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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DIVISION

(203) 797-4641

FAX (203) 796-1586

FARID L. KHOURI, P.E.
CITY ENGINEER

October 13, 2010

Honorable Mark D. Boughton
City Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and City Council Members:

Replacement of Backus Avenue Bridge over Miry Brook
State Project No. 9034-0024
First Supplemental ARRA Agreement

Enclosed please find a copy of the First Supplemental ARRA Agreement forwarded to me under cover of a July 26, 2010 letter from Julie F. Georges, P.E. of the State of Connecticut Department of Transportation relative to the replacement of the Backus Avenue Bridge.

This supplemental Agreement increases the American Recovery and Reinvestment Act (ARRA) funding to the City for the construction of the bridge from \$800,745 to \$1,055,328.

This additional money was transferred from the City's ARRA funded Franklin Street, Franklin Street Ext. and White Street Pavement Restoration project, since that project has been completed with a final cost less than the original estimate.

We hereby request that the City Council authorize Mayor Mark D. Boughton to sign this supplemental agreement. The resolution prepared by the Corporation Counsel's office is enclosed.

If you have any questions, please feel free to give me a call.

Very truly yours,



Farid L. Khouri, P.E.
City Engineer

Encl.

C: Antonio Iadarola, P.E., with encl.
David St. Hilaire, with encl.
Laszlo L. Pinter, Esq., with encl.



RESOLUTION

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CITY OF DANBURY, STATE OF CONNECTICUT

_____ A.D. 2010

RESOLVED BY THE CITY COUNCIL OF THE CITY OF DANBURY

Federal Aid Project No. 6034(007)
State Project No. 9334-0024

Backus Avenue Bridge (No. 034024)

THAT Mark D. Boughton, Mayor of the City of Danbury, be and hereby is, authorized to sign the Agreement entitled: First Supplemental Agreement Between the State of Connecticut and the City of Danbury for the Construction, Inspection and Maintenance of Backus Avenue Bridge Replacement utilizing Federal funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5 (hereinafter "Act").

Adopted by the City Council of the City of Danbury, Connecticut, this ____ day of November 2010.

Jean Natale, Legislative Assistant
(Seal)
November ____, 2010



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

July 26, 2010

Mr. Farid Khouri
City Engineer
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

RECEIVED
AUG 04 2010
ENGINEERING DEPT.

Dear Mr. Khouri:

Subject: Replacement of Backus Avenue Bridge over Miry Brook
State Project No. 9034-0024
First Supplemental ARRA Agreement

The Connecticut Department of Transportation (Department) is pleased to forward herewith two copies of the proposed First Supplemental State/Town Agreement for construction phase financial assistance under the American Recovery and Reinvestment Act (ARRA). The supplemental adjusts the costs to reflect the award to your contractor and it increases the ARRA funding for the project.

Also enclosed is an outline "Guide" to the steps for the signing and return of the supplemental.

When completed by the City, please return both original copies of the supplemental to:

Mr. Ewald Walz, P.E.
Close, Jensen and Miller, P.C.
1137 Silas Deane Highway
Wethersfield, Connecticut 06109

An original copy of the supplemental agreement will be returned to the City when completed by the State.

If you have a question, please contact the Department's Project Engineer, Mr. Joseph A. Scalise, at (860) 594-3389 or Mr. Tim Timberman or Mr. Ewald Walz of Close, Jensen and Miller at (860) 563-9375.

Very truly yours,

Julie F. Georges, P.E.
Transportation Principal Engineer
Bureau of Engineering and Construction

Enclosures

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**FIRST SUPPLEMENTAL AGREEMENT
BETWEEN THE STATE OF CONNECTICUT
AND
THE CITY OF DANBURY
FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE
OF THE REPLACEMENT
OF THE BACKUS AVENUE BRIDGE (BRIDGE NO. 034024)
OVER MIRY BROOK
UTILIZING FEDERAL FUNDS
UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 Public Law
111-5 (hereinafter "Act")**

State Project No. 9034-0024

Federal Project No. 6034(007)

THIS FIRST SUPPLEMENTAL AGREEMENT, concluded at Newington, Connecticut, this day of _____, 2010, by and between the State of Connecticut, Department of Transportation, Jeffrey A. Parker, Commissioner, acting herein by Thomas A. Harley, P.E., Bureau Chief, Bureau of Engineering and Construction, duly authorized, hereinafter referred to as the State, and the City of Danbury, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810, acting herein by Mark D. Boughton, its Mayor, hereunto duly authorized, hereinafter referred to as the Municipality.

WITNESSETH, THAT,

WHEREAS, the State and the Municipality executed an Agreement, No. 10.13-04(09), dated November 2, 2009, entitled "Agreement Between the State of Connecticut and the City of Danbury for the Construction, Inspection, and Maintenance of the replacement of the Backus Avenue Bridge (Bridge No. 034024) Over Miry Brook utilizing Federal Funds Under the American Recovery and Reinvestment Act of 2009 Public Law 111-5 (hereinafter "Act")," hereinafter referred to as the Original Agreement; and

WHEREAS, said improvements include, but are not limited to, the replacement of the Backus Avenue Bridge and roadway construction related to the bridge approaches; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 provides federal funding for infrastructure improvements; and

WHEREAS, Section 13a-165 of the General Statutes of Connecticut, as revised, provides that the Commissioner of Transportation is authorized " . . .(b) to apply for and to obtain moneys, grants or other benefits from the United States or any agency thereof in connection with roads, bridges or highways and (c) to approve all programs, conclude all agreements, accept all deeds, make all claims for payment, certify all matters and do any and all other acts and things necessary or desirable to meet the requirements of and obtain such moneys, grants or benefits from the United States or other agency thereof"; and

WHEREAS, the parties hereto desire to amend the Original Agreement to reflect the actual bid prices of the contract and increased availability of federal funding.

NOW, THEREFORE, KNOW YE THAT:
THE PARTIES HERETO AGREE AS FOLLOWS:

1. That Paragraph (46) of Article III of the Original Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

(46) That the total estimated cost for the construction phase of the Project is One Million One Hundred Thirty-Two Thousand Three Hundred Twenty-Eight Dollars (\$1,132,328).

The maximum amount of reimbursement to the Municipality under the terms of this Agreement is Nine Hundred Fifty-Four Thousand Three Hundred Twenty-Eight Dollars (\$954,328).

ESTIMATED CONSTRUCTION COSTS

State Project No. 9034-0024

Federal Project No. 6034(007)

A.	Contract Items and Contingencies	\$ 940,450
B.	Incidentals to Construction - Municipal Services.....	\$ 114,878
C.	Total Municipal Cost (A + B)	\$ 1,055,328
D.	Incidentals to Construction - State Materials Testing	\$ 21,000
E1.	Incidentals to Construction - State Administrative Oversight	\$ 49,000
E2.	Incidentals to Construction - State Audit.....	\$ 7,000
F.	Total Incidentals to Construction - State (D + E1 + E2).....	\$ 77,000
G.	Total Construction (C + F)	\$ 1,132,328
H.	Federal Share of the Total Construction Cost (Approved ARRA Funding).....	\$ 1,031,328
I.	Maximum Amount of Reimbursement to the Municipality (H - F)	\$ 954,328
J.	Demand deposit required from the Municipality for depreciation reserve credit in accordance with Article 1., Paragraph (15) of the Original Agreement.	\$ - 0 -

2. That all other terms, provisions and conditions of the Original Agreement not specifically amended, modified or deleted herein shall remain in full force and effect.

