

PHASE 3 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

FHWATIGER II Grant No. TDGII-C-19

SECTION 1. OBLIGATION OF PHASE 3 FUNDING

Under this Phase 3 Option 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 Phase 1 and 2, of the Project as related to Phase 3. Further that the Grantee has met all Federal, State, and local requirements required prior to the start of final design and construction of remaining Contract Segments - 1, 2, 3A, 3B, 4A, 4B and 5. Therefore, in accordance with paragraph 4.3 of section 4 of the Grant Agreement, the amount identified in paragraph 1.3 of section 1 of the Grant Agreement for Phase 3 – TEN MILLION THREE HUNDRED TWENTY-ONE THOUSAND NINE HUNDRED SEVENTY-TWO DOLLARS (\$10,321,972.00) – will be obligated for performance of Phase 3, which includes final design work and construction of remaining Contract Segments - 1, 2, 3A, 3B, 4A, 4B and 5. This is the final phased obligation.

SECTION 2. TERMINATION

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

“5.1.2.2 The Grantee fails to begin work on Phase 3 before September 1, 2012;”.

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 (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 | September 21, 2011 |
| Construction Bid Advertisement date | March 11, 2012 |
| Construction Bid opening date (7 and 9) | April 2, 2012 |
| Notice to Proceed | April 26, 2012 |
| Groundbreaking Date | June 12, 2012 |
| Project Completion Date | December 31, 2012 |
| | |
| Phase Three (Sections 1, 2, 3A, 3B, 4A, 4B, and 5) | |
| ROW Clearance Date | July 15, 2012 |
| Final Design Completion Date | June 8, 2012 |
| PS&E Package & Obligation of Remaining Construction Funds | June 15, 2012 |
| Bid Advertisement Date | July 24, 2012 |
| Bid Opening Date | August 15, 2012 |
| Notice to Proceed Date | August 30, 2012 |
| Groundbreaking Date | September 18, 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

By signature below, the undersigned, on behalf of the Government, acknowledges that it accepts and agrees to be bound by this Agreement.

Executed this 21 day of June, 2012.



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 Agreement.

Executed this 15th day of June, 2012.

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

By signature below, the undersigned, on behalf of the State DOT, acknowledges that it accepts and agrees to be bound by this Agreement.

Executed this June day of 20, 2012.

Lorie H. Tudor

Signature of State Department of Transportation Designated
Official Representative

Lorie H. Tudor

Name of State Department of Transportation Designated Official
Representative

Assistant Chief Engineer - Planning

Title