



South Carolina
Department of Transportation

November 21, 2012

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

RE: Fifth Amendment to Intergovernmental Agreement between Beaufort County and
South Carolina Department of Transportation

Dear Mr. Kubic:

Enclosed you will find one (1) fully executed original of the Fifth Amendment to the Intergovernmental Agreement between Beaufort County and South Carolina Department of Transportation (SCDOT). This original is for your records.

SCDOT looks forward to continuing a mutually beneficial working relationship and the furthering of project in Beaufort County. Please do not hesitate to call me at 803-737-7903, if you have any questions

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Rewis", with a long horizontal flourish extending to the right.

Brent Rewis, P.E.
Program Manager

BLR:gg
Enclosures
File: PC/BLR

bc: Brent Rewis, Program Manager



If Applicable
CFDA No. 20.205
Highway Planning & Construction

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

This Agreement, made this 20 day of November, 2012 by and between the South Carolina Department of Transportation, hereinafter referred to as the "Department"; and Beaufort County, hereinafter referred to as the "County"; and

Witnessed that:

WHEREAS, the 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 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 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 design, right of way acquisition, and construction of the William Hilton Parkway Resurfacing Priority No. 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 resurfacing Priority No. 1; and

WHEREAS, the Department and County on November 9, 2009, entered into a modification to the IGA identified as "Amendment No. 3" for the Department to assist County in the design, right of way acquisition, and construction of the William Hilton Parkway Resurfacing Priority No. 2 (from Shelter Cove Lane through Sea Pines Circle), Priority No. 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, the Department and County on June 30, 2011, entered into a modification to the IGA identified as "Amendment No. 4" for the County to assist the County in the funding of the US 278 Improvements Project in Beaufort County, South Carolina, using Federal Match Program funds authorized by the Department's Commission on October 22, 2010, and SAFETEA-LU funding; and

WHEREAS, the Department and the County are agreeable to a Fifth amendment to the IGA to accomplish the funding of the construction of the Bluffton Parkway Phase 5, Segment 2, from Buckingham Plantation Drive to US 278, to include new construction of a 4-lane road with raised planted medians and a flyover bridge in Beaufort County; and

WHEREAS, the 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 the County's functions covered under this Fifth amendment; and

WHEREAS, the 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, the Department and the County do hereby agree as follows:

1. **Purpose:** This Fifth amendment to the IGA is intended to amend the funding responsibilities of the parties hereto for Bluffton Parkway Phase 5, Segment 2, from Buckingham Plantation Drive to US 278, to include new construction of a 4-lane road with raised planted medians and a flyover bridge in Beaufort County.
2. **Local Public Agency Administration:** The County, by Department letter dated March 29, 2012, was notified that the County had been found to be qualified to administer and manage the Project subject to certain conditions. The qualification letter is attached as EXHIBIT "A" and specifically made a part hereof. The County further agrees to comply with the Local Public Agency Administration Procedures dated June 2012, located on the Department's website at www.scdot.org/doing/doingPDFs/localPublic/LPA_Procedures.pdf.
3. **Funding:**
 - (a) The County estimates the total construction cost to be \$43,998,755.95 which includes 10% construction, engineering, and inspection (CEI) services and 10% contingencies. The Department's maximum funding for this Project will only be that of the amount provided by the FY 2012 Federal-Aid Match Program funds. The Department's maximum Federal participation, as approved by the SCDOT Commission on December 6, 2011, shall not exceed \$15,000,000.00.
 - (b) The Department will reimburse the County in the following order:
 - I. Actual construction costs (payments to contractors only)
 - II. Construction, engineering, and inspection (CEI) services. Invoices for CEI service cost will not be accepted until the contractor has been paid in

full, including any approved federally-eligible change orders, as agreed to under the construction contract. The County must follow all LPA requirements for CEI consultant services. Failure by the County to follow the LPA requirements will be sufficient cause to nullify the reimbursement of CEI services.

- (c) The County will submit to the Department a "Request for Payment" not more often than every six months from the date of the award to the contractor. The Department will reimburse the County 50% of each approved request for contractor payments up to the maximum Federal participation shown in "a" above.
- (d) The County is responsible for all Project costs excluding the funding being provided by the Department under Number "3 (a)" and "3(b)" if applicable.
- (e) As referenced in Section V., F., 6., of the IGA dated March 18, 2008, all charges incurred by the Department, including the project construction oversight in accordance with the LPA procedures, will be invoiced to and paid by the County. This will occur not more often than quarterly. Should prompt payment not be made by the County, the Department may withhold payment of the FY 12 match funds.

