

Amendment Replacing Previous Exhibit A

Amendment Number: 2

Agreement Number: 070112

Project Identification Number: 101454.01

Federal Project Number: STP-397(8)

State Project Number: 94092-1224-14

**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:

MACK HATCHER PARKWAY WEST, FROM SR-96 WEST OF FRANKLIN TO SR-106 (US-431) NORTH OF FRANKLIN

1. The text of Paragraph B.1 General Requirements: is deleted in its entirety and replaced with the following:

B.1 General Requirements:

- | 1) | Responsible Party | Funding Provided by: |
|----|--|----------------------|
| | Environmental Clearance by: Department | Agency or Project |
| | Survey by: Department | Project |
| | Design by: Agency | Agency and Project |
| | Right-of-Way by: Agency | Agency and Project |
| | Construction: Department | Future Budget Item |
- a) The Agency agrees to pay \$5,000,000.00 towards the Design and Right-of-Way phases of the Project.
- b) After receiving authorization for a phase, the Agency shall commence and complete the phases as assigned above of the Project as described in Exhibit A with all practical dispatch, in a sound, economical, and efficient manner, and in

Amendment Replacing Previous Exhibit A

accordance with the provisions herein, and all applicable laws. The Project will be performed in accordance with all latest applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's Local Government Guidelines, available in electronic format, which by this reference is made a part hereof as if fully set forth herein.

A full time employee of the Agency shall supervise the herein described phases of the Project. Said full time employee of the Agency shall be qualified to and shall ensure that the Project will be performed in accordance with the terms of this Agreement and all latest applicable Department procedures, guidelines, manuals, standards, and directives as described in the Department's Local Government Guidelines and this Agreement.

2. Exhibit A for Agreement # 070112 Amendment 1 dated 04/29/2010, is hereby deleted in its entirety and replaced with the attached Exhibit A for Amendment 2.

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

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

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

By: _____ Date _____ By: _____ Date _____
Mayor **John C. Schroer**
Ken Moore **Commissioner**

**APPROVED AS TO
FORM AND LEGALITY**

**APPROVED AS TO
FORM AND LEGALITY**

By: _____ Date _____ By: _____ Date _____
City Attorney **John Reinbold**
Shauna Billingsley **General Counsel**

Approved:

Version 1

EXHIBIT "A" for Amendment 2

CONTRACT NO.: 070112
PROJECT IDENTIFICATION NO.: 101454.01
Federal Project No: STP-397(8)

PROJECT DESCRIPTION: MACK HATCHER PARKWAY WEST, FROM SR-96 WEST OF FRANKLIN TO SR-106 (US-431) NORTH OF FRANKLIN

CHANGE IN COST: Cost hereunder is controlled by the figures shown in the TIP and any amendments, adjustments or changes thereto.

TYPE OF WORK: PRELIMINARY ENGINEERING AND RIGHT-OF-WAY

PHASE	FUNDING SOURCE	FED %	STATE %	LOCAL %	ESTIMATED COST
NEPA & SURVEY	STP	80%	20%	0%	\$400,000.00
DESIGN & ROW	LOCAL FUNDS	0%	0%	100%	\$5,000,000.00
DESIGN	STP	80%	20%	0%	\$277,500.00
ROW	STP	80%	20%	0%	\$9,000,000.00
ROW	HPP	80%	20%	0%	\$3,500,000.00

INELIGIBLE COST: One hundred percent (100%) of the actual cost will be paid from Agency funds if the use of said state or federal funds is ruled ineligible at any time by the Federal Highway Administration due to any action on the part of the Agency.

LEGISLATIVE AUTHORITY: STP: 23 U.S.C.A, Section 133, Surface Transportation Program funds allocated or subject to allocation to the Agency.

FUTURE BUDGET REQUEST: The Department shall include a request for funding for the Construction phase of the project into a future budget request to the Legislature. Then the Department shall administer the Construction phase of the Project if such funding request is approved. The Construction phase shall include, but not be limited to, advertisement and award of the construction contract; and providing for the construction engineering, inspection, and contract administration.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.




HISTORIC
FRANKLIN
TENNESSEE

ITEM #13
WRKS 05/28/13

MEMORANDUM

May 20, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
David Parker, P.E, City Engineer/CIP Executive
Paul P. Holzen, P.E., Director of Engineering

SUBJECT: Consideration of Amendment Number 2 (COF Contract 2009-0051; TDOT Agreement Number 070112) with the Tennessee Department of Transportation for the Mack Hatcher Parkway West, From SR-96 West of Franklin to SR-106 (US-431) North of Franklin Project.

Purpose

The purpose of this memorandum is to bring forward Amendment 2 with the Tennessee Department of Transportation (TDOT) for the Mack Hatcher Parkway Extension Project.

Background

Final roadway and construction plans were submitted to TDOT on May 6, 2011 to finalize the design of the Mack Hatcher Parkway Extension project. On March 19, 2013 the City of Franklin received a letter from Paul Degges, TDOT Deputy Commissioner and Chief Engineer requesting the City to revise and resubmit plans to reflect re-design of the roundabouts at SR96 and Del Rio Pike to signalized intersections. On April 23, 2013 the Board of Mayor and Aldermen approved a professional services agreement with CDM Smith, Inc for the revisions to the final construction plans for the Mack Hatcher Parkway Extension Project for an amount not to exceed \$277,500 for the design changes requested by TDOT. This Amendment will allow for full reimbursement of the additional design cost.

Financial Impact

No Financial Impact. The City will be fully reimbursed for the additional design services.

Recommendation

Staff recommends approval of Amendment Number 2 (COF Contract 2009-0051; TDOT Agreement Number 070112) with the Tennessee Department of Transportation for the Mack Hatcher Parkway West, From SR-96 West of Franklin to SR-106 (US-431) North of Franklin Project.



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROGRAM DEVELOPMENT & ADMINISTRATION DIVISION
LOCAL PROGRAM DEVELOPMENT OFFICE
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505 DEADERICK STREET
NASHVILLE, TN 37243-0341
(615) 741-5314

JOHN C. SCHROER
COMMISSIONER

BILL HASLAM
GOVERNOR

May 7, 2013

The Honorable Ken Moore
Mayor, City of Franklin
City Hall
109 Third Avenue South
Franklin, TN 37064

Re: Mack Hatcher Parkway Extension (SR 397)
Franklin, Williamson County
PIN: 101454.01
Federal Project #: STP-397(8)
State Project #: 94092-1224-14
Contract: 070112

Dear Mayor Moore:

I am attaching an amendment to the original contract. The amendment allows the Department to allocate funds for the design phase. As you are aware, the Department evaluated the roundabout concept at two intersections, and determined that standard intersections would function more efficiently. This amendment also includes a revised Exhibit A for the contract. Please review the amendment and advise me if it requires any additional explanation. If you find the amendment fully satisfactory, please execute it in accordance with all rules, regulations and laws, obtain the signature of the attorney for your agency and return it to me for execution by the Commissioner. Once the amendment is fully executed we will forward a copy to you for your records.

If you have any questions or need any additional information, please contact Ms. Maria Hunter at 615-532-3632 or maria.hunter@tn.gov.

Sincerely,

Teresa Estes
Transportation Coordinator
Teresa.estes@tn.gov

Attachment