

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified:

Jackson County

City of Lee's Summit

Project TAP 3378(402)

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP - 3378(402)

Award Year: FFY 2023

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRANSPORTATION ENHANCEMENTS FUNDS  
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Lee's Summit (hereinafter, "City").

WITNESSETH:

WHEREAS, on May 31, 2022, the Commission and the City previously entered into a Transportation Enhancements Funds (TAP) Agreement # 2022-03-69014 as to public improvements designated as TAP 3378(402), for the construction of 3rd Street Complete Street Improvements, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph (16) REIMBURSEMENT including subparagraph (A) of the Original Agreement is hereby removed and replaced with the following:

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The federal share for this project will be eighty percent (80%) not to exceed Eight Hundred Twelve Thousand Five Hundred Dollars (\$812,500). The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the

project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments. The addition federal share of Three hundred twelve thousand five hundred dollars (\$312,500) shall be rescinded if not obligated for FFY2024 and the Commission shall have no obligations under this Agreement.

(2) REVISION: Paragraph (3) REASONABLE PROGRESS POLICY of the Original Agreement is hereby removed and replaced with the following:

(3) REASONALBE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(3) REVISION: Exhibit B attached to the Original Agreement is removed and replaced with the following:

#### Exhibit B – Project Schedule

Project Description: TAP 3378(402) 3<sup>rd</sup> Street Complete Streets Improvements

Task	Date
Date funding is made available or allocated to recipient	10/1/2023
Preliminary and Right-of-Way Plans Submittal (if Applicable)	11/1/2022
Plans, Specifications & Estimate (PS&E) Submittal	7/26/2024
Plans, Specifications & Estimate (PS&E) Approval	8/16/2024
Advertisement for Letting	9/30/2024
Bid Opening	10/30/024

Construction Contract Award or Planning Study completed <b>(REQUIRED)</b>	11/30/2024
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\*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

\*\*Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

(4) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

*Remainder of Page Intentionally Left Blank*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_\_ (date).

Executed by the Commission this \_\_\_\_\_ (date).

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF LEE'S SUMMIT

\_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No.: \_\_\_\_\_