

City of Bayard

P. O. Box 728
800 Central Avenue
Bayard, New Mexico 88023

Phone 575 - 537-3327
Fax 575 - 537-5271
cityofbayard@cityofbayardnm.com

RESOLUTION 22-2023

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the **City of Bayard** and the New Mexico Department of Transportation have entered into a Cooperative Agreement.

WHEREAS, the total cost of the project will be **\$628,129.00** to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or **\$596,722.55**
and
- b. **City of Bayard's** proportional matching share shall be 5% or **\$31,406.45**

TOTAL PROJECT COST IS **\$628,129.00**

City of Bayard shall pay all costs, which exceed the total amount of **\$628,129.00**

Now therefore, be it resolved in official session that **City of Bayard** determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on March 31, 2024 and the **City of Bayard** incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the **City of Bayard** to enter into Cooperative Agreement Control Number LP10008 with the New Mexico Department of Transportation for "NM356 sidewalk and ADA Improvements – Plan, Design and Construct improvements" within the control of the **City of Bayard** in Bayard, Grant County, New Mexico.

Eloy Medina
Mayor Pro-Tem

ATTEST:

Gabriel Ramos
Clerk Treasurer

City of Bayard

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Chon S. Fierro
Mayor

ATTEST:

Gabriel Ramos
Clerk Treasurer

Contract No.	<u>D18671/3</u>
Vendor No.	<u>0000054309</u>
Control No.	<u>LP10008</u>

**THIRD AMENDMENT TO
LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND
GRANT AGREEMENT**

This **Third Amendment** is to the Agreement entered into between the New Mexico Department of Transportation (Department) and the City of Bayard (Public Entity). This Amendment is effective as of the date of the last party to sign on the signature page.

RECITALS

Whereas, the Department and the Public Entity entered into an Agreement, Contract No. D18671, on October 9, 2020; and,

Whereas, Section 19 allows for modification of the Agreement by an instrument in writing executed by the parties; and,

Whereas, the Department and the Public Entity want to extend the term of the Agreement to allow for Project completion; and,

Whereas, the parties agree to modify this Agreement.

Now, therefore, the Department and the Public Entity agree as follows:

Section 6, Term, is deleted and replaced with the following:

6. Term.

This Agreement becomes effective upon signature of all parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on **3/31/2024**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) days prior to the expiration date to ensure timely processing of an Amendment.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this Third Amendment.

In Witness Whereof, each party is signing this Agreement on the date stated opposite that party's signature.

New Mexico Department of Transportation

By: _____
Cabinet Secretary or Designee

Date: _____

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: _____
Assistant General Counsel

Date: _____

City of Bayard

By: _____

Date: _____

Name: _____

Title: _____

ATTEST:

By: _____
City of Bayard Clerk or Designee

Date: _____