

CCO Form: FS08
Approved: 03/04 (BDG)
Revised: 03/17 (MWH)
Modified:

Route 169, Jackson County
Project No. J4S3085/J4S3085B
City of Kansas City, Missouri

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
SUPPLEMENTAL COST SHARE AGREEMENT #1**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Kansas City, Missouri (hereinafter, "Entity").

WITNESSETH:

WHEREAS, on March 30, 2018, the Commission and the City previously entered into a Cost Share Agreement as to public improvements designated as the US 169/Buck O'Neil Bridge, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the Entity now desire to revise the Original Agreement as provided in this Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph (9) of the Original Agreement is hereby removed and replaced with the following:

(9) FINANCIAL RESPONSIBILITIES: The current estimated cost of the public improvements are as follows:

J4S3085B – Four million eight hundred thousand dollars (\$4,800,000) construction contract amount

J4S3085 – One million eight hundred, eighty-three thousand, three hundred and forty-six dollars and eighty-four cents (\$1,883,346.84) consultant contract amount for NEPA work.

The Commission's maximum cost share funds available for these projects is three million one hundred eighty five thousand dollars (\$3,185,000), with the source for the remainder of the funds from the KC District STIP funds.

The Responsibility Summary outlines the project costs and responsibilities and is

attached hereto as “**Exhibit B**,” and incorporated herein. With regard to work under this Agreement, the Entity agrees as follows:

J4S3085B – Short term rehabilitation of the Bridge

(A) The Entity will be responsible for fifty percent (50%) of the total project cost as outlined in Exhibit B. The total project cost will only include the construction contract cost for J4S3085B. The current estimate for project J4S3085B is four million eight hundred thousand dollars (**\$4,800,000**). The current estimate of the Entity's responsibilities is two million four hundred thousand dollars (**\$2,400,000**).

(B) The amount the Entity owes the Commission for this project is two million four hundred thousand dollars (**\$2,400,000**) and that amount will be deducted from the amount the Commission owes the Entity of seven million five hundred thousand dollars (**\$7,500,000**) for the project J4I1710 “Cooperative Agreement Bartle Hall Expansion – Phase II” and listed in the STIP as J4P2316 “Budget Transfer” to the Entity. . If project costs exhaust the remaining funds in J4P2316, the Entity will be responsible for depositing additional funds with the Commission to cover the expenses. This check should be made payable to Director of Revenue - Credit State Road Fund. If the Entity fails to make the deposit, the Commission is under no obligation to continue with the project.

(C) Over/Under –runs shall be handled based on the Commission and Entity's pro rata share of the investment as outlined in this agreement.

(E) The Commission will be responsible for the internal MoDOT staff costs at no cost or expense to the Entity. The Entity will be responsible for the internal Entity's staff costs at no cost or expense to the Commission.

J4S3085 – NEPA work EA for the rehabilitation or replacement of the Bridge

(F) The Entity will be responsible for fifty percent (50%) of the total project cost for the NEPA work. The total project cost will only include consultant contract amount for this work. The current estimate for project J4S3085 NEPA work is One million eight hundred, eighty-three thousand, three hundred and forty-six dollars and eighty-four cents (**\$1,883,346.84**). The current estimate of the Entity's responsibilities is nine hundred, forty-one thousand, six hundred and seventy-three dollars and forty-two cents. (**\$941,673.42**).

(G) The amount owed to the Commission for this project (\$941,673.42) will be deducted from the amount the Commission owes the Entity (\$7,500,000) for the project J4I1710 “Cooperative Agreement Bartle Hall Expansion – Phase II” and listed in the STIP as J4P2316 “budget Transfer” to the Entity. If project costs exhaust the remaining funds in J4P2316, the Entity will be responsible for depositing additional funds with the Commission to cover the expenses. This check should be made payable to Director of Revenue - Credit State Road Fund. If the Entity fails to make the deposit, the

Commission is under no obligation to continue with the project.

(H) Over/Under –runs shall be handled based on the Commission and Entity's pro rata share of the investment as outlined in this agreement

(I) The Commission will be responsible for the internal MoDOT staff costs at no cost or expense to the Entity. The Entity will be responsible for the internal Entity's staff costs at no cost or expense to the Commission.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

[Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on Following Page]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF KANSAS CITY,
MISSOURI _____

Title _____

By _____
Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____
Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

Title: _____

Ordinance No _____

“Exhibit B” Responsibility Summary

MoDOT Job Number: J4S3085, J4S3085B

Route: 169

County: Jackson

Description: Improvements to Route 169/Buck O’Neil Bridge over the Missouri River.

J4S3085 – NEPA work (EA) for the rehabilitation or replacement of the Bridge and long term rehabilitation or replacement of the Bridge.

J4S3085B – Short term rehabilitation of the Bridge

Responsibility Matrix:

<u>Project</u>	<u>Est. Project Cost</u>	<u>Entity</u>	<u>Finan. Resp.</u>	<u>Commission Amount</u>	<u>Entity Amount</u>	<u>Funding Source</u>
J4S3085B (short term)	\$4,800,000*	Commission	50%	\$2,400,000		Cost Share
		Entity	50%		\$2,400,000	***
J4S3085 (NEPA)	\$1,883,346.84**	Commission	50%	\$941,673.42		Cost Share
		Entity	50%		\$941,673.42	***

*Construction Contract only. Consultant contract, Entity PE and MoDOT PE & CE not to be included.

** Consultant Contract for EA work. Entity PE and MoDOT PE not to be included.

***Deducted from \$7.5M Commission owes Entity (See J4I1710 Cooperative Agreement Bartle Hall Expansion – Phase II and J4P2316 Budget Transfer to KCMO)

Notes:

- Commission to administer design consultant contracts and construction administration on J4S3085 and J4S3085B.
- The Commission and the City previously entered into a Cooperative Agreement for the Bartle Hall Expansion to the project.
- Over/Under-runs will be handled under the financial responsibility listed in the agreement.