

PROJECT NO. 46 N-0416-01
CMQ-N041(601)

ALTERNATIVE FUEL VEHICLES

CITY OF OVERLAND PARK, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 1

This Agreement made and entered into effective the date signed by the Secretary or designee, by and between the City of Overland Park, Kansas, hereinafter referred to as the "City," and the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary." Collectively referred to as the "Parties."

R E C I T A L S:

WHEREAS, the Secretary and the City entered into an Agreement dated August 23, 2006, hereinafter referred to as the "Original Agreement" for the purchase of alternative fuel vehicles for the City's fleet, in the City, and

WHEREAS, the Secretary and the City mutually desire the Secretary supplement the agreement to clarify the per vehicle reimbursable amount to a maximum of \$8,000.

NOW, THEREFORE, in consideration of this premise, the Parties hereto agree as follows:

1. On page 1 of the Original Agreement, Article 1, paragraph 2 be replaced in its entirety to read as follows:

2. To reimburse the city of eighty percent (80%) of the total actual and eligible costs incurred by the city for the Project, but not to exceed a maximum of \$48,000. The Secretary shall not be responsible for the total actual costs that exceed \$60,000 for the Project. The Secretary shall reimburse a maximum of \$8,000 for each vehicle purchased. The Secretary further agrees to make partial payments, for amounts not less than \$1,000 and no more frequently than monthly, to the City upon receipt of proper billings and progress reports. The Secretary further agrees not to make any partial payments to the City until the City has included with each of their billings, evidence that they have transmitted copies of said billings and progress reports to MARC.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

The signature page immediately follows this paragraph.

IN WITNESS WHEREOF, the Parties hereto have caused this Supplemental Agreement to be signed by their duly authorized officers on the day and year first written above.

ATTEST:

THE CITY OF OVERLAND PARK, KANSAS

CITY CLERK (Date)

MAYOR (Date)

(SEAL)

Kansas Department of Transportation
Debra L. Miller, Secretary of Transportation

APPROVED/AS TO FORM:

By: _____ (Date)
Jerome T. Younger, P.E.
Deputy Secretary for Engineering and
State Transportation Engineer

Tammy M. Owens
Attorney for the City