



Matthew G. Bevin
Governor

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET**

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Greg Thomas
Secretary


December 1, 2017

The Honorable Gregory Fischer, Mayor
Louisville-Jefferson County Metro Government
527 West Jefferson Street
Louisville KY 40202

Dear Mayor Fischer:

The Kentucky Transportation Cabinet has prepared the enclosed Supplemental Agreement No. 2 whereby the Cabinet will provide up to an additional \$733,000 in reimbursable federal funds to the Louisville-Jefferson County Metro Government (Metro). This funding will be used for the Hill Street Sidewalk Project, Item No. 05-03037.00. Please see the agreement for more details. Metro will be responsible for any ineligible costs, the additional 20% local match funds, and any costs in excess of the additional \$733,000 for the continuation of the Project.

We request that you sign both copies of this agreement, a resolution, and Person in Responsible Charge (Attachment C) as requested in Sections 43 and 44. Please return the signed copies of the agreement and the resolution to Erin S Clouse, Kentucky Transportation Cabinet, Division of Program Management, 200 Mero Street, Frankfort, KY 40622. Upon receipt, we will execute the agreement and authorize funding for this project. One fully executed copy will be returned to Metro for your use and retention.

Sincerely,

Greg Thomas
Secretary

GT:esc

Enclosures: 2

c: Patty Dunaway, P.E., State Highway Engineer
Matt Bullock, P.E., Chief District Engineer, D-5
Travis Thompson, P.E., Planning, D-5



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**AGREEMENT BETWEEN
THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET
AND
THE LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT
HILL STREET SIDEWALK PROJECT, ITEM NO. 5-3037
FEDERAL PROJECT NOS.3001-451 & 3001-524
\$733,000 FEDERAL FUNDS (\$230,122 TAP/ \$502,878 SLO)**

WITNESSETH:

WHEREAS, the Federal Highway Administration (FHWA) through the Commonwealth of Kentucky, Transportation Cabinet (CABINET) and the Louisville-Jefferson County Metro Government (RECIPIENT) entered into an agreement on March 13, 2014 wherein the CABINET approved up to \$60,000 in federal funding to the RECIPIENT for the Hill Street Sidewalk Project (PROJECT), known as Federal Project Number 3001-451 , and the applicable Catalog of Federal Domestic Assistance number is 20.205-Highway Planning and Construction,

WHEREAS, these same parties consented to the terms and agreements of the Design Consultant Contract Memo dated June 27, 2014 wherein the RECIPIENT obtained the services of URS through the CABINET's Statewide Design Consultant Contract for the Design phase of the PROJECT,

WHEREAS, these same parties entered into Supplemental Agreement No. 1 on January 5, 2016 Wherein the CABINET authorized and additional \$60,000 for the continuation of the Design Phase of the PROJECT,

WHEREAS, the RECIPIENT has requested additional funds for the Construction Phase of the PROJECT,

WHEREAS, the Federal-aid Highway Program is a State Administered Reimbursement Program and the RECIPIENT shall carry out this PROJECT in accordance with applicable Federal and State laws and regulations including all of Title 49 United States Code (USC), Title 23 United States Code (USC), 49 Code of Federal Regulations (CFR), 23 Code of Federal Regulations (CFR), and 2 CFR 200,

WHEREAS, the RECIPIENT must comply with applicable CABINET policies and procedures,

WHEREAS, Federal-aid projects are to serve a public purpose in perpetuity, the RECIPIENT is responsible for maintaining any real property or facilities improved pursuant to the PROJECT in perpetuity on a non-profit basis,

WHEREAS, the RECIPIENT shall refer to the *Federal-Aid Project Development Guide for Local Public Agencies*, hereinafter the "GUIDE", and any future revisions for assistance in complying with this AGREEMENT,

