

PHASE 2 OPTION AMENDMENT

TO THE GRANT AGREEMENT UNDER THE TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT FOR 2010 (DIV. A OF THE CONSOLIDATED APPROPRIATIONS ACT, 2010 (PUB. L. 111- 117, DEC. 16, 2009)), FOR THE NATIONAL INFRASTRUCTURE INVESTMENTS DISCRETIONARY GRANT PROGRAM (TIGER II DISCRETIONARY GRANTS)

Northwest Arkansas Regional Planning Commission

Northwest Arkansas Razorback Regional Greenway

FHWA TIGER II Grant No. TDGII-C-19

SECTION 1. OBLIGATION OF PHASE 2 FUNDING

Under this Amendment, and in accordance with the terms and conditions of the executed Grant Agreement for FHWA TIGER II Grant No. C-19, the Government and Grantee acknowledge the completion of the portion of Phase 1 of the Project related to Phase Two, and that the Grantee has met all Federal, State, and local requirements required prior to the start of final design and construction of Sections 7 and 9 in Rogers. Therefore, in accordance with paragraph 4.2 of section 4 of the Grant Agreement, the amount identified in paragraph 1.3 of section 1 of the Grant Agreement for Phase 2 – ONE MILLION FOUR HUNDRED FORTY-NINE THOUSAND SIX HUNDRED Dollars (\$1,449,600) – will be obligated for performance of Phase 2, which includes final design work and construction of Sections 7 and 9 in Rogers.

SECTION 2. TERMINATION

Section 5 of the Grant Agreement is amended by adding the following:

“5.1.2.1 The Grantee fails to begin work on Phase 2 before October 31, 2011;”.

SECTION 3. PROJECT SCHEDULE

Attachment B of the Grant Agreement is amended to read as follows:

Task Work	Estimated Completion Date
TIP/STIP Date	January 7, 2011/January 31, 2011
NEPA Approval Date	April 7, 2011

Phase One	
PE Obligation Date (for entire project)	April 8, 2011
ROW Obligation Date (for entire project)	April 8, 2011
Phase Two (for Sections 7 and 9 in Rogers)	
ROW Clearance Date	August 30, 2011
Final Design Completion Date	August 30, 2011
PS&E Package & Obligation of Construction Funds	August 30, 2011
Construction Bid Advertisement date	September 5, 2011
Construction Bid opening date (7 and 9)	September 30, 2011
Notice to Proceed	October 30, 2011
Groundbreaking Date	November 15, 2011
Project Completion Date	December 31, 2012
Phase Three (all remaining sections)	
ROW Clearance Date	December 31, 2011
Final Design Completion Date	December 31, 2011
PS&E Package & Obligation of Remaining Construction Funds	December 31, 2011
Bid Advertisement Date	January 15, 2012
Bid Opening Date	February 15, 2012
Notice to Proceed Date	March 15, 2012
Groundbreaking Date	March 30, 2012
Project Completion Date	December 31, 2013

SECTION 4. AWARD AND EXECUTION OF GRANT AGREEMENT

There are three (3) identical counterparts of this Amendment in typewritten hard copy; each counterpart is to be fully signed in writing by the parties and each counterpart is deemed to be an original having identical legal effect. When signed and dated by the authorized official of the Government, this instrument will constitute an amendment to the Grant Agreement. Except as modified, changed, and supplemented by this Amendment, all terms of the original Grant Agreement shall continue in full force and effect. Upon final execution of this Amendment by the Grantee, the effective date will be the date the Government executes this Amendment as set forth below.

EXECUTION BY THE GOVERNMENT

Executed this 30 day of Aug, 2011.

Sandra L. Otto
Signature of Government's Authorized Representative

SANDRA L. OTTO
Name of Government's Authorized Representative

DIVISION ADMINISTRATOR
Title

EXECUTION BY THE GRANTEE/RECIPIENT

By signature below, the Grantee/Recipient acknowledges that it accepts and agrees to be bound by this Amendment.

Executed this 30th day of August, 2011.

Jeff Hawkins
Signature of Grantee's Authorized Representative

Jeff Hawkins
Name of Grantee's Authorized Representative

Executive Director
Title

EXECUTION BY State Department of Transportation

Executed this 30 day of Aug, 2011.

Lorie Tudor
Signature of State Department of Transportation Designated
Official Representative

Lorie Tudor
Name of State Department of Transportation Designated Official
Representative

Acting Asst. Chief Eng. - Planning
Title