

**PROJECT SPECIFIC AGREEMENT MODIFICATION**

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The parties entered into the attached Project Specific Agreement in 2014 that provided for, among other things, the preliminary engineering services needed in advance of constructing a bridge and approaches over the Bitterroot River between South Avenue West and River Pines Road. Missoula County has requested changes to the project's budget and retainage requirements.

The budget is increased to reflect the amounts shown in the Consultants Services Agreement between the County and HDR Engineering, Inc., plus an additional 10% to allow force account work to be performed by the County. The 25% retainage requirement has been deleted from the Agreement.

Accordingly, the parties agree to modify that Agreement as set forth below.

After NOW, THEREFORE, ...

Sections 7 and 12 will be modified to read:

**7. FUNDING**

- a. The County has requested federal BR funds and non-federal matching funds in the amount of \$1,416,417.65. The required non-federal match participation will be 13.42%. This is the total funding available for the preliminary engineering phase of the Project. Therefore, the funding for the PE phase of the Project is as follows:

BR funds	\$ 1,226,334.40
<u>Non-federal matching funds</u>	<u>\$ 190,083.25</u>
Total funds available	\$ 1,416,417.65

- b. The MDT is responsible for the non-federal matching funds and indirect costs. Indirect costs are in addition to the funds available shown above.

It is understood and agreed between the parties that: Section 17-1-106. MCA requires any state agency, including MDT that receives non-general funds to identify and recover its indirect costs. These costs are in addition to direct project costs. MDT's indirect cost rate is determined annually as a percentage of the project's direct costs to cover the projects share of MDT's indirect costs as defined by 2 CFR Part 200, Appendix VII. MDT's current indirect cost rate is 10.37% for fiscal year 2016 (July 1, 2015 to June 30, 2016). If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rates may change during the life of the project.

- c. The County is responsible for 100% of non-federal aid eligible costs and payback of state and federal funds expended on the project if required.

12. METHOD OF PAYMENT

The County will submit a claim for cost reimbursement quarterly detailing items and quantities of acceptable work completed that period to the CTEP/TA Office for the project development costs incurred. The request will be accompanied by documentation substantiating the amount requested.

All other terms of the original agreement will remain in full force.


IN WITNESS WHEREOF, the Department's authorized representative has signed on behalf of MDT, and the Chairperson of the Missoula County Board of Commissioners, on behalf of the County, has signed and affixed hereto the seal of the County.

**STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_ Date \_\_\_\_\_, 2015

Director of the Montana Department of Transportation

APPROVED FOR LEGAL CONTENT


  
\_\_\_\_\_  
MDT Legal Counsel

**MISSOULA COUNTY**

By   
\_\_\_\_\_  
Missoula County Commission Chairperson

Date 5/27/, 2015

ATTEST:

  
\_\_\_\_\_  
Clerk & Recorder

[OFFICIAL SEAL]