

**AMENDMENT NUMBER 01
American Recovery and Reinvestment Act of 2009
Halsey Street Sidewalks
Multnomah County**

The State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "State," and the Multnomah County, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on April 21, 2009. Said Agreement covers sidewalk construction.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to reduce the total ARRA funding by \$580,000. The \$580,000 will be applied to Multnomah County's contingency project, Multnomah County Streets Overlay project, Agreement No. 26312. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

TERMS OF AGREEMENT, Paragraph 2, Page 2, which reads:

2. The Project shall be conducted as a part of the ARRA Program under Title 23, United States Code. The total Project cost is estimated at \$1,000,000, which is subject to change. ARRA Program funds for this Project shall be limited to \$989,960. The Project will be financed with ARRA funds at 100 percent of the maximum allowable federal participating amount. Agency will not be required to provide a match for the ARRA funds but will be responsible for any non-participating costs, including all costs in excess of the available federal funds. No ARRA funded invoices will be accepted and no ARRA funded payments will be made after September 30, 2015.

Shall be deleted in its entirety and replaced with the following:

2. The Project shall be conducted as a part of the ARRA Program under Title 23, United States Code. The total Project cost is estimated at \$417,440, which is subject to change. ARRA Program funds for this Project shall be limited to \$409,960. The Project will be financed with ARRA funds at 100 percent of the maximum allowable federal participating amount. Agency will not be required to provide a match for the ARRA funds but will be responsible for any non-participating costs, including all costs in excess of the available federal funds. No ARRA funded invoices will be accepted and no ARRA funded payments will be made after September 30, 2015.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

**Agency/State
Agreement No. 25499-Amendment 1**

THE PARTIES, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

This Project is amended into the 2008-2011 Statewide Transportation Improvement Program, Key No. 16458 that was approved by the Oregon Transportation Commission on November 14, 2007 or will subsequently be approved by amendment to the STIP.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways, to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

Agency/State
Agreement No. 25499-Amendment 1

Multnomah County, by and through its
elected officials

By _____
Ted Wheeler, Chair

Date _____

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By /s/ Matthew O. Ryan
Agency Counsel Assistant County
Attorney

Date 11/12/09

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Thomas.L.WEATHERFORD@odot.state
.or.us
503.731.8238

STATE OF OREGON, by and through
its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Local Government Section Manager

Date _____

By _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____

