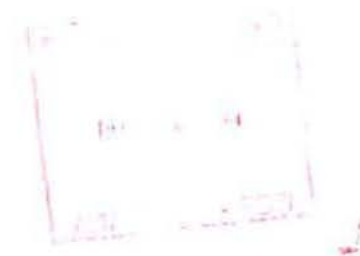




South Carolina
Department of Transportation

November 13, 2009



Mr. Gary Kubic
County Administrator
Beaufort County Council
Post Office Drawer 1228
Beaufort, South Carolina 29901

RE: William Hilton Parkway (US Route 278) Re-Surfacing Priority #2 and #3
Participation Agreement – Amendment #3

Dear Mr. Kubic:

Enclosed is a fully executed original of Amendment #3 to the intergovernmental agreement between the South Carolina Department of Transportation and Beaufort County which details the William Hilton Parkway (US Route 278) Re-Surfacing Priority #2 and #3. This project is scheduled to be let in February, 2010.

If you have any further questions regarding this agreement, you may reach me at 803-737-1527.

Sincerely,

John D. Boylston, P.E.
Program Manager

JDB:sgo
cc: Robert T. Clark, District Six Engineering Administrator
File: PC/AMM



Third Amendment to the Cooperative Intergovernmental Agreement between Beaufort County, South Carolina and The South Carolina Department of Transportation For The Beaufort County Transportation Sales and Use Tax Projects.

This Agreement, made this 9th day, of November, 2009, by and between the South Carolina Department of Transportation, hereinafter referred to as Department; and Beaufort County, hereinafter referred to as County; and

Witnesseth that:

WHEREAS, Department and County entered into, on March 18, 2008, a Cooperative Intergovernmental Agreement (hereinafter "IGA") included herein by reference and made a part hereof for the Beaufort County Transportation Sales and Use Tax Projects; and

WHEREAS, the Department and County on June 17, 2008 entered into a modification to the IGA identified as "PRE-16-08" for the purpose of providing SAFETEA-LU Earmark funding and to outline responsibilities for the parties herein for the widening of US 278 from Road S-474 to SC 170 near Bluffton; and

WHEREAS, the US 278 Improvements Project is listed on the IGA's "Attachment 'A' Project List"; and

WHEREAS, the Department and County on August 13, 2008 entered into a modification to the IGA identified as "Amendment No. 1" for the design, right of way acquisition, and construction of the William Hilton Parkway Re-Surfacing Priority #1 (from Whooping Crane Way to Shelter Cove Lane, approximately 3.56 miles) of the US 278 Improvements Project in Beaufort County, South Carolina; and

WHEREAS, the Department and County on October 17, 2008 entered into a modification to the IGA identified as "Amendment No. 2" to satisfy the funding for the award of the William Hilton Parkway Re-Surfacing Priority #1; and

WHEREAS, the County desires the Department to assist County in the design, right of way acquisition, and construction of the William Hilton Parkway Re-Surfacing Priority #2 (from Shelter Cove Lane through Sea Pines Circle), Priority #3 (from Gumtree Road to Whooping Crane Way),

and a section between Karl Bowers Bridge and J. Wilton Graves Bridge, totaling approximately 5.09 miles of the US 278 Improvements Project in Beaufort County, South Carolina; and

WHEREAS, County is a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out County's functions covered under this Third Amendment; and

WHEREAS, Department is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the parties hereto as set forth, Department and County do hereby agree as follows:

1. **Purpose:** This Third Amendment to the IGA is intended to amend the services and funding responsibilities of the Parties hereto for the William Hilton Parkway/US 278 Re-Surfacing Priority #2 (from Shelter Cove Lane through Sea Pines Circle), for approximately 3.88 miles; Re-Surfacing Priority #3 (from Gumtree Road to Whooping Crane Way), for approximately 1.03 miles; and a section between Karl Bowers Bridge and J. Wilton Graves Bridge, for approximately 0.18 miles, totaling 5.09 miles of the US 278 Improvements Project in Beaufort County, South Carolina (hereinafter "Project").
2. **Services:** Department will provide design services, contract administration services and construction services.
3. **Funding:**
 - (a) The Parties hereto estimate the total Project costs as \$4,238,323.00.
 - (b) The Department's maximum funding for the Project is not to exceed the maximum amount of \$2,211,000.00 as authorized by the Department for the 2009 American Recovery and Reinvestment Act (hereinafter "ARRA").
 - (c) The Department will invoice the County for the County's cost share of the Project, estimated at \$2,027,323.00. All funds will be required by the Department from the County prior to December 1, 2009. Overruns will be the responsibility of the County.

(d) The Parties hereto agree that no part of the Project will be authorized until all funding necessary for that part, portion or phase has been accounted for by the Parties hereto and received by Department.

4. Miscellaneous/General:

All provisions of the original IGA dated March 18, 2008, and any modifications or amendments thereto, except herein modified or changed shall remain in full force and effect.

PROJECT SUMMARY

This PROJECT SUMMARY section is for informational purposes only and does not reflect a continuation of services or an accumulation of costs.

<u>AGREEMENT</u>	<u>DATE</u>	<u>PROJECT</u>
Basic	March 18, 2008	Sales Tax
PRE-16-08	June 17, 2008	US 278 design/construction/funding from Road S-474 to SC 170
Amendment No. 1	August 13, 2008	William Hilton Pkway Priority #1 of the US 278 Improvements design/construction/funding
Amendment No. 2	October 17, 2008	Award Funding of William Hilton Pkway Priority #1
Amendment No. 3	<u>November 9, 2009</u>	William Hilton Pkway Priority #2 and Priority #3 of the US 278 Improvements design/construction/ funding

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

Signed, sealed and executed for County:

BEAUFORT COUNTY

WITNESS:

Chris Adams

By: Gary Klink
Gary Klink
Beaufort County Administrator

Attest: Bob Klink
Bob Klink
Beaufort County Engineer

Signed, sealed and executed for the Department.

WITNESS:

H.B. Limchouse

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

BY: H.B. Limchouse
H.B. Limchouse
Secretary of Transportation

*MRL sub
MDM am*

RECOMMENDED:

Tony L. Chapman
Tony L. Chapman, P.E.
Deputy Secretary for Engineering

Debra Rountree
Debra Rountree
Deputy Secretary for Finance & Administration