4. **Construction Related Contracts; Contract Provisions; Contractor / CEI Payments:**

- (a) Items related to construction contracts, contract provisions, and contractor/CEI payments will follow the guidelines as outlined under the "Local Public Agency Project Administration Procedures" document dated February 2012, located at:

www.scdot.org/doing/doingPDFs/localPublic/LPA_Procedures.pdf

5. **Future Maintenance:**

(a) The County will be responsible for all future maintenance of the Bluffton Parkway in its entirety since it will be owned and maintained by Beaufort County. This will include all structures or roadway/lanes added to US 278 mainline to include ramps, shoulders, bridges, end terminals, bridge connectors, water quality structures, etc. as depicted in EXHIBIT "C".

(b) The Department will be responsible for all maintenance of US 278 mainline as performed prior to the addition of the interchange between US 278 and Bluffton Parkway.

6. **Miscellaneous/General:**

(a) EXHIBIT "B", attached hereto and specifically made a part hereof, represents a map of the Project area and an excerpt from the STIP.

(b) 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.

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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 Parkway Priority #1 of the US 278 Improvements Design/construction/funding
Amendment No. 2	October 17, 2008	Award Funding of William Hilton Parkway Priority #1
Amendment No. 3	November 9, 2009	William Hilton Parkway Priority #2 and Priority #3 of the US 278 Improvements design/construction/funding
Amendment No. 4	June 30, 2011	US 278 Improvements Funding
Amendment No. 5	_____	Bluffton Parkway Phase 5, Segment 2 Project

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

Signed, sealed and executed for Authority.

WITNESS:

Cheryl Hanes

BEAUFORT COUNTY

By: Gary Lyle

Title: County Administrator

Federal ID # 576000311

Signed, sealed and executed for the Department.

WITNESS:

Michelle B. Wagner

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

BY: Robert J. St. Onge, Jr.
Secretary of Transportation

RECOMMENDED:

John V. Walsh
John V. Walsh, P.E.
Deputy Secretary for Engineering *RKP*

Christy Hall
Christy Hall, P.E.
Deputy Secretary for Finance & Administration

EXHIBIT "A"

Qualification Letter Dated March 29, 2012



South Carolina
Department of Transportation

March 29, 2012

Mr. Robert McFee, P.E.
Director of Engineering and Infrastructure
Beaufort County
100 Ribaut Road
Post Office Drawer 1228
Beaufort, South Carolina 29902

Re: Beaufort County LPA Qualification Determination
Bluffton Parkway Phase 5A, Phase II Extension

Dear Mr. McFee:

The South Carolina Department of Transportation (SCDOT) has reviewed the information submitted in Beaufort County's LPA Qualifications Evaluation Form and supporting documentation for the project referenced above. Subsequent to this review, SCDOT is pleased to inform you that Beaufort County has been found to be qualified to administer and manage the construction phase of the project. In addition, Beaufort has requested that SCDOT administer the Construction Administration and Inspection phase as well as the Testing and Material Certification phase of the project. Notification of the response to that request will be sent to the County under separate cover.

The project may proceed as an LPA project and will be managed in accordance with the LPA procedures. Attached is a copy of the LPA procedures for your reference. Please be reminded that this letter serves only as notification to the County of its approval to administer this federally funded project. No work shall begin (work includes any activities concerning the Local Public Agency (LPA) project including, but not limited to, advertisement and hiring consultants and/or advertising and hiring for construction services) until an executed participation agreement is issued by SCDOT *and* you receive a formal notice to proceed on the project. A participation agreement will be prepared by SCDOT and sent to the County for signatures in the near future.

Preconstruction Project Manager, Brent Rewis, (803) 737-7903, has been assigned to assist the County with the development phase of the project. In addition, Resident Construction Engineer Chris Smith has been assigned to assist the County with the construction phase of the project. He can be reached at (843) 524-7616. Please contact them to schedule the field review and scoping meeting for the project.

Again, we greatly appreciate your cooperation and look forward to working with you to complete this project. The LPA procedures, as well as additional project forms and information are available for your use on the SCDOT website at <http://www.scdot.org/doing/lpa.shtml>. If



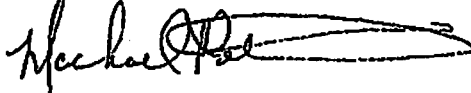
Mr. Robert McFee, P.E.

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March 29, 2012

you have any questions or require additional information, please contact our office at 803-737-1953, and we will assist you in understanding your responsibilities in the administration of this project.

