

**CONSTRUCTION
AGREEMENT
FOR A
HIGH RISK RURAL ROADS PROGRAM
PROJECT**

**BETWEEN THE STATE OF ALABAMA
AND
BALDWIN COUNTY COMMISSION
Baldwin County**

**Project No. HRRR-0219(253)
County Project No. BCP 02-064-18
CPMS Ref# 100069560
Supplemental Agreement No. 1**

PART ONE (1): INTRODUCTION

This Supplemental Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE; and the Baldwin County Commission, Alabama, [REDACTED] hereinafter referred to as the COUNTY.

WHEREAS, the STATE and the COUNTY desire to cooperate in the installation of end anchors and replacement of existing metal bridge rail at BINs 7773 (CR-87) and 11359 (Scranage Rd.) and installation of end anchors at BIN 8564 (Hoyle Rd.); Project# HRRR-0219(253); BCP 02-064-18; CPMS Ref# 100069560.

WHEREAS, the STATE and the COUNTY desire to amend the Agreement entered into on the 2nd day of May, 2019, by execution of this supplemental Agreement.

NOW, THEREFORE, the parties hereto, for, and consideration of the premises stated herein, do hereby mutually promise, stipulate, and agree that the foregoing Agreement between the parties dated May 2, 2019 be and the same is hereby amended in the following respect:

- A. Page 1, paragraph (A) of the foregoing Agreement is hereby amended to read as follows:
Project Funding: Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. Cost for the project will be limited to 90% Federal High Risk Rural Roads funds (HRRR) in the amount of \$166,383.00. Any deficiency in Federal HRRR funds or overrun in construction costs will be borne by the County from County Federal Aid funds, if available, and from County funds, unless approved in writing by the STATE. In the event of an underrun in construction costs, the amount of Federal Aid funds will be the amount stated below, or 90% of eligible HRRR costs and 80% eligible County Federal Aid costs, whichever is less.

B. Page 1, paragraph (B) of the foregoing Agreement is hereby amended to read as follows:

The estimated cost and participation by the various parties is as follows:

FUNDING SOURCE	ESTIMATED COSTS
HRRR Funds	\$ 166,383.00
FA Funds (FY 2018)	\$ 67,346.80
County Funds	\$ 35,323.70

TOTAL (Incl CE&I & Indirect Cost)	\$ 269,053.50

It is further understood that this is a cost reimbursement program, and no federal funds will be provided to the COUNTY prior to accomplishment of the work for which it is requested. Furthermore, no federal funds will be reimbursed for work performed prior to project authorization.

Any cost incurred by the COUNTY relating to this project which is determined to be ineligible for reimbursement by the Federal Highway Administration (FHWA), or in excess of the limiting amounts previously stated, will not be an eligible cost to the project and will be borne and paid by the COUNTY.

- C. By signing this Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- D. All other and remaining terms of the original Agreement of May 2nd, 2019 shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

Baldwin County, Alabama

**By: _____
County Administrator (Signature)**

**By: _____
As Chairman (Signature)**

**_____
Type Name of County Administrator
(AFFIX SEAL)**

**_____
Type Name of Chairman**

This agreement has been legally reviewed and approved as to form and content.

**By: _____
William F. Patty,
Chief Counsel**

RECOMMENDED FOR APPROVAL:

**_____
Matthew J. Ericksen, P.E.
Southwest Region Engineer**

**_____
D.E. (Ed) Phillips, P.E.
State Local Transportation Engineer**

**_____
Don T. Arkle, P. E.
Chief Engineer**

**STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION**

**_____
John R. Cooper, Transportation Director**

**THE WITHIN AND FOREGOING AGREEMENT IS HEREBY EXECUTED AND
SIGNED BY THE GOVERNOR ON THIS _____ DAY OF _____, 20_____.**

**_____
KAY IVEY
GOVERNOR, STATE OF ALABAMA**

RESOLUTION NUMBER _____

BE IT RESOLVED by the Baldwin County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, relating to a project for:

Installation of end anchors and replacement of existing metal bridge rail at BINs 7773 (CR-87) and 11359 (Scranage Rd.) and installation of end anchors at BIN 8564 (Hoyle Rd.); Project# HRRR-0219(253); BCP 02-064-18; CPMS Ref# 100069560.

A copy of the agreement has been submitted to the Commission, and the Commission hereby approves the agreement. The Commission hereby authorizes and directs that the agreement be executed in the name of the County, by the Chairman for and on its behalf and attested by the County Administrator, and the official seal of the County shall be affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the agreement by all parties, a copy of such agreement be kept on file by the County.

I, the undersigned qualified and acting County Administrator of Baldwin County, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the County named therein, at a regular meeting of such Commission held on the _____ day of _____, 20____, and that such resolution is on file in the County Administrator's Office.

ATTESTED:

County Administrator

Chairman

_____ day of _____, 20____, and that such resolution is of record in the office of the County Administrator.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the County on this _____ day of _____, 20____ .

County Administrator

(AFFIX SEAL)