

PROJECT NO. 46 N-0496-01  
46 N-0496-02  
CMQ-N049(601)

HYBRID ELECTRIC VEHICLE PURCHASES  
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 September 3, 2009, hereinafter referred to as the "Original Agreement" for the purchase of hybrid electric vehicles for the City's fleet, and

**WHEREAS**, the Secretary and the City mutually desire the Secretary supplement the agreement to include additional FFY 2010 Congestion Mitigation Air Quality (CMAQ) funds, and

**WHEREAS**, the Secretary and the City mutually desire the Secretary supplement the agreement to clarify the appropriate recipients of proper billings.

**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 federal fiscal years (FFY) 2009 and 2010, consisting of CMAQ funds as allocated by the Secretary to the Project and City funds for the Project.

- CMAQ Funds (FFY 2009)

The Secretary agrees to reimburse the City for 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 for the Project No. 46 N-0496-01 for FFY 2009. In no event shall the Secretary's reimbursement exceed *a maximum* of \$48,000 for FFY 2009 from CMAQ funds. **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 \$60,000 for FFY 2009 and any federal reduction in the CMAQ funds for the project.

The Secretary shall reimburse a maximum of \$8,000 for each vehicle purchased.

- CMAQ Funds (FFY 2010)

The Secretary agrees to reimburse the City for eighty percent (80%) of the total actual and eligible costs incurred by the City for the Project, but not to exceed a maximum of \$80,000 for the Project No. 46 N-0496-02 for FFY 2010. In no event shall the Secretary's reimbursement exceed *a maximum* of \$80,000 for FFY 2010 from CMAQ funds. **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 \$100,000 for FFY 2010 and any federal reduction in the CMAQ funds 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.

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

1. To be responsible for twenty percent (20%) of the total actual and eligible costs incurred for the Project up to a Project cost of \$160,000.00, and one hundred percent (100%) of the total actual costs that exceed \$160,000.00 for FFY 2009 and FFY 2010. Further, the City agrees to be responsible for one hundred percent (100%) of all costs of items found not eligible.

3. On page 2 of the Original Agreement, Article II, paragraph 3 be replaced in its entirety to read as follows:

3. To submit proper billings to the Secretary for amounts not less than \$1,000 and no more frequently than monthly. Further, if a final report is required for the Project, the City agrees to submit such final report to the Secretary.

**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:  
KANSAS

THE CITY OF OVERLAND PARK,

\_\_\_\_\_  
CITY CLERK (Date)

\_\_\_\_\_  
MAYOR (Date)

(SEAL)

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

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