

## Memorandum

To: Programs, Projects and Operations Subcommittee

Re: Nebraska Department of Roads Supplemental Agreement Number 4 – Missouri River Trail – Phase 2; State Control No: CN 22252; Project No: ENH-28(89).

Date: January 3, 2011

From: Jim Becic and Gerry Bowen

The attached Resolution and Supplemental Agreement Number 4 is for the Missouri River Trail – Phase 2 Project. The Resolution needs to be adopted by the Board of Directors, which authorizes the General Manager to sign the Supplemental Agreement Number 4 and commits the District to provide the local match.

The significant change in this Supplemental Agreement Number 4 from previous Agreements is that the federal funding cap has been removed (originally set at \$500,000.00) and the State will now reimburse the District "...for 80 percent of the actual eligible costs of the improvement."

- **It is management's recommendation that the Programs, Projects and Operations Subcommittee recommend to the Board of Directors to adopt the Resolution and authorize the General Manager to sign the Supplemental Project Program Agreement with the Nebraska Department of Roads for the Missouri River Trail – Phase 2 Project.**

RESOLUTION

(SIGNING OF A SUPPLEMENT TO A PROJECT PROGRAM AGREEMENT)  
SUPPLEMENTAL PROJECT PROGRAM AGREEMENT – State Control No: CN  
22252; Project No: ENH-28(89); Supplement Number 4.

Papio-Missouri River Natural Resources District

Resolution No. \_\_\_\_\_

**Whereas:** The Papio-Missouri River Natural Resources District (P-MRNRD) and Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**Whereas:** The P-MRNRD understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** The P-MRNRD and NDOR wish to enter into a Supplemental Project Program Agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the Board of Directors of the P-MRNRD that:

John Winkler, General Manager is hereby authorized to sign the attached Supplemental Project Program Agreement Number 4; NDOR Project No. ENH-28(89); NDOR Control No. 22252 between the P-MRNRD and the NDOR.

The P-MRNRD is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number ENH-28(89)

NDOR Control Number 22252

Missouri River Trail - Phase 2

Adopted this \_\_\_\_\_ day of January, 2011 at Omaha, \_\_\_\_\_ Nebraska.

The Board of Directors of the Papio-Missouri River Natural Resources District

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted

Attest:

\_\_\_\_\_  
Secretary

SUPPLEMENTAL AGREEMENT NUMBER 4

PROJECT NO. ENH-28(89),  
STATE CONTROL NO. 22252  
PAPIO-MISSOURI RIVER NATURAL RESOURCE DISTRICT  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
MISSOURI RIVER TRAIL PHASE 2

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the Papio-Missouri River Natural Resource District hereinafter referred to as the "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State", and hereinafter referred to collectively as the "Parties".

WHEREAS, the Parties hereto entered into an agreement (YL0715) executed by the LPA March 15, 2007 and by the State March 28, 2007, hereinafter referred to as the "Original Agreement," and Supplemental Agreement No. 1 executed by the LPA August 12, 2008 and by the State August 20, 2008, and Supplemental Agreement No. 2 executed by the LPA February 10, 2009 and by the State February 20, 2009, and Supplemental Agreement No. 3 executed by the LPA January 14, 2010 and by the State January 28, 2010, providing for the construction of Project No. ENH-28(89), and

WHEREAS, it now becomes necessary to remove the federal funding cap and to revise the estimated funding amount associated with this project, and

WHEREAS, it is the desire of the LPA that the project be constructed under the designation of Project No. ENH-28(89), as evidenced by the Resolution of the NRD Board dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, attached and identified as EXHIBIT "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The State agrees to reimburse the LPA, using Transportation Enhancement Funds, for 80 percent of the actual eligible costs of the improvement. The LPA is responsible for submitting for payment only those costs that are eligible for Federal-aid. The State, on behalf of FHWA, will review the costs submitted and determine what costs are eligible for payment. Upon request from the State, the LPA will produce all cost records detailing the basis for all costs incurred on the project. The total cost of the project which

includes construction and construction engineering, and LPA and State eligible expenses is currently estimated to be \$3,509,851. The LPA's share of all actual eligible costs is estimated to be \$701,970.00. The State agrees to use the LPA's Federal Funds for the actual eligible costs of the improvement which is estimated to be \$2,807,881.00. Both the LPA and State recognize this is a preliminary estimate and costs may increase or decrease due to variations between the estimated and actual project costs.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the Original Agreement executed by the LPA March 15, 2007 and by the State March 28, 2007, and Supplemental Agreement No. 1 executed by the LPA August 12, 2008 and by the State August 20, 2008, and Supplemental Agreement No. 2 executed by the LPA February 10, 2009 and by the State February 20, 2009, and Supplemental Agreement No. 3 executed by the LPA January 14, 2010 and by the State January 28, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

Papio-Missouri River NRD

\_\_\_\_\_

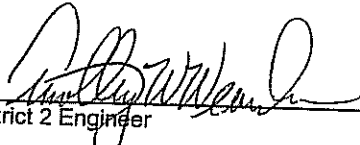
General Manager

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Jim Wilkinson, P.E.

\_\_\_\_\_  
Local Projects Division Engineer

RECOMMENDED:  
Tim Weander, P.E.

  
\_\_\_\_\_  
District 2 Engineer