

NORTH CAROLINA
DURHAM COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 12/21/2010

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: I-0306 C

AND

WBS ELEMENTS: 34143.3.6

CITY OF DURHAM

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Durham, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, the Department and the Municipality, on 6/13/2003, entered into an Agreement for the widening of I-85 from east of SR 1401 (Cole Mill Road) to west of Broad Street in Durham; and,

WHEREAS, the Department and the Municipality, on 10/04/2007, entered into a Supplemental Agreement to amend the Project scope and to increase the STP-DA funds; and,

WHEREAS, the Municipality was invoiced on 6/8/2010 for the amount of \$418,443.79 for the balance of said Municipal Agreement; and,

WHEREAS, the Municipality was invoiced on 6/10/2010 for the amount of \$127,372.84 for the balance of said Supplemental Agreement.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreements whereby the following provisions are amended:

FUNDING

At the request of the Municipality, and authorization from the Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO), the Department shall shift the unobligated Direct Attributable Funds from the construction of the median planters to the betterment cost of the brick noise wall and the cost of the sidewalks in an amount of \$91,867.80, as detailed in Exhibit

A. Any unobligated Direct Attributable Funds remaining shall revert back to the DCHC MPO Direct Attributable Fund Allocation.

RESPONSIBILITIES

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation , and the Office of the Governor).

Except as hereinabove provided, the Agreements heretofore executed by the Department, and the Municipality on the 6/13/2003 and 10/4/2007, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST: CITY OF DURHAM

BY: _____

BY: _____

DATE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ (Governing Board) of the City of Durham as attested to by the signature of _____, Clerk of the _____ (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Durham

DEPARTMENT OF TRANSPORTATION

BY: _____

(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

EXHIBIT A

I-306C MUNICIPAL SAP ID # 2549					
ACTUAL TOTAL =	PLANTERS	NOISE WALL	SIDEWALK	TOTAL	
80% OF TOTAL =	\$ 864,549.21	\$ 646,205.77	\$ 122,124.98	\$ 1,632,879.96	
ORIGINAL DA =	\$ 691,639.37	\$ 516,964.62	\$ 97,699.98	\$ (1,645,360.00)	
NEW DA =	\$ (691,639.37)	\$ (447,723.20)	\$ (97,699.98)	\$ (1,306,303.97)	
DURHAM OWES =	\$ 172,909.84	\$ 129,241.15	\$ 24,425.00	\$ 326,575.99	
DA REALLOCATED =	\$ (430,923.83)	\$ 69,241.42	\$ 22,626.38	\$ (339,056.03)	
I-306C SUPPLEMENTAL SAP ID # 4036					
ACTUAL TOTAL =	CONCRETE ISLANDS			TOTAL	
80% OF TOTAL =	\$ 187,372.84			\$ 187,372.84	
ORIGINAL DA =	\$ 149,898.27			\$ (60,000.00)	
NEW DA =	\$ (149,898.27)			\$ (149,898.27)	
DURHAM OWES =	\$ 37,474.57			\$ 37,474.57	
DA REALLOCATED =	\$ 89,898.27			\$ 89,898.27	