WHEREAS, the RECIPIENT shall outline, undertake, and complete the work as described in the Scope of Work and Budget Summary (Attachment A) in accordance with the terms and conditions of this AGREEMENT, and consistent with the FHWA Contract Administration Manual, the CABINET/FHWA Stewardship Agreement, FHWA Form 1273 and all applicable State and Federal laws and regulations,

WHEREAS, the RECIPIENT shall demonstrate and shall maintain adequate staff, provide delivery systems, and sufficient accounting control to complete the PROJECT in accordance with all Federal and State laws and regulations addressed herein, and

**ATTACHMENT A
SCOPE OF WORK AND BUDGET SUMMARY**

Scope of Work:

The PROJECT is expected to provide rehabilitation of a sidewalk along Hill Street (CS 1016F) between 6th and 7th Streets (enhancements that restores a sidewalk connection and ADA improvements) in the City of Louisville in Jefferson County. At the present time, the Hill Street underpass below the CSX railroad is closed to pedestrians on the south side, requiring pedestrians to enter a two lane roadway without shoulders for access. The purpose of this project is to provide pedestrian accessibility and safety through the CSX railroad underpass. The RECIPIENT had requested that any properly documented, federal-aid-eligible, KYTC pre-approved railroad expenditures for this PROJECT be credited towards the required 20% match of the construction phase. The total amount was \$2,867 to be counted towards the local match commitment for the Construction Phase. Design phase payments were made by the CABINET to URS directly. The RECIPIENT will let the PROJECT to construction and reimbursements for the Construction phase will be made to the RECIPIENT.

- 1) **Construction Phase - Scope of Work and Schedule**
 - a. Competitive bidding of construction phase, consistent with all federal regulations in 23CFR635
 - b. Performance of all necessary agency coordination, including but not limited to CSX and KYTC
 - c. Selection of lowest responsive bidder by competitive bid process
 - d. Notice to begin work is anticipated to be September 15, 2017
 - e. Construction inspection to be provided by RECIPIENT's Consultant (Stantec)
 - f. Flagging and inspection services during construction to be provided by CSX
 - g. Project administration consistent with Appendix F of the Federal-Aid Highway Program Project Development Guide for Local Public Agencies

- 2) **Federal End Date**
 - a. All design phase work shall be completed by the End Date of August 14, 2017.
 - b. Construction Phase – All construction phase work shall be complete by December 31, 2019.

Budget:

		Federal Funds	Local Funds	Total Credits	Total
Original MOA (March 13, 2014)	Design Phase Funding: Metro Program# 8882201D	\$60,000.00	\$15,000.00	-	\$75,000.00
	Design Phase Funding: Cabinet Program# 8882202D	\$6,000.00	-	\$1,200.00	\$6,000.00
Memo (June 27, 2014)	Design Phase Funding: Metro Program# 8882201D	-\$29,422.40	-\$5,444.50*	-	-\$36,778.00
Supplemental Agreement No. 1 (January 5, 2016)	Design Phase Funding: Metro Program# 8882201D	+\$60,000.00	+\$13,088.90*	-	+\$75,000
	Design Phase Funding: Cabinet Program# 8882202D	+\$3,057.76	-	+\$611.55	+\$3,669.31
Supplemental Agreement No. 2 (Current)	Construction Phase Funding: Metro Program# 8882201C	+\$733,000.00	+\$183,250.00**	-	+\$916,250.00
	Construction Phase Funding: Cabinet Program# 8882202C	+\$67,000.00	-	-\$13,400.00	+\$67,000.00
Design Phase Total for Metro		\$90,577.60	\$22,644.40		\$113,222.00
Construction Phase Total for Metro		\$733,000.00	\$183,250.00		\$916,250.00
Oversight Total for Cabinet		\$76,057.76		\$15,211.55	\$76,057.76

* Louisville Metro's local match responsibility after the June 27, 2014 memo should have been \$7,644.40 (20% of total project cost) instead of \$9,555.50. Supplemental No. 1 corrects the Federal/local share.

**\$2,867.00 is being provide as in kind match, the remaining \$180,383 will be local funds match