



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: September 20, 2022

** = Mandatory, information must be provided*

or Procurement Director Award: ☐

***Contractor/Vendor Name/Grantor (DBA):**

State of Arizona

***Project Title/Description:**

Amendment to the Intergovernmental Agreement between the State of Arizona and Pima County.

***Purpose:**

This amendment is to pay for the USACE to conduct an expedited review and provide a 408 permit. If the review isn't expedited, the bids and work costs could potentially increase.

***Procurement Method:**

This IGA is a non-Procurement contract and not subject to Procurement rules.

***Program Goals/Predicted Outcomes:**

Complete the design and construction of this regionally significant transportation project.

***Public Benefit:**

The project will improve safety, reduce congestion, improve operations and increase mobility for commuters.

***Metrics Available to Measure Performance:**

Permit will be received prior to construction.

***Retroactive:**

No

TO: COB 9-7-2022 (1)
Vers: 3
pgs: 4

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
 Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount \$ _____ * ☐ Revenue Amount: \$ _____

***Funding Source(s) required:** _____

Funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? ☐ Yes ☐ No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? ☐ Yes ☐ No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: CT Department Code: TR Contract Number (i.e., 15-123): 02*365 ~~23-365~~ CA

Amendment No.: 1 AMS Version No.: 3

Commencement Date: 9/20/22 New Termination Date: _____

Prior Contract No. (Synergen/CMS): _____

☒ Expense ☐ Revenue ☒ Increase ☐ Decrease

Amount This Amendment: \$ 70,440

Is there revenue included? ☐ Yes ☒ No If Yes \$ _____

***Funding Source(s) required: Impact Fees and County HURF**

Funding from General Fund? ☐ Yes ☒ No If Yes \$ _____ % _____

Grant/Amendment Information (for grants acceptance and awards)

☐ Award ☐ Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Commencement Date: _____ Termination Date: _____ Amendment Number: _____

☐ Match Amount: \$ _____ ☐ Revenue Amount: \$ _____

***All Funding Source(s) required:** _____

*Match funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

*Match funding from other sources? ☐ Yes ☐ No If Yes \$ _____ % _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?

Contact: Nancy Cole (Michelle Guardado, Administrative Contact 724-2663)

Department: Transportation

Telephone: 724-6312

Department Director Signature: 

Date: 9/6/2022

Deputy County Administrator Signature: 

Date: 9/6/2022

County Administrator Signature: 

Date: 9/6/2022

ADOT File No.: IGA 22-0008611-I
 Amendment No. One: 22-0008737-I
 AG Contract No.: P0012022000666
 Project Location/Name: Santa Cruz River
 - River Road
 Type of Work: Roadway & Bridge
 Improvements
 Federal-aid No.: PPM-0(268)D
 ADOT Project No.: T0327 01D/01C
 TIP/STIP No.: PAG 10.18
 CFDA No.: 20.205 - Highway Planning and
 Construction
 Budget Source Item No.: NA

**AMENDMENT NO. ONE
 TO
 INTERGOVERNMENTAL AGREEMENT**

BETWEEN
 THE STATE OF ARIZONA
 AND
 PIMA COUNTY

THIS AMENDMENT NO. ONE to INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One"), is entered into this date _____, pursuant to Arizona Revised Statutes ("A.R.S.") §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and PIMA COUNTY, acting by and through its CHAIRMAN and BOARD OF SUPERVISORS (the "County"). The State and the County are each individually referred to as a "Party" and are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, IGA 22-0008611-I, A.G. Contract No. P001 2022 000666, was executed on May 18, 2022, (the "Original Agreement");

WHEREAS, the State is empowered by A.R.S. § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

WHEREAS, the County is empowered by A.R.S. § 11-251 to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the County; and

NOW THEREFORE, in consideration of the mutual terms expressed herein, the purpose of this Amendment No. One is to include the cost for the US Army Corps of Engineers to expedite the evaluation for the Section 408 Project review. The County will pay an additional \$70,440.00 to the State, for the cost associated with the expedited review within 30 days of receipt of an invoice from the State; Exhibit A is revised and replaced accordingly. The final cost estimate may exceed the initial estimate identified in Exhibit A, and in such case, the County is responsible for and agrees to pay within 30 days of receipt of an invoice from the State. The Parties desire to amend the Original Agreement, as follows:

The Parties incorporate the paragraphs set forth above and Exhibit A, attached hereto and made a part hereof, as part of the body of this Amendment No. One.

EXCEPT AS AMENDED, ALL OTHER terms and conditions of the Original Agreement remain in full force and effect.

THIS AMENDMENT NO. ONE shall become effective upon the full completion of signing and dating by all Parties to this Amendment No. One.

IN ACCORDANCE WITH A.R.S. § 11-952 (D), the written determination of each Party's legal counsel providing that the Parties are authorized under the laws of this State to enter into this Amendment No. One and that the Amendment No. One is in proper form is set forth below.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. One the day and year first above written.

PIMA COUNTY

By _____ Date _____

Chair, Board of Supervisors

ATTEST:

By _____ Date _____

Clerk of the Board

I have reviewed the above referenced Amendment No. One to the Original Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the PIMA COUNTY, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 11-251 and declare this Amendment No. One to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Amendment No. One.
Approved as to Form:

By Bobby Yu Date 09/02/2022
County Attorney

ARIZONA DEPARTMENT OF TRANSPORTATION

By _____ Date _____

STEVE BOSCHEN, PE

Division Director, Infrastructure Delivery and Operations Division

A.G. Contract No. P0012022000666 (ADOT IGA 22-0008611-I) Amendment No. One: 22-0008737-I, an Agreement between public agencies, the State of Arizona and Pima County has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 28-401 by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona. No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

By _____ Date _____

Assistant Attorney General

EXHIBIT A

Cost Estimate

T0327 01D/01C

The Project costs are estimated as follows:

ADOT Project Development Administration (PDA) Cost, non-federal-aid:

County's costs @100%	\$ 30,000.00
----------------------	--------------

Expedited Section 408 Review Cost:

County's costs @ 100%	\$ 70,440.00
-----------------------	--------------

Construction*:

Federal-aid funds (includes \$5,344,000.00 of CRRSAA funds)	\$ 10,732,000.00
---	------------------

County funds**	<u>\$ 22,329,000.00</u>
----------------	-------------------------

Subtotal – Construction	\$ 33,061,000.00
--------------------------------	-------------------------

Estimated TOTAL Project Cost	\$ 33,161,440.00
-------------------------------------	-------------------------

Total Estimated County Funds***	\$ 22,429,440.00
--	-------------------------

Total Federal Funds	\$ 10,732,000.00
----------------------------	-------------------------

* (Includes 15% construction engineering (CE) and administration cost (this percentage is subject to change, any change will require concurrence from the County) and 5% Project contingencies)

** (Includes Regional Transportation Authority funds, Pima County funds, and City of Tucson funds)

*** (The County has paid the initial PDA costs and the County's portion of construction costs, and after execution of this Amendment No. One the State will invoice the County for the expedited Section 408 Review costs estimated at \$70,440.00.)