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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DIVISION
(203) 797-4641
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FARID L. KHOURI, P.E.
CITY ENGINEER

August 20, 2013

Honorable Mark D. Boughton
City Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and City Council Members:

First Supplemental Agreement for Safety Improvements at the
Intersection of Lake Avenue at Shannon Ridge Road and Ridge Road
State Project No. 34-338
Federal-Aid Project No. P.E.: 1034(115) CN: 1034(116)
City Project No. 08-20

The City Council previously authorized Mayor Mark D. Boughton to execute the original design, construction, inspection and maintenance Agreement with DOT for this project.

Since that Agreement was executed, the survey and design have been completed and the cost estimate refined to more accurately reflect the final design. The original Agreement has been amended to reflect the more accurate current cost estimate which has resulted in an increase in the amount of the reimbursement to the City based on the project cost. At the direction of the State of Connecticut Attorney General's office, some of the legal language in the agreement has also been modified. Deputy Corporation Counsel Laszlo L. Pinter will review this language revision for acceptability to the City.

Enclosed please find a copy of the proposed State of Connecticut/City of Danbury First Supplemental Agreement. We ask that you to approve the resolution prepared by the Corporation Counsel's office which authorizes Mayor Mark D. Boughton to execute this Agreement.

If you have any questions or require additional information, please feel free to contact this office.

Very truly yours,

Farid L. Khouri, P.E.
City Engineer

Encl.

c: Laszlo L. Pinter, Esq., with two agreements
Antonio Iadarola, P.E., with encl.
David St. Hilaire, with encl.
Abdul B. Mohamed



RESOLUTION

7-1

CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2013

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

State Project No. 34-338

Federal-Aid Project Nos. PE: 1034(115) & CN: 1034(116)

RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to sign the Agreement entitled "First Supplemental Agreement to the Original Agreement Dated August 26, 2011, between the State of Connecticut and the City of Danbury for the Design, Construction, Inspection and Maintenance of Safety Improvements at the Intersection of Lake Avenue at Shannon Ridge Road and Ridge Road utilizing Federal Funds under the Hazard Elimination component of the Surface Transportation Program".

FIRST SUPPLEMENTAL AGREEMENT
TO THE ORIGINAL AGREEMENT
DATED AUGUST 26, 2011
BETWEEN THE STATE OF CONNECTICUT
AND THE CITY OF DANBURY
FOR THE
DESIGN, CONSTRUCTION, INSPECTION AND MAINTENANCE
OF SAFETY IMPROVEMENTS AT THE INTERSECTION OF
LAKE AVENUE AT SHANNON RIDGE ROAD AND RIDGE ROAD
UTILIZING FEDERAL FUNDS UNDER THE
HAZARD ELIMINATION COMPONENT OF
THE SURFACE TRANSPORTATION PROGRAM

State Project No. 34-338

Federal-Aid Project Nos. PE: 1034(115)
CN: 1034(116)

THIS AGREEMENT, concluded at Newington, Connecticut, this _____ day of _____, 20____, by and between the State of Connecticut, Department of Transportation, James Redeker, Commissioner, acting herein by Thomas A. Harley, P.E., Bureau Chief, Bureau of Engineering and Construction, duly authorized, hereinafter referred to as the "State", and the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by the Honorable Mark D. Boughton, Mayor, hereunto duly authorized, hereinafter referred to as the "Municipality", or collectively referred to as the "Parties".

WITNESSETH, THAT,

WHEREAS, the State and Municipality executed an Agreement, No. 7.26-04(11), dated August 26, 2011, entitled "Agreement Between the State of Connecticut and the City of Danbury for the Design, Construction, Inspection and Maintenance for Safety Improvements at the Intersection of Lake Avenue at Shannon Ridge Road and Ridge Road Utilizing Federal Funds Under the Hazard Elimination Component of the Surface Transportation Program", hereinafter referred to as the Original Agreement, and

WHEREAS, the cost estimate under Article (47) of the Original Agreement has been updated to reflect an increase in the total construction cost due to an additional traffic signal added to the scope and updated unit costs, and

WHEREAS, the State is authorized to enter into this Agreement pursuant to Section 13a-165 of the General Statutes of Connecticut, as revised.

NOW, THEREFORE, KNOW YE THAT:
THE PARTIES HERETO AGREE AS FOLLOWS:

1. The third paragraph of "Definitions" on Page 2 of the Original Agreement referring to the definition of "Project" is hereby deleted and the following is substituted in lieu thereof:

"The term "Project" as used herein is defined as installation of traffic control signals, including emergency vehicle pre-emption systems, at the intersections of: (1) Lake Avenue at Shannon Ridge Road and Ridge Road and (2) Lake Avenue at an I-84 entrance/exit ramp."

