

Ord.

2011-0377

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(GRANTS OFFICE)

ORDINANCENO. 11-12-5

A ordinance to amend Ordinance No. 09-5-13, an agreement with the Louisiana Department of Transportation and Development for the St. Charles Parish Eastbank Multi-Use Path, Phase IV (Harding Street in New Sarpy to Apple Street in Norco), State Project No. H.007551 (formerly, State Project No. 744-45-0009), Federal Aid Project No. ENH-4508(504), to provide for an increase in Federal funding.

WHEREAS, on May 18, 2009, the St. Charles Parish Council adopted Ordinance No. 09-5-13 approving an Agreement with the Department of Transportation and Development for Federal funding in the amount of \$287,000.00 for the St. Charles Parish Eastbank Multi-Use Path, Phase IV; and,

WHEREAS, on August 22, 2011 the St. Charles Parish Council adopted Ordinance No. 11-8-4 approving Supplemental Agreement No. 1 to said Agreement to increase the amount of Federal funding available for the project to \$810,000.00; and,

WHEREAS, the Louisiana Department of transportation and Development has prepared Supplemental Agreement No. 2 to said Agreement to increase the amount of Federal funding available for the project to \$865,000.00; and,

WHEREAS, it is the desire of the Parish Council to approve Supplemental Agreement No. 2.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Supplemental Agreement No. 2 to the Agreement for State Project No. H.007551, Federal Aid Project No. ENH-4508(504), St. Charles East Bank Multi-Use Path, Phase IV is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute Supplemental Agreement No. 2 on behalf of the Parish of St. Charles.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, HOGAN, COCHRAN, LAMBERT, NUSS
NAYS: NONE
ABSENT: BENEDETTO

And the resolution was declared adopted this 5th day of December, 2011, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
SECRETARY: Bahala Jane Tucker
DLVD/PARISH PRESIDENT: December 6, 2011
APPROVED: [Signature] DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: December 7, 2011
AT 9:55 AM RECD BY: [Signature]

REFERENCE
Ord. 09-5-13, Ord. 11-8-4

Consultant's
Copy

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SUPPLEMENTAL AGREEMENT NO. 2
STATE PROJECT NO. H.007551
(FORMERLY IDENTIFIED AS LEGACY STATE PROJECT
NO. 744-45-0009)
FEDERAL AID PROJECT NO. 4508(504)
ST. CHARLES EASTBANK MULTI-USE PATH, PHASE IV
ST. CHARLES PARISH

THIS SUPPLEMENTAL AGREEMENT NO. 2, made and executed in three (3) original copies on this 16th day of December, 2011, by and between the **Department of Transportation and Development**, ("DOTD"), and the **Parish of St. Charles**, a political subdivision of the State of Louisiana, hereinafter referred to as "**Sponsor**";

WITNESSETH: That;

WHEREAS, the DOTD and the Sponsor previously entered into a formal agreement, dated **May 29, 2009** and Supplemental Agreement No. 1, dated **September 7, 2011**, for constructing a multi-use path on the eastbank of the Mississippi River levee; and

WHEREAS, it is necessary to amend the Agreement to increase the Federal Funding; and

WHEREAS, the DOTD is agreeable to the changes in the implementation of the Project and desires to cooperate with the Sponsor as hereinafter provided;

NOW, THEREFORE, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree to amend the **May 29, 2009** Agreement and Supplemental Agreement No. 1 of **September 7, 2011**, as follows:

1.

Article II – Funding is hereby amended to read as follows:

“Except for services hereinafter specifically listed to be furnished at the DOTD's expense or at the Sponsor's expense, as the case may be, the cost of this project will be a joint participation between the Sponsor and the Federal Highway Administration, hereinafter "FHWA", with the Sponsor contributing the 5% match of the participating construction cost and the FHWA contributing, through the DOTD, the remaining 95%. The maximum federal funds available for this project are **\$865,000**. **With this funding option, the Sponsor agrees to provide all design and construction inspection at its own expense.** The Sponsor may incorporate items of work into the construction contract not eligible for Federal-Aid participation at its own costs. Funds will be disbursed as provided in **Article XII {Cost Disbursements}**.”

State Project No. H.007551
Supplemental Agreement No. 2
St. Charles Eastbank Multi-Use Path, Phase IV
St. Charles Parish
Page 2 of 3

“No Notice to Proceed shall be issued and no compensable costs for construction may be incurred prior to a formal notification from DOTD that FHWA authorization has been received. Any costs for which the Sponsor expects to be reimbursed for incurred prior to such authorization will not be compensable.”

2.

The DOTD and the Parish of St. Charles agree that all provisions of the Original Agreement between the parties dated May 29, 2009, and Supplemental Agreement No. 1 dated September 7, 2011, to the extent not inconsistent with Supplemental Agreement No. 2 of the Sponsor/State Agreement, shall remain in full force and effect.

State Project No. H.007551
Supplemental Agreement No. 2
St. Charles Eastbank Multi-Use Path, Phase IV
St. Charles Parish
Page 3 of 3

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written.

WITNESSES:

Andrea Aleman

Barbara Jacob Tucker

STATE OF LOUISIANA
PARISH OF ST. CHARLES

BY: V. J. St. Pierre

V. J. ST. PIERRE

Typed or Printed Name

PARISH PRESIDENT

Title

72-6001207

Taxpayer Identification Number

79448924

DUNS Number

WITNESSES:

Cosmo D. Day

Patrice Little

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

BY: Richard J. Savin
for Secretary

RECOMMENDED FOR APPROVAL:

BY: Edith R. West
Division Head

APPROVED AS TO FORM
Mouge Carier
CONSULTANT CONTRACT
SERVICES SECTION