number: 107520.00

Federal Project Number: N/A

State Project Number: 94LPD1-S3-004

**FOR IMPLEMENTATION OF SURFACE TRANSPORTATION
PROGRAM ACTIVITY**

THIS AGREEMENT AMENDMENT is made and entered into this _____ day of _____, 20__ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the CITY OF FRANKLIN (hereinafter called the "Agency") for the purpose of providing an understanding between the parties of their respective obligations related to the management of the project described as:

Local Interstate Connector, McEwen Drive from Carothers Pkwy to Cool Springs Boulevard

1. The text of Section B.2. is deleted in its entirety and replaced with the following:
 - a) The Agency agrees to complete the herein assigned phases of the Project on or before September 30, 2012. If the Agency does not complete the herein described phases of the Project within this time period, this Agreement will expire on the last day of scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of the Agreement. An extension of the term of this Agreement will be effected through an amendment to the Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of the Agreement will not be reimbursed by the Department.

All provisions of the original contract not expressly amended hereby shall remain in full force and effect.

Amendment Changing a Specific Paragraph(s)

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

CITY OF FRANKLIN

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

By: _____ By: _____
Mayor Date John C. Schroer Date
Commissioner

**APPROVED AS TO
FORM AND LEGALITY**

**APPROVED AS TO
FORM AND LEGALITY**

By: _____ By: _____
Attorney Date John Reinbold Date
General Counsel