

STATE OF TEXAS § Amendment to Funding Interlocal Agreement
§ for Bailey Boswell Road Overpass
COUNTY OF TARRANT § Construction Phase

BACKGROUND

1. Tarrant County ("COUNTY") and the City of Saginaw ("CITY") entered into an Interlocal Agreement (ILA) approved by Tarrant County Commissioners Court Order No. 117448 for the financial support of up to \$5,500,000 through the 2006 Transportation Bond Program of the construction phase for the Bailey Boswell Road Overpass of Business 287 and the BNSF and Union Pacific railroad lines ("Project").
2. The COUNTY and the CITY desire to amend this ILA to provide additional financial support of up to \$1,000,000 through the 2006 Tarrant County Transportation Bond Program for the construction phase of this Project.

Therefore, the COUNTY and the CITY agree to the following:

3. Section III (Term) is amended to read as follows:

This ILA will expire on September 30, 2022 or upon completion of the Project as determined by the COUNTY, whichever occurs sooner.

4. Section IV (Cost) is amended to read as follows:

The COUNTY reimbursement shall be 50% of eligible construction costs paid by the CITY for up to \$6,500,000. Eligible construction costs may include inspection costs by the CITY's inspection consultant, BNSF, Union Pacific, and the Texas Department of Transportation (TxDOT). Attachment A incorporated into this ILA sets forth the funding schedule for this reimbursement. However, in the event that the construction schedule is delayed, the COUNTY is excused from reimbursing the CITY until the commencement of the construction phase of the Project as reasonably determined by the COUNTY. Any reimbursement request from the CITY must include: A) a copy of the contractor's invoice; B) the contractor's progress report or a copy of the latest project schedule; C) a copy of the check or a certification letter or other documentation of the CITY's payment to the contractor; and D) a copy of the check or a certification letter or other documentation of the CITY's payment to the CITY's inspection consultant, BNSF, Union Pacific, or TxDOT for any construction inspection costs, including the identification of the number of inspection hours and the hourly rate for the inspectors.

The CITY understands that the CITY will be responsible for any other expenses incurred by the CITY in performing the services under this ILA.

5. Except as amended above, this ILA remains in full force and effect.

APPROVED on this day, the _____ day of _____, 2020, by
Tarrant County.

Commissioners Court Order No. _____.

**TARRANT COUNTY
STATE OF TEXAS**

CITY OF SAGINAW

County Judge

Mayor

Commissioner – Precinct 4

APPROVED AS TO FORM:

APPROVED AS TO FORM AND CONTENT:

Criminal District Attorney's Office*

City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

***CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$_____ as follows:***

Fiscal year ending September 30, 2020 \$1,000,000

Fiscal year ending September 30, 2021 \$4,000,000

Fiscal year ending September 30, 2022 \$1,500,000

\$6,500,000**

Auditor's Office

** Project is funded with Precinct 4 discretionary bond funds.

ATTACHMENT A

Project Information

City: City of Saginaw
Project Name: Bailey Boswell Road Overpass

Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	-	-	-
ROW Acquisition:	-	-	-
Utility Relocation:	-	-	-
Construction:	Jul-2020	24	Jun-2022

* COUNTY payments for the construction phase are contingent upon the COUNTY'S reasonable determination that the work regarding this phase has been completed.

Proposed County Payment by Phase

Design:	\$0
ROW Acquisition:	\$0
Utility Relocation:	\$0
Construction:	<u>\$6,500,000</u>
TOTAL:	\$6,500,000**

** Project funded with Precinct 4 discretionary bond funds

Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
2019	\$	\$	\$	\$
2020	\$	\$	\$1,000,000	\$1,000,000
2021	\$1,000,000	\$1,000,000	\$1,000,000	\$500,000
2022	\$500,000	\$500,000	\$	\$
2023	\$	\$	\$	\$