Sincerely,



Michael M. Peterson
Local Public Agency Administrator

MMP:seaj

Enclosures

cc: Billie Lindsay, Special Projects Planner, Beaufort County
ec: Ron Patton, Chief Engineer for Planning, Location, and Design
Mark Lester, Director of Planning
Leland Colvin, Director of Construction
Mitchell Metts, Director of Preconstruction
Robert Clark, District Six Engineering Administrator
Kenny Eargle, Assistant Chief Engineer for Operations
David Glenn, District Six Construction Engineer
Arlene Prince, Director of Business Development and Special Programs
Ken Feaster, Director of Right of Way
ebc: Brian Keys, Assistant Chief Engineer for Planning, Location, and Design
Herb Cooper, Local Program Administrator
Matt Lifsey, Lowcountry Regional Production Engineer
Mark Pleasant, Statewide Planning Chief
Randy Williamson, Environmental Engineer
Brent Rewis, Lowcountry Program Manager
Chris Smith, Resident Construction Engineer
Barbara Beagles, EOP/OJT Program Manager
Carolyn Burton, DBE Development Manager
Gary Linn, DBE Program and Compliance Supervisor
Yates Jackson, Local Public Agency Engineer
Liz Capps, Right of Way office
File: LPAA/SEAJ/2012Finals/LPAQuals

EXHIBIT "B"

