

MICHIGAN DEPARTMENT OF TRANSPORTATION
GLADWIN COUNTY BOARD OF COMMISSIONERS
AMENDMENT

This Amendatory Agreement is made and entered into this date of 2-27-2018 by and between the Michigan Department of Transportation (MDOT) and Gladwin County Board of Commissioners (AGENCY) for the purpose of amending Master Agreement No. 2017-0052, effective October 1, 2016 (AGREEMENT).

Recitals:

The AGREEMENT sets forth the terms and conditions that govern project authorizations issued for program years 2017 through 2021; and

The parties desire to amend the AGREEMENT to revise the dollar thresholds in the competitive procurement requirements and to add a retainage payment requirement to the prompt payment language, retroactive to the effective date of the AGREEMENT.

The parties agree that the AGREEMENT be and that the same is amended as follows:

1. In order to revise the dollar thresholds in the competitive procurement requirements, retroactive to the effective date of the AGREEMENT, subsections (b) and (c) of Section 7 of the AGREEMENT are amended to read as follows:
 - “b. The AGENCY will document how the price was determined to be fair and reasonable for purchases up to Three Thousand Five Hundred Dollars (\$3,500.00) or, as an alternative, will document compliance with the provisions of subsection (c) or subsection (d) below.”
 - “c. The AGENCY will document competitive quotations from an adequate number of qualified sources for purchases up to One Hundred Fifty Thousand Dollars (\$150,000.00), except for purchases of Three Thousand Five Hundred Dollars (\$3,500.00) or less, or, as an alternative, will document compliance with the provisions of subsection (d) below.”

2. In order to add a retainage requirement to the prompt payment language, retroactive to the effective date of the AGREEMENT, Section 22 of the AGREEMENT is amended to read as follows:

“22. PROMPT PAYMENT


The AGENCY agrees to pay each subcontractor for the satisfactory completion of work associated with the subcontract no later than ten (10) calendar days from the receipt of each payment the AGENCY receives from MDOT. The AGENCY further agrees to return retainage payments to each subcontractor within ten (10) calendar days after the subcontractor’s work is satisfactorily completed. Any delay or postponement from these time frames may occur only upon receipt of written approval from MDOT. These requirements are also applicable to all sub-tier subcontractors and will be made a part of all subcontract agreements.

This prompt payment provision is a requirement of 49 CFR Part 26, as amended, and does not confer third-party beneficiary right or other direct right to a subcontractor against MDOT. This provision applies to both DBE and non-DBE subcontractors.”

3. All other provisions of the AGREEMENT, except as herein amended, remain in full force and effect as originally set forth.
4. The AGENCY waives any and all claims it has or may have against MDOT that arise out of the need to amend the AGREEMENT.

5. This Amendatory Agreement will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the AGENCY and MDOT and upon adoption of a resolution approving said Amendatory Agreement and authorizing the signature(s) thereto of the respective representative(s) of the AGENCY, a certified copy of which resolution will be sent to MDOT with this Amendatory Agreement, as applicable.

GLADWIN COUNTY BOARD OF COMMISSIONERS

By: 
Title: Chairman - Gladwin Co. BOC

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: _____
Title: Department Director

**CERTIFIED SIGNATURE RESOLUTION
FOR
MDOT MASTER AGREEMENT**

Whereas, the Gladwin County Board of Commissioners has the authority to contract with the Michigan Department of Transportation for state and/or federal funds for passenger Transportation related services; and,

Whereas, the Gladwin County Board of Commissioners does hereby approve the Master Agreement No. 2017-0052/A1,

Now, therefore, be it resolved that Terry Walters, Board Chairman and Josh Reid, Transportation Director be authorized and directed to execute said agreement for and on behalf of the Gladwin County Board of Commissioners/Gladwin City-County Transit.

CERTIFICATE

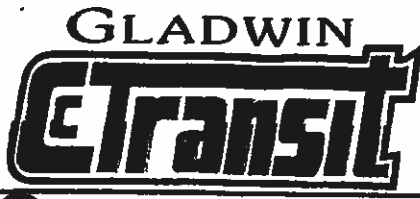
The undersigned duly qualified Board Secretary of the Gladwin County Board of Commissioners certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Gladwin County Board Commissioners held on 02/27/2018.

Laura Brandon Maveal
Signature

Laura Brandon-Maveal
Printed Name

Gladwin County Clerk
Title

2-27-2018
Date



615 Weaver Court, P.O. Box 498, Gladwin, Michigan 48624
Phone: (989) 426-6751 Fax: (989) 426-5947

EXCERPT OF MINUTES

The following resolution was offered by Aultman
and supported by Birgel.

Be it resolved, that the County of Gladwin does hereby
approve the proposed Contract submitted by the
Michigan Department of Transportation.

Be it further resolved, that Terry Walters and Josh Reid
be authorized and directed to execute Contract No. 2017-0052/A1
for and on behalf of the County of Gladwin.

Resolution Declared Adopted

CERTIFIED

Laura Brandon-Maveal
County Clerk

2-27-2018
Date