

## THIRD AMENDMENT TO AGREEMENT BETWEEN THE EL DORADO COUNTY TRANSPORTATION COMMISSION AND EL DORADO COUNTY FOR FY 2014/15 REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE FUNDS

**THIS THIRD AMENDMENT** to that Agreement for FY 2014/15 Regional Surface Transportation Program Exchange Funds made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "RSTP Exchange Recipient"), and El Dorado County Transportation Commission (hereinafter referred to as "EDCTC");

### RECITALS

**WHEREAS**, EDCTC has entered into agreements with the State of California, Department of Transportation, to assign a defined portion of its annual RSTP apportionment to Caltrans in exchange for nonfederal State Highway Account funds and EDCTC is authorized to use these exchanged funds to assist local agencies to promote projects;

**WHEREAS**, EDCTC will distribute RSTP funds in accordance with the Agreement Between the El Dorado County Transportation Commission and El Dorado County for FY 2014/15 Regional Surface Transportation Program Exchange Funds, dated November 17, 2015 (herein after referred to as "Agreement");

**WHEREAS**, Section 2 of the Agreement allows for an amended project list described in Exhibit A, Exhibit A-1 (06/28/16), and Exhibit A-2 (05/21/19);

**WHEREAS**, the parties hereto desire to amend the Agreement to replace Exhibit A-1 (06/28/16), and Exhibit A-2 (05/21/19);

**WHEREAS**, the parties also desire to amend the Agreement to reflect changes in federal law;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises and covenants hereinafter contained, RSTP Exchange Recipient and EDCTC mutually agree to amend the terms of the Agreement in this Third Amendment to Agreement as follows:

- I. Exhibit A-2 (05/21/19), is replaced in its entirety with Exhibit A-3 (07/21/20), attached hereto and incorporated herein by reference. All references to Exhibit A, Exhibit A-1 (06/28/16), and Exhibit A-2 (05/21/19, throughout the Agreement are substituted with Exhibit A-3 (07/21/20).
- II. Paragraph 8. COST PRINCIPLES is replaced in its entirety to read:
  8. COST PRINCIPLES
    - A. EDCTC and STBGP Exchange Recipient agree to comply with Office of Management and Budget Uniform Administrative Requirements, Cost Principles,

- and Audit Requirements for Federal Awards, 2 CFR, Subtitle A, Chapter II, Part 200, and in particular subpart E, Cost Principles, and appendices V and VII.
- B. STBGP Exchange Recipients will be obligated to agree that: (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, Et Seq., shall be used to determine whether individual project cost items are allowable; and (B) STBGP Exchange Recipients shall comply with Federal Administrative Procedures in accordance with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Every subrecipient receiving funds as a contractor or sub-contractor under this agreement shall comply with Federal administrative procedures in accordance with 2 CPR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- C. Any Fund expenditures for costs that a STBGP Exchange Recipient has received payment or credit that are determined by a subsequent audit to be unallowable under Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 are subject to repayment to EDCTC and Caltrans. The implementation of 2 CFR, Subtitle A, Chapter II, Part 200 will cancel 2 CFR Subtitle B, Chapter XII, Part 1201.

This amendment to the Agreement applies to funds that were transferred to the County, but not have been spent, before the effective date of this amendment.

Except as herein amended, all other parts and sections of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Agreement on the dates indicated below.

-- COUNTY OF EL DORADO --

By: Brian Veerkamp  
Brian Veerkamp, Chair  
Board of Supervisors  
RSTP/STBGP Exchange Recipient:

8/4/2020  
Date BOS 7/21/2020

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

By: Jantha Smide  
Deputy Clerk

8/4/2020  
Date

-- EL DORADO COUNTY TRANSPORTATION COMMISSION --

Woodrow Deloria  
Woodrow Deloria  
Executive Director

9/3/2020  
Dated:

## EXHIBIT A-3 (07/21/20)

## FY 2014/15

El Dorado County Transportation Commission  
 Regional Surface Transportation Program - Exchange  
 Funds EDCTC Agreement # X15-6157 (054)  
 Allocation Approved to El Dorado County on November 5, 2015: \$423,119.00

Agency	Commission Approval Date	Fund Expiration Date	Project	Cost Estimate RSTP Share
El Dorado County	12/3/2015	12/3/2020	Newtown Rd/So Fork Weber Creek Bridge Replacement - 77122	\$106,773.29
El Dorado County	12/3/2015	12/3/2020	Diamond Springs Parkway Phase 1A - 72375	\$311,706.92
El Dorado County	12/3/2015	12/3/2020	Intersection Safety / Sight Triangle Improvement - 72197	\$ 4,638.79
Total				\$423,119.00