

CCO Form: FS27
Approved: 05/02 (BDG)
Revised: 10/22 (MWH)
Modified:

Jackson County
City of Lee's Summit
Project 3378(403)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STBG – 3378(403)
Award Year: 2024
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STBG PROGRAM
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 3, 2023, the Commission and the City previously entered into a STBG Program Agreement #2022-03-68866 as to public improvements designated as STBG-3378(403), for the construction of Pryor Road Complete Streets Improvements Phase I, (hereinafter, "Original Agreement"); and

WHEREAS, on February 13, 2024, the Missouri STP Priorities Committee recommended the award to project STBG-3378(403) of ten million dollars (\$10,000,000) in additional STBG funding; and

WHEREAS, the ten million dollars (\$10,000,000) in additional STBG funding was awarded; and

WHEREAS, on July 9, 2024, the Missouri STP Priorities Committee recommended the award to project STBG-3378(403) of three million four hundred eighty-two thousand five hundred dollars (\$3,482,500) in additional STBG funding; and

WHEREAS, the three million four hundred eighty-two thousand five hundred dollars (\$3,482,500) in additional STBG funding was awarded; 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 (13) REIMBURSEMENT subparagraph (A) of the Original Agreement is hereby removed and replaced with the following:

(13) 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. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be eighty percent (80%) not to exceed seventeen million four hundred twelve thousand five hundred dollars (\$17,412,500). 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 additional federal share awarded of thirteen million four hundred eighty-two thousand five hundred dollars (\$13,482,500), shall be rescinded if not obligated for FFY2024 and the Commission shall have no obligation under this Agreement.

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

(3) REASONABLE 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: STBG 3378(403) Pryor Complete Streets Improvements Phase I

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 (REQUIRED)	11/30/2024

*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.

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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.: _____