2. That Article (5) of the Original Agreement is hereby deleted and the following substituted in lieu thereof:

(5) (a) Deposit with the State, upon demand, the sum of Two Thousand Six Hundred Seventy Dollars (\$2,670), which sum represents the Municipality's proportionate share of the estimated cost of State-provided services, as shown in Article (47), Item "I" of this Agreement.

(b) Deposit with the State, upon demand, the sum of Zero Dollars (\$0) for the depreciation reserve credit of the municipally-owned utility facility being replaced and the value of any materials salvaged from the existing facility, as shown in Article (47), Item "J" of this Agreement.

- 3. That Article (31) of the Original Agreement is hereby amended by deleting paragraph (f) thereof.
- 4. That Article (47) of the Original Agreement is hereby deleted and the following substituted in lieu thereof:

(47) That the total estimated cost for Federal-aid participating activities related to the preliminary engineering and construction phases of the Project is Three Hundred Sixty Thousand Five Hundred Dollars (\$360,500), which includes anticipated expenditures of Fifteen Thousand Fifty-five Dollars (\$15,055) for services to be provided by the Municipality and Twenty-six Thousand Seven Hundred Four Dollars (\$26,704) for services to be provided by the State.

The maximum amount of reimbursement to the Municipality under the terms of this Agreement is Two Hundred Seventy-seven Thousand Nine Hundred Sixteen Dollars (\$ 277,916).

ESTIMATED PRELIMINARY ENGINEERING & CONSTRUCTION COSTS

State Project No. 34-338	Federal-aid Project Nos. PE: 1034(115) CN: 1034(116)
A. Preliminary Engineering Services by the State.....	\$ 25,000
B. Construction Costs and Contingencies.....	\$ 293,741
C. Incidentals to Construction by the Municipality (Inspection).....	\$ 15,055
D. Incidentals to Construction by the State (Materials Testing, Construction Administration and Audits).....	\$ 26,704
E. Total Cost of Project (A+B+C+D).....	\$360,500
F. Estimated Federal Proportionate Share of the Total Cost (90% of E)..	\$324,450
G. Estimated State Proportionate Share of the Total Cost (10% of E).....	\$ 36,050
H. Maximum Amount of Reimbursement to the Municipality (90% of [B+C]).....	\$277,916
I. Amount to be deposited by the Municipality in accordance with Article (5)(a) of this Agreement (10% of D).....	\$ 2,670
J. Demand deposit required from the Municipality for depreciation reserve credit in accordance with Article (5)(b) of this Agreement.....	\$ 0
K. Total Demand Deposit (I+J).....	\$ 2,670
L. Demand Deposit paid by the Municipality under Original Agreement.....	\$ 3,848
M. Additional Demand Deposit required from the Municipality under this Supplemental Agreement (K-L).....	\$ 0

The actual expenditures for Items A, B, C, and D shall be funded as follows:

ITEM A – Preliminary Engineering Services by the State – the participation ratio for the actual expenditures shall be one hundred percent (100%) Federal.

ITEM B – Construction Costs and Contingencies – the participation ratio for expenditures approved by both parties, not to exceed the estimated construction cost by more than Fourteen Thousand Five Hundred Dollars (\$14,500), shall be ninety percent (90%) Federal, ten percent (10%) Municipal. Expenditures exceeding the estimated construction cost by more than Fourteen Thousand Five Hundred Dollars (\$14,500) have been determined by the State to be non-participating and shall be funded one hundred percent (100%) by the Municipality.

ITEM C & D – Incidentals to Construction by the Municipality and the State – the participation ratio for expenditures shall be ninety percent (90%) Federal, ten percent (10%) Municipal.

5. That the demand deposit of Two Thousand Six Hundred Seventy Dollars (\$2,670) above represents a reduction of One Thousand One Hundred Seventy-eight Dollars (\$1178) from the Three Thousand Eight Hundred Forty-eight Dollars (\$3,848) demand deposit referred to in the Original Agreement. Any overage or additional deposit will be settled with the Municipality upon completion of the final audit.

6. That all terms and conditions set forth in the Original Agreement remain in full force and effect unless specifically amended or deleted herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year indicated.

WITNESSES:

STATE OF CONNECTICUT
Department of Transportation
James Redeker, Commissioner

Name:

By: _____ (Seal)
Thomas A. Harley, P.E.
Bureau Chief
Bureau of Engineering and Construction

Name:

Date: _____

CITY OF DANBURY

Name:

By: _____ (Seal)
Mark D. Boughton
Mayor

Name:

Date: _____

APPROVED AS TO FORM:

Attorney General
State of Connecticut

Date: _____