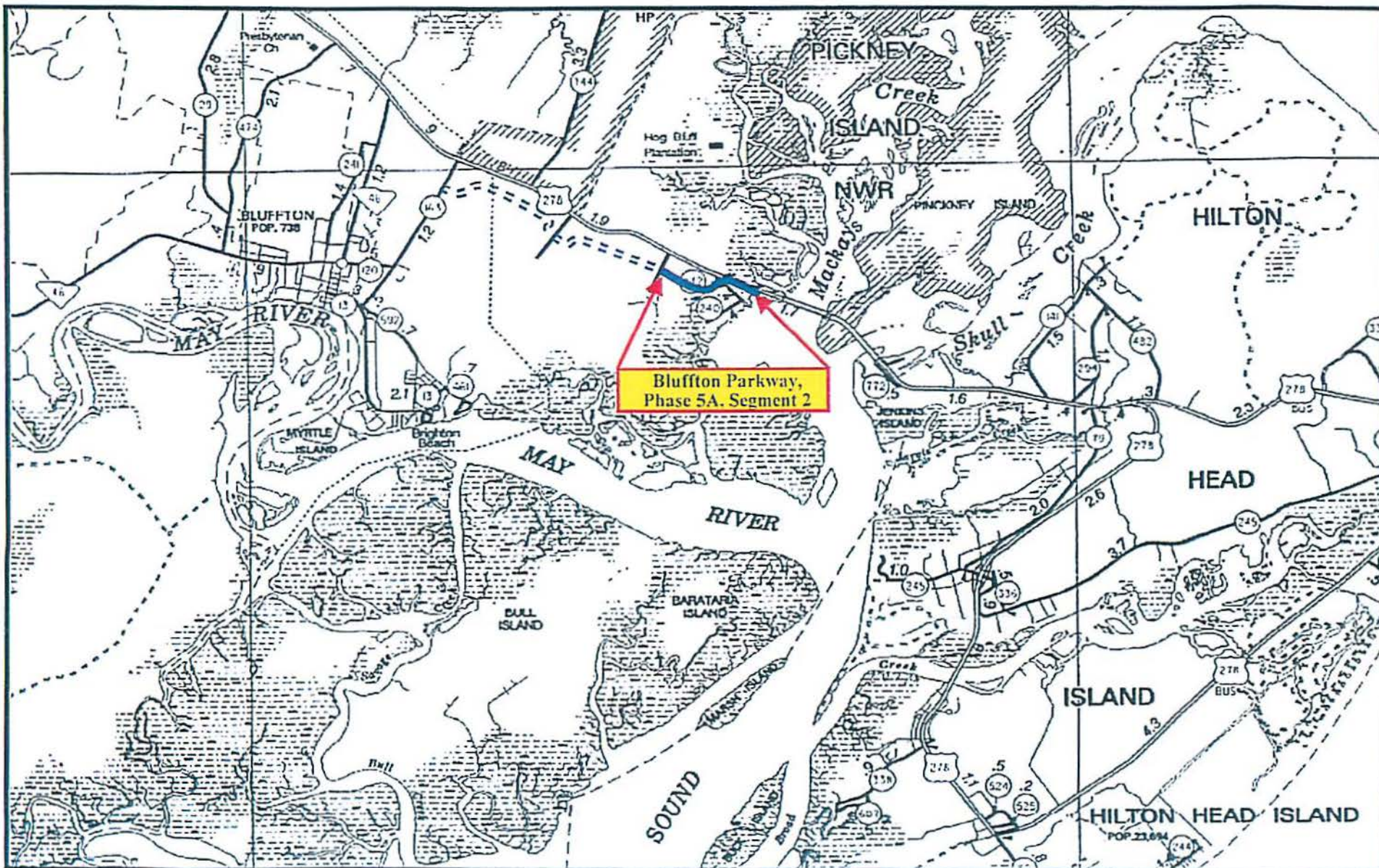
**Map of Project Area
and STIP**

Bluffton Parkway, Phase 5A - Segment 2

from Buckingham Plantation Drive to US Route 278 (Fording Island Road)
including Bridge Construction over US Route 278 and Tidal Marsh

