

STATE OF TEXAS §
COUNTY OF TRAVIS §

 **ORIGINAL**

**ADVANCE FUNDING AGREEMENT
AMENDMENT #2**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the State, and the City of Austin, acting by and through its duly authorized officials, hereinafter called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on August 22, 2006, and amended January 2, 2007, to effectuate their agreement to convert Cesar Chavez from a one-way operation to a two-way operation; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Local Government do agree as follows:

A G R E E M E N T

Article 1. Description of Amended Items

The maximum Federal Participation Amount was incorrectly shown in the Attachment C of the agreement. Also, verbiage regarding the Federal Participation amount to be subject to rescission and further spending cuts as provided by the Federal Spending Bill has been added. Therefore, Attachment C is voided in its entirety and replaced with Attachment C-1.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

CSJ #0914-04-219
District #14
Code Chart 64 #02100
Cesar Chavez: San Antonio St. to
Brazos St.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

Name of Local Government
By: Jose R. Ramos Jr.
Signature
Jose R. Ramos, Jr.
Printed Name
Assistant Director
Title
07/22/07
Date

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Name

Title

Date

ATTACHMENT C-1

The Local Government will participate in the cost of the construction of sidewalks, acceleration/deceleration lanes and traffic signals on Cesar Chavez from San Antonio St to Brazos St, which is an off-system location. The maximum federal reimbursable amount is \$2,400,000 but is subject to rescission and the availability of Federal Obligation Limitation. The Local Government's estimated participation of this work is \$660,000.00, including construction items, and engineering and contingencies. The Local Government will be responsible for any non-federal participation costs associated with the Project. The State has estimated the project to be as follows:

Description	Total Estimate Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
CONSTRUCTION COSTS							
Construction of sidewalks, traffic signals and acceleration/deceleration lanes	\$3,000,000	80%	\$2,400,000	0%	\$0	20%	\$600,000
Subtotal	\$3,000,000		\$2,400,000		\$0		\$600,000
Direct State Costs (including plan review, inspection and oversight) 2% of Total Estimated Cost	\$60,000	0%	\$0	0%	\$ 0.00	100%	\$60,000
Indirect State Costs (no local participation required except for service projects)	\$0		\$0		\$0		\$0
TOTAL	\$3,060,000	\$2,400,000*		\$0		\$660,000	
* Subject to Rescission							

Direct State Cost will be based on actual charges.

Local Government's Participation (20%) = \$660,000.00

The Local Government has transmitted to the State a check in the amount of \$48,000.00 made payable to the "Texas Department of Transportation Trust Fund" to be used toward direct costs. It is understood that the State will include only those items for the improvements as requested and required by the Local Government. This is an estimate only; final participation amounts will be based on actual charges to the project.