



Department of Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

PATRICK S. BARNES, P.E.
Regional Director

July 16, 2021

Ms. Lisa M. Ramundo
Commissioner
Albany County Department of Public Works
449 New Salem Road
Voorheesville, NY 12186-4826

RE: PIN 1758.92, D034782, SA#2
BIN 3300880, CR 9 (Bradt Hollow Road) over Fox Creek,
Town of Berne, Albany County

Dear Ms. Ramundo,

Enclosed is the proposed Supplemental Agreement #2 (SA#2) required for the subject project. This SA#2 adds additional construction funding to this project.

- (A) We have provided you with a single copy of the standardized Federal Local Agreement language and relevant Schedule A. Please keep these documents for your records.
- (B) We have provided you with a single copy of a draft resolution. The County should complete, enact and certify the resolution. You may redraft your own resolutions, but they must contain all the necessary clauses of the enclosed version. ***Please do not change the wording of the resolution in any way without checking with this office first. Remember the resolution must identify the source of the funding appropriation.*** Please return 3 (three) originals with the required certificates. Also, as with the agreement, please keep an additional copy for your records as you will not get a copy of the resolution returned to you.
- (C) We have provided you with 1 (one) copy of the necessary signature pages. ***Please sign/notarize and make/return 5 (five) original copies to this office with the above resolutions.*** You will get a single original of this page returned to you once the contract is executed by the necessary State officials.

If you have any questions concerning these procedures, please call me at (518) 417-6595.

Sincerely,

Bryan Cross
Senior Capital Program Analyst
NYSDOT Region 1
Program Management – Local Programs

SAMPLE RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER:

A Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore

WHEREAS, a Project C.R. 9 Brand Hollow Road Over Fox Creek, BIN 3300880, Bridge replacement P.I.N. 1758.92 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % non-federal funds for permanent repair work and 100% Federal funds for Emergency work; and

WHEREAS, the County of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction.

NOW, THEREFORE, the Albany County Legislature duly convened does hereby

RESOLVE, that the Albany County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Albany County Legislature hereby authorizes the to pay in the first instance 100% of the federal and non-federal share of the cost of design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,545,356.00 was previously appropriated to cover the cost of participation in the design phase of the Project; and it is further

RESOLVED, that the additional sum of \$1,100,000.00 is hereby appropriated from the _____ and made available to cover the cost of participation in the Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, Albany County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the County Executive of Albany County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

STATE OF NEW YORK }
 } ss.:
COUNTY OF Albany }

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted _____, 20__ with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said _____
This ____ day of _____, 20__.

Clerk

Sponsor: County of Albany
 PIN: 1758.92 BIN: 3300880
 Comptroller's Contract No. D034782
 Supplemental Agreement No. 2
 Date Prepared: 7/15/2021 By: BC
 Initials

Press F1 for instructions in the blank fields:

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF Albany

On this _____ day of _____, 20__ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

 Notary Public

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

BY: _____
 For Commissioner of Transportation

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

By: _____
 Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

By: _____
 For the New York State Comptroller
 Pursuant to State Finance Law '112

Sponsor: County of Albany
 PIN: 1758.92 BIN: 3300880
 Comptroller's Contract No. D034782
 Supplemental Agreement No. 2
 Date Prepared: 7/15/2021 By: BC
 Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 2 to D034782 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

County of Albany (the Sponsor)
 Acting by and through the County Executive
 with its office at Albany County Office Building, 112 State Street Room 900, Albany, NY 12207.

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

☒ Amends a previously adopted Schedule A by (check as applicable):

- ☐ amending a project description
- ☐ amending the contract end date
- ☒ amending the scheduled funding by:
 - ☐ adding additional funding (check and enter the # phase(s) as applicable):
 - ☐ adding phase _____ which covers eligible costs incurred on/after / /
 - ☐ adding phase _____ which covers eligible costs incurred on/after / /
 - ☒ increasing funding for a project phase(s)
 - ☐ adding a pin extension
 - ☐ change from Non-Marchiselli to Marchiselli
 - ☐ deleting/reducing funding for a project phase(s)
 - ☐ other (_____)

☐ Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

☒ Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

☐ Amends the text of the Agreement as follows (insert text below):

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 1758.92

OSC Municipal Contract #: D034782	Contract Start Date: <u>3/6/2015</u> (mm/dd/yyyy)	Contract End Date: <u>2/16/2027</u> (mm/dd/yyyy)	<input type="checkbox"/> Check, if date changed from the last Schedule A		
Purpose: <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 2					
Agreement Type: <input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): County of Albany <input type="checkbox"/> State Administered Other Municipality/Sponsor (if applicable): _____					
<input type="checkbox"/> State Administered <small>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</small> <input type="checkbox"/> Municipality: _____ % of Cost share <input type="checkbox"/> Municipality: _____ % of Cost share <input type="checkbox"/> Municipality: _____ % of Cost share					
Authorized Project Phase(s) to which this Schedule applies: <input checked="" type="checkbox"/> PE/Design <input type="checkbox"/> ROW Incidentals <input type="checkbox"/> ROW Acquisition <input checked="" type="checkbox"/> Construction/CI/CS					
Work Type: BR REPLACE		County (If different from Municipality): _____			
Marchiselli Eligible <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(Check, if Project Description has changed from last Schedule A):</small> <input type="checkbox"/>					
Project Description: BIN 3300880, CR 9 Brandt Hollow Road Over Fox Creek					
Marchiselli Allocations Approved FOR ALL PHASES <small>All totals will calculate automatically.</small>					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$39,314.00	\$0.00	\$320,000.00	\$359,314.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$39,314.00	\$ 0.00	\$320,000.00	\$359,314.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
1758.92.121	Current		\$237,466.00	\$189,973.00	\$35,620.00	\$11,873.00	\$0.00
	Old		\$237,466.00	\$189,973.00	\$35,620.00	\$11,873.00	\$0.00
1758.92.321	Current		\$2,407,890.00	\$1,926,312.00	\$196,184.00	\$285,394.00	\$0.00
	Old		\$1,307,890.00	\$1,046,312.00	\$196,184.00	\$65,394.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$2,645,356.00	\$2,116,285.00	\$231,804.00	\$297,267.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Local Deposit(s) from Section A:

	\$ 0.00
Additional Local Deposit(s)	\$
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$2,116,285.00	\$231,804.00	\$ 0.00	\$297,267.00	\$2,645,356.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

Name: Bryan Cross
Phone No: 518-417-6595

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYSDOT/State-Local Agreement – Schedule A

Footnotes: (See LPB's website for link to sample footnotes)

- This Supplemental Agreement #2 adds \$1,100,000.00 to the construction phase of the project. These additional funds are for repairs to unforeseen issues that occurred during the initial construction phase.
- Supplemental Agreement #1 added the construction/CI phase to the project and also added approved Marchiselli funds to the construction phase.
- Supplemental Agreement #1 added \$19,054.00 to the Detailed Design phase
- The Master Agreement added the Preliminary and Detailed Design phases to the project.
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