



Request for City Manager Signature

(\$50,000 and higher. Council approval not needed up to \$100,000)

Project Name/Contract Number:	IH 35 Shared Use Pathway Connection	# 224-189
Department Contact / Department Name:	Rohit Vij	CIP
Date of City Council Approval: (Past or Recent)	June 2, 2024 (RES #2024- 95R)	
Return Signed Document to:	Rohit Vij	Ext: 8133

Background/Purpose: Amendment # 1 to the Advanced Funding Agreement (AFA) is required between the Texas Department of Transportation (TxDOT) and the City of San Marcos (City) to include additional Community Project Funding (CPF)/ Congressionally Directed Spending (CDS/Earmark) under Highway Infrastructure Programs (HIP), increasing the estimated total project cost by \$1,095,940.00 to \$2,510,138 with the city providing \$109,594.00 (10%) as local match. The city will also be responsible for maintaining locally owned facilities after completing the work. The estimated total payment by the City to TxDOT is \$0.00.

Funding: **Total participation by the city is \$0.00**

Project Number	Fund	Phase	Loc/Yr Dept	GL Account	Amount
NA	NA	NA	NA	NA	NA

Reviewed / Approved:

User Department Director:	Shaun Condor <small>Digitally signed by Shaun Condor DN: cn=Shaun Condor, c=US, o=City of San Marcos, ou=Engineering and Capital Improvements, email=scondor@sanmarcostx.gov Date: 2025.04.15.12:11:07 -0500</small>	Date:	
Purchasing / Contracting POC:		Date:	
Finance Director: (CDBG-DR)		Date:	
Purchasing Manager:		Date:	
Other Depts. as needed			

TxDOT:				Federal Highway Administration:	
CCSJ #	0016-03-128	AFA ID	Z00009255	CFDA No.	20.205
AFA CSJs	0016-03-128			CFDA Title	Highway Planning and Construction
District #	14	Code Chart 64#	37950-City of San Marcos		
Project Name	San Marcos Shared Use Pathway			AFA Not Used For Research & Development	

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT For A SAFE ROUTES TO SCHOOL PROJECT Off-System

AMENDMENT #1

THIS AMENDMENT is made by and between the State of Texas, acting through the **Texas Department of Transportation**, called the “State”, and the **City of San Marcos**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, the parties executed a contract on **08/5/2024** to effectuate their agreement to **construct pedestrian Infrastructure in City of San Marcos**; and,

WHEREAS, it has become necessary to amend that contract in order to **include the Community Project Funding (CPF)/Congressionally Directed Spending (CDS)/Earmark under the Highway Infrastructure Programs (HIP)**;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the parties do agree as follows:

AGREEMENT

1. Attachment B, PROJECT ESTIMATE AND SOURCE OF FUNDS, is deleted in its entirety and replaced with Attachment B-1, **PROJECT ESTIMATE AND SOURCE OF FUNDS**, which is attached to and made a part of this Amendment. The total estimated cost of the Project increased by \$ **1,095,940**, from \$ **1,414,198** to \$ **2,510,138**, due to **additional federal fund Category 10 Community Project Funding (CPF)/Congressionally Directed Spending (CDS)/Earmark**
2. Attachment A-1, Resolution is supplemented by adding Attachment A-1, Resolution which is attached to and made a part of this Amendment.

All other provisions of the original contract are unchanged and remain in full force and effect.

TxDOT:				Federal Highway Administration:	
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Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

Signature

Typed or Printed Name

Typed or Printed Title

Date

THE LOCAL GOVERNMENT

Signature

Stephanie Reyes

Typed or Printed Name

City Manager

Typed or Printed Title

Date

TxDOT:				Federal Highway Administration:	
CCSJ #	0016-03-128	AFA ID	Z00009255	CFDA No.	20.205
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ATTACHMENT B-1
PROJECT ESTIMATE AND SOURCE OF FUNDS
 LG Performs PE Work or Hires Consultant / LG Lets Project for Construction

