

## AMENDMENT NUMBER 1 TO AGREEMENT NUMBER 311373

### BACKGROUND:

1. On December 6, 2018, 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 "MPO," 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 311373 by the STATE.
2. The parties wish to amend the AGREEMENT.

### THE STATE AND THE MPO 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 Sub-Recipient by this Agreement: \$1,176,173.00
      - g. Total amount of federal funds obligated to the Sub-Recipient: \$1,176,173.00
      - h. Total amount of federal award committed to the Sub-Recipient: \$1,176,173.00
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 2019 Unified Planning Work Program incorporated in this agreement by reference as **Attachment D** and the 2019 Unified Planning Work Program Amendment 2019-02, incorporated in and attached to this agreement as **Attachment F**.
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 One Million One Hundred Seventy-six Thousand One Hundred Seventy-three Dollars (\$1,176,173.00) 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 One Million One Hundred Seventy-six Thousand One Hundred Seventy-three Dollars (\$1,176,173.00), for which this Agreement will regulate and be accountable for are as follows, until amended, for work in the CY 2019 Unified Planning Work Program and the 2019 Unified Planning Work Program Amendment 2019-02.
    - 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 2019 Unified Planning Work Program and the 2019 Unified Planning Work Program Amendment 2019-02. 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 2019 Unified Planning Work Program Amendment 2019-02, 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 2019 Unified Planning Work Program and the 2019 Unified Planning Work Program Amendment 2019-02. 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 2019 Unified Planning Work Program and 2019 Unified Planning Work Program Amendment 2019-02. 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

2019 are identified in the CY 2019 Unified Planning Work Program and the 2019 Unified Planning Work Program Amendment 2019-02.

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 2019 Unified Planning Work Program and the 2019 Unified Planning Work Program Amendment 2019-02. 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 G**.

Except as amended above, all other provisions of the original AGREEMENT will remain in full force and effect.

**City of Rapid City, South Dakota**

By: [Signature] 3-5-19  
Steve Allender, Mayor Date

**State of South Dakota  
Department of Transportation**

By: [Signature] 4/3/19  
Darin P. Bergquist, Secretary Date

Attest: [Signature]  
Finance Officer

**Recommended By:**  
[Signature]  
Michael Behm, Planning and Engineering Director

[Signature]  
Mark Leiferman, Project Development Program Mgr.

[CITY SEAL]

Approved as to Form:

[Signature]  
City Attorney

Approved as to Form:

[Signature]  
Special Assistant Attorney General

**Rapid City Metropolitan Planning Organization**

By: [Signature] 3-18-19  
Lloyd LaCroix, Chair Date  
Chairperson, Executive Policy Committee  
patrice Dame, vice chair

**Attachment F**  
**2019 Unified Planning Work Program Amendment Number 2019-02**

The Rapid City Metropolitan Planning Organization is requesting an amendment to the Federal Highway Administration Section of the 2019 Unified Planning Work Program to include additional funding and work activity within the *Professional Services/Consultant Services* identified in the 2019 Unified Planning Work Program as follows:

<u>Years</u>	<u>Project Description</u>	<u>Amount</u>
<u>Professional Services/Consultant Services</u>		
2019	Meade County Corridor Study	\$200,000
2019	East Rapid City Corridor Study	\$66,000
2019	Coordinated Public Transit-Human Services Transportation Plan	\$43,000
2019	SD44/Omaha Street and 6 <sup>th</sup> Street Pedestrian Crossing Study	\$30,000
<b>Amendment Total</b>		<b>\$339,000</b>
<b>Approved 2019 Unified Planning Work Program Total</b>		<b>\$2,246,232</b>
<b>Amended 2019 Unified Planning Work Program Total</b>		<b>\$2,585,232</b>

Professional Services/Consultant Services

- a. Meade County Corridor Study
- c. East Rapid City Corridor Study
- f. Coordinated Public Transit-Human Services Transportation Plan
- h. SD44/Omaha Street and 6<sup>th</sup> Street Pedestrian Crossing Study

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: 2/14/2019  
TCC Approval Date: 2/14/2019  
EPC Approval Date: 2/14/2019

**City of Rapid City, South Dakota**

By: [Signature] 3-5-19  
Mayor Date

Attest:  
[Signature]  
City Finance Officer  
[Seal]

**APPROVED AS TO FORM:**

By: [Signature]  
Assistant City Attorney

**South Dakota Department of Transportation  
Planning & Programs Approval:**

By: [Signature] 2-14-19  
Bradley Remmich Date  
Metropolitan Planning Organization Coordinator

**Federal Highway Administration  
Approval Section:**

By: [Signature] 3/21/19  
Mark Hoines Date  
Planning Coordinator, South Dakota Division

**Metropolitan Planning Organization**

By: [Signature] 2-14-19  
Lloyd LaCroix, Chair Date  
Executive Policy Committee  
Patrick Dame, vice-chair

**2019 Unified Planning Work Program Amendment  
Amendment Number 2019-02**

	City of Box Elder	City of Rapid City	Pennington County	Meade County	SDDOT	Total
Personnel Services		\$457,232				\$457,232
Professional Services/ Consultants		\$653,000		\$200,000	\$1,150,000	\$2,003,000
Capital Resources		\$125,000				\$125,000
<b>Total Cost</b>		<b>\$1,235,232</b>		<b>\$200,000</b>	<b>\$1,150,000</b>	<b>\$2,585,232</b>
Federal Amount 81.95%		\$1,012,273		\$163,900	\$942,425	\$2,118,598
Local Match 18.05%		\$222,959		\$36,100		\$259,059
SDDOT Local Match 18.05%					\$207,575	\$207,575
<b>Total Cost</b>		<b>\$1,235,232</b>		<b>\$200,000</b>	<b>\$1,150,000</b>	<b>\$2,585,232</b>