

CONSULTANT'S COPY

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SUPPLEMENTAL AGREEMENT NO. 1
STATE PROJECT NO. 744-45-0008
FEDERAL AID PROJECT NO. ENH-4503(513)
ST. CHARLES EASTBANK MULTI-USE PATH, PHASE II
ST. CHARLES PARISH

THIS SUPPLEMENTAL AGREEMENT NO. 1, made and executed in three (3) original copies on this 31st day of July, 2009, 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 July 26, 2004, for constructing a multi-use path on the eastbank levee of the Mississippi River and related work; and

WHEREAS, it is necessary to amend the original 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 July 26, 2004 Agreement as follows:

1.

The following article is unchanged.

Article I – Project Description

2.

Article II – The Article is deleted and the following substituted to reflect that the Federal Funding has increased.

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

\$ 320,000. With this funding option, the Sponsor agrees to provide all design and construction inspection. 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 XI {Cost Reimbursements}**.

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.

3.

The following Articles are unchanged:

- Article III - Pre-Construction Services**
- Article IV - Right-of-way Acquisition and Relocation**
- Article V - Construction Plans**
- Article VI - Receipt of Bids**
- Article VII – Construction**
- Article VIII - Subcontracting**
- Article IX - DBE Requirements**
- Article X - Incidental Costs**
- Article XI - Cost Reimbursements**
- Article XII - Cost Records**
- Article XIII - Cancellation**
- Article XIV - Project Responsibility**
- Article XV - Civil Rights**
- Article XVI - Public Liability**
- Article XVII - Final Inspection and Maintenance**
- Article XVIII - Federal Provisions**
- Article XIX - State Horticulture Provisions**

All requirements of the aforesaid Agreement of July 26, 2004, except as specifically modified by this supplemental agreement, shall remain in full force and effect.

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:

STATE OF LOUISIANA
PARISH OF ST. CHARLES

Valerie Berthelot
Witness for First Party

BY: W. St. Pierre

V.J. St. Pierre Jr.
Typed or Printed Name

Sandra Miguez
Witness for First Party

TITLE: Parish President

72-6001207
Federal Identification Number

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

Intelexe Blaz
Witness for Second Party

BY: William D. Ankner
William D. Ankner, Ph. D.
Secretary

RECOMMENDED FOR APPROVAL

William H. Temple
Witness for Second Party

BY: William H. Temple
William H. Temple, P.E.
Chief Engineer