Beaufort County

July, 2012



District 6 Beaufort

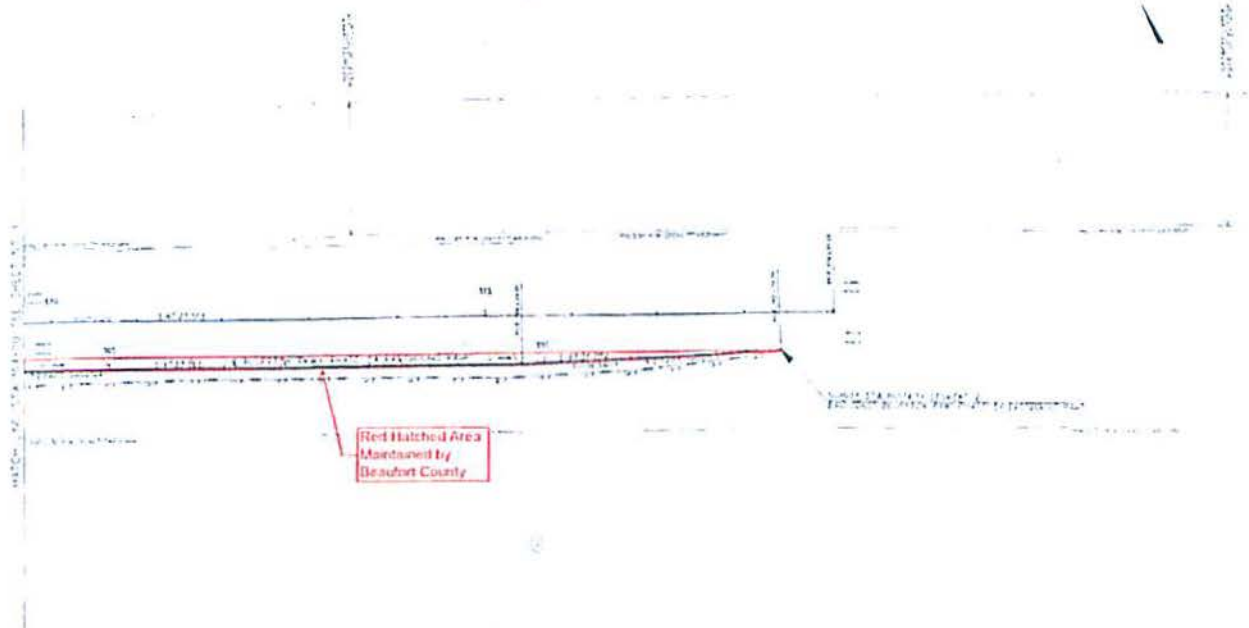
Revision 33 - June 21, 2012

Project			MPO / COG	STIP Category	Federal Program	Previous STIP(s)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	2010-2015 Project Cost	Remaining Cost
Description	Length	Rank												
US 21 Albergothi Creek		BR-32	Lowcountry	Bridge (Federal-Aid)	Bridge		355 R				4,700 L			\$5,055
S-79 Jarvis Creek		BR-72	Lowcountry	Bridge (Federal-Aid)	Bridge STP		300 R		300 R			3,450 C		\$4,050
US 278 Corridor (Simmonsville Road to SC 170) Widening/Safety Improvements			Lowcountry	Earmark (SAFETEA-LU) (Matching Agency - SC DOT)	Earmark			5,045 C						\$30,163
				Earmark (SAFETEA-LU) (Matching Agency - Beaufort County)	Earmark			500 P 13,873 C						
				Earmark (SAFETEA-LU) (Matching Agency - SC DOT)	Earmark			254 C						
				Earmark (Appropriation) FY 2008 Appropriation	Earmark			400 C						
				Federal Match Local Match	STP Local			5,000 C 5,000 C						
The amount to each project will be based on half of the construction shortfall at the time the contract is awarded. Any further adjustments to the project's Federal Match Program construction allocation can be made up to the matched share approved by the Commission.														
Boundary Street Redevelopment			Lowcountry	Earmark (FY 2011 Tiger Grant)	Earmark						3,000 R 9,600 C			\$12,600
Ace Basin (Rehabilitate Bonny Hall entrance road) (Applicant - U.S. Fish and Wildlife Service, Ace Basin National Wildlife Refuge)			Lowcountry	Federal Lands	Federal Lands						77 C			\$77
Bluffton Parkway - Phase 5A (Segment 1) (S-163 (Burnt Church Road) to Buckingham Plantation Drive)			Lowcountry	Local	Local	4,835 R 5,020 C	22,800 C	20,300 C	6,500 C					\$10,000
Bluffton Parkway - Phase 5A (Segment 2) (Buckingham Plantation Drive to US 278 (Fording Island Road) (Matching Agency - Beaufort County)			Lowcountry	Federal Match Local Local	Federal Match				15,000 C 15,000 C 4,285 C					\$34,285
Hunting Island Trail System This project was awarded with the 2008 Recreational Trails program Agency - SCPRT State Park Service - Hunting Island State Park			Lowcountry	Federal Lands	Recreational Trails		125							\$125
New River Trail - Trailhead Development This project was awarded with the 2009 Recreational Trails program Agency - Town of Bluffton			Lowcountry	Federal Lands	Recreational Trails		107							\$107
Pigeon Point Park Walking Trail This project was awarded with the 2009 Recreational Trails program Agency - Town of Bluffton			Lowcountry	Federal Lands	Recreational Trails		63							\$63
Buckwalter Place Greenway Trail This project was awarded with the 2008 Recreational Trails program Agency - Town of Bluffton			Lowcountry	Federal Lands	Recreational Trails		125							\$125
Beaufort County Resurfacing SC 46 (S-66 / S-120 to Near S-713) S-29 (SC 46 to L-0) S-159 (S-233 to S-151) S-16B (Near S-172 to S-172) US 21 (Near S-145 to Near S-77) US 21 (S-549 to 0.21 mi N of Seabrook Rd)			Lowcountry	Resurfacing	ARRA Pave/Reconst	2,252 C 78 C								
Congressional District 2 Resurfacing US 278 Bus - William Hilton Parkway (Shelter Cove Lane through Sea Pines Circle (including the traffic circle)) (Match provided by Beaufort County)			Lowcountry	Resurfacing	ARRA Local		2,211 C 2,027 C							\$4,238
Intersection Improvement US 21 @ SC 116 US 21 @ S-36 (Meridian Road) US 21 @ S-C (Hay St)			Lowcountry	Safety	Safety				3 PC 1 PC 5 PC					\$0
Beaufort Rail Trail (Green Corridor Project) (Matching Agency - Beaufort County)			Lowcountry	Scenic Byways	Earmark (Discretionary)					1,304				\$1,304

EXHIBIT "C"

Maintenance Determination Map

FOR SUPPLEMENTAL DATA TO EXISTING PLAN SHEET SEE SHEET NO. 101-102



Red Hatched Area
Maintained by
Beaufort County

ADJUSTMENT CONTROL SHEET FOUND ON SHEETS 101-102

DESIGNED BY
FH FORTNEY & HARRISON, INC.
1000 W. BROADWAY, SUITE 100
WILMINGTON, NC 28401
TEL: 754-833-1111
WWW.FORTNEYHARRISON.COM



NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/1/10	ISSUED FOR PERMITS	FH	
2	10/1/10	REVISIONS	FH	
3	10/1/10	REVISIONS	FH	
4	10/1/10	REVISIONS	FH	
5	10/1/10	REVISIONS	FH	
6	10/1/10	REVISIONS	FH	
7	10/1/10	REVISIONS	FH	
8	10/1/10	REVISIONS	FH	
9	10/1/10	REVISIONS	FH	
10	10/1/10	REVISIONS	FH	

BEAUFORT COUNTY ENGINEER
1000 W. BROADWAY, SUITE 100
WILMINGTON, NC 28401
TEL: 754-833-1111
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