Work Performed by Local Government (“LG”)								
Description of Project Costs to be Incurred		Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized EDC amounts		Local Government Participation Includes authorized TDC reduction	
			%	Cost	%	Cost	%	Cost
Planning/Maps/Education/Non-CST		\$0	0%	\$0	0%	\$0	0%	\$0
Preliminary Engineering		\$0	0%	\$0	0%	\$0	0%	\$0
Environmental Cost		\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way		\$0	0%	\$0	0%	\$0	0%	\$0
Utilities		\$0	0%	\$0	0%	\$0	0%	\$0
Tot. Construction Cost	\$2,315,446							
Construction Engineering Cost	\$							
Eligible In-Kind Contribution Value	\$							
Total Cat.9 Construction Value (sum of construction cost and in-kind value)								
Total Cat.10 Construction Value		\$1,095,940	90%	\$986,346	0%	\$0	10%	\$109,594
Work by LG Subtotal		\$2,315,446	\$2,205,852		\$0		\$109,594 and TDC \$243,901	
Work Performed by the State (Local Participation paid up front by LG to TxDOT)								
Preliminary Engineering ¹		\$0	0%	\$0	0%	\$0	0%	\$0
Environmental Cost ¹		\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way ³		\$0	0%	\$0	0%	\$0	0%	\$0
Utilities ²		\$0	0%	\$0	0%	\$0	0%	\$0

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Construction Cost ²	\$	\$0	0%	\$0	0%	\$0	0%	\$0
Eligible In-Kind Contribution Value	\$							
Total Construction Value (sum of construction cost and in-kind value)								
Work by State Subtotal		\$0	\$0		\$0		\$0	
Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight								
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized EDC amount		Local Government (LG) Participation Includes authorized TDC reduction		
		%	Cost	%	Cost	%	Cost	
Preliminary Engineering ¹	\$20,789	100%	\$20,789	0%	\$0	TDCs	4,158	
Environmental Cost ¹	\$13,860	100%	\$13,860	0%	\$0	TDCs	2,772	
Right of Way ¹	\$4,157	100%	\$4,157	0%	\$0	TDCs	832	
Utilities ¹	\$2,772	100%	\$2,772	0%	\$0	TDCs	554	
Construction ²	\$97,017	100%	\$97,017	0%	\$0	TDCs	19,403	
Direct State Costs Subtotal	\$138,595	100%	\$138,595	0%	\$0	TDCs	27,719	
Indirect State Cost	\$56,097	\$0		100%	\$56,097	\$0		
TOTAL PARTICIPATION	\$2,510,138	\$2,344,447		\$56,097		\$109,594 and \$271,620 TDCs		
In-kind Contribution Credit Applied						0%	\$0	
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION						\$109,594 and \$271,620 TDCs		

- The estimated total participation by Local Government is \$0.00.
- The **Local Government** is responsible for 100% of overruns.

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- Total estimated payment by Local Government to State is \$0.00.
- ¹Local Government's first payment of \$0.00 is due to State within 30 days from execution of this contract.
- ²Local Government's second payment of \$0.00 is due to State within 60 days prior to the Construction contract being advertised for bids.
- ³If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.
- The local match must be 20% or greater and may include State contributions, eligible in-kind contributions, EDC adjustments, or TDCs if authorized as part of project selection.
- Transportation Development Credits (TDC) for Cat.9 are being utilized in place of the Local Government's participation in the amount of \$271,620.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal TASA Cat.9 funds available for Project are \$1,358,101, Transportation Development Credit (TDC) in the amount of \$271,620 will be used in lieu of Federal required local match of \$271,620
- Maximum Federal Community Project Funding (CPF)/Congressionally Directed Spending (CDS)/Earmark Cat.10 funds available for the Project are \$986,346, the Local Government shall provide the Federal required local match of 10% which shown on Attachment C-1
- Maximum Federal funds \$2,344,447. The Local Government's allowable expenses will be reimbursed by the State with Cat.9 funding first, before Cat.10 funding.