

PROJECT NO. 46 N-0453-01  
CMQ-N045(301)

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 March 27, 2007, 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 reimbursable per vehicle 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. The Project shall use federal funds from fiscal year (FFY) 2007 and FFY 2008, consisting of Congestion Mitigation and Air Quality (CMAQ) funds as allocated by the Secretary to the Project and City funds for the Project.

- CMAQ Funds (FFY 2007)

The Secretary agrees to reimburse the city eighty percent (80%) of the total actual and eligible costs incurred by the city for the Project, but not to exceed a maximum of \$50,000 for the Project for FFY 2007 from CMAQ funds. In no event shall the Secretary's reimbursement exceed *a maximum* of \$40,000 for FFY 2007 from CMAQ funds. The Secretary shall reimburse a maximum of \$8,000 for each vehicle purchased. The Secretary's maximum reimbursement is subject to any federal reduction in the CMAQ funds. The Secretary shall not reimburse the City for the total actual and eligible costs incurred that exceed \$50,000 for FFY 2007 and any federal reduction in the CMAQ funds for the project.

- CMAQ Funds (FFY 2008)

The Secretary agrees to reimburse the city eighty percent (80%) of the total actual and eligible costs incurred by the city for the Project, but not to exceed a

maximum of \$50,000 for the Project for FFY 2008 from CMAQ funds. In no event shall the Secretary's reimbursement exceed *a maximum* of \$40,000 for FFY 2008 from CMAQ funds. The Secretary shall reimburse a maximum of \$8,000 for each vehicle purchased. The Secretary's maximum reimbursement is subject to any federal reduction in the CMAQ funds. The Secretary shall not reimburse the City for the total actual and eligible costs incurred that exceed \$50,000 for FFY 2008 and any federal reduction in the CMAQ funds for the project.

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.

**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: \_\_\_\_\_  
          rome T. Younger, P.E. (Date)  
          puty Secretary for Engineering and  
          ate Transportation Engineer

\_\_\_\_\_  
Tammy M. Owens  
Attorney for the City