

EFFECTIVE DATE: _____
(Department will insert)

COUNTY: Montgomery
SPONSOR: West Norriton Township

AGREEMENT NO.: 0641198A

FID NO.: 23-6004695

SAP VENDOR NO.: 139213

MPMS NO.: 110931

**AMENDMENT TO AUTOMATED RED LIGHT ENFORCEMENT PROGRAM
PROJECT FUNDING AGREEMENT - INDIVIDUAL PROJECTS**

This Amendment to Automated Red Light Enforcement Program Project Funding - Individual Projects Agreement No. 0641198 ("Amendment") is entered by and between the Commonwealth of Pennsylvania ("Commonwealth"), through the Department of Transportation ("DEPARTMENT") and West Norriton Township, of the Commonwealth of Pennsylvania, acting through its proper officials ("SPONSOR").

WITNESSETH:

WHEREAS, the parties entered into Agreement No. 0641198 ("Agreement") on September 17, 2018 for the traffic signal upgrade at the intersection of Whitehall Road (SR 3006) and Sterigere Street within West Norriton Township, Montgomery County, PA;

WHEREAS, the Agreement obligates the SPONSOR to complete the work under the Agreement no later than three (3) years from its effective date;

WHEREAS, the SPONSOR in a letter February 13, 2021, requested from the DEPARTMENT a time extension to complete the work;

WHEREAS, the DEPARTMENT in a letter dated February 13, 2021, granted the requested time extension pending approval of an executed amendment to the Agreement; and

WHEREAS, the parties are entering into this Amendment to signify the Department's formal approval of the SPONSOR's request and to update standard contract provisions.

NOW, THEREFORE, the parties, intending to be legally bound, agree that the Agreement shall be amended as follows:

1. Upon consideration of the SPONSOR's request for a time extension, the DEPARTMENT grants the SPONSOR a no-cost time extension until September 17, 2022 for completion of the work under the Agreement. This date supersedes the completion date set forth in Paragraph 23 of the Agreement. The DEPARTMENT is not authorizing any additional Project or any modifications to the scope of work in conjunction with or as a result of this time extension.
2. Subparagraph 2(d) of the Agreement is struck in its entirety and replaced with the following:
 - (d) **Letter of Adjustment.** If the DEPARTMENT determines that the cost for any phase listed on Exhibit "A" should be redistributed, and the redistribution does not result in an increase or decrease in total Project costs or any increase in costs to the SPONSOR, the DEPARTMENT will redistribute such costs by sending the SPONSOR notification via a letter of adjustment that will include a revised Exhibit "A". The DEPARTMENT cannot pay or reimburse the SPONSOR for the costs of these phases until the Office of Comptroller Operations signs and dates the letter of adjustment. The SPONSOR's signature is not required for the letter of adjustment to be effective. A sample Letter of Adjustment is attached as Exhibit "I" and made part of this Agreement.

- (f) **Letter of Amendment.** If there are changes to any Standard Provision, the parties can incorporate those revised and updated Standard Provision by noting the incorporation and attachment of such Standard Provisions to such letter of amendment. For the purposes of this subparagraph, Standard Provisions consist of those provisions, exhibits or clauses required to be included in Commonwealth agreements pursuant to federal or state law or Commonwealth Management Directives, including, but not limited to: Americans with Disabilities Act; Right-to-Know Law; Contractor Integrity; Contractor Responsibility; Commonwealth Nondiscrimination and Sexual Harassment Clause; and Offset Clause. A letter of amendment is not effective until duly authorized representatives of the DEPARTMENT, the SPONSOR, the Office of Chief Counsel, and the Office of Comptroller Operations sign and date the letter of amendment. A sample Letter of Amendment is attached as Exhibit "J," and made part of this Agreement.
- (g) **Fully Executed Amendment.** All other changes to terms and conditions of this Agreement, with the exception of Paragraphs 23 and 30, must be in the form of a fully executed amendment signed by the same entities that executed the original agreement.

3. Subparagraph 9(j) of the Agreement is struck in its entirety and replaced with the following:

- (j) **Final Invoice.** The SPONSOR shall submit its final invoices for payment or reimbursement, as the case may be, of the items set forth in Subsection (b) above to the DEPARTMENT within six (6) months of the completion of all physical work as referenced in amended Section 23, unless extended by letter at the DEPARTMENT's discretion prior to the end of the six- (6-)

month period. If the SPONSOR fails to submit its final invoices within this six- (6-) month period, it forfeits the right to all remaining state financial participation in the Project.

4. Subparagraph 9(k) of the Agreement is struck in its entirety.
5. Paragraph 23 of the Agreement is struck in its entirety and replaced with the following:

The SPONSOR shall complete all physical work under this Agreement no later than September 17, 2022, unless extended by a letter at the DEPARTMENT's discretion prior to the required completion date.

6. Paragraph 30 of the Agreement is struck in its entirety and replaced with the following:

30. NOTICES

All notices and reports arising out of, or from, the provision of this Agreement, shall be in writing and given to the parties at the address provided under this Agreement, either by regular mail, e-mail or delivery in person, at the following addresses:

If to the DEPARTMENT:

Pennsylvania Department of Transportation
Engineering District 6-0
Attn: Ashwin B. Patel, P.E., Senior Manager - Traffic
Engineering & Safety Division
7000 Geerdes Boulevard
King of Prussia, PA 19406
Phone: 610-205-6567
Email: ashpatel@pa.gov

If to the SPONSOR:

West Norriton Township
Attn: Jason Bobst, Township Manager
1630 W. Marshall Street
Jeffersonville, PA 19403
Phone: 610-631-0450
Email: jbobst@wntwp.com

or to such other person or address as the parties may provide to each other in writing.

7. The Term of the Agreement is extended and will now terminate/expire on September 17, 2022
8. This Amendment shall become effective when it is fully executed by the parties and all approvals required by Commonwealth contracting procedures have been obtained, as indicated by the date of the last Commonwealth signature. This Amendment is not binding in any way on the Commonwealth or the DEPARTMENT until it has been fully executed, as prescribed in the preceding sentence, and sent to the SPONSOR.
9. Capitalized terms used in this Amendment and not otherwise defined in this Amendment shall have the meanings specified for such terms in the Agreement.
10. Except as explicitly provided by this Amendment, the other provisions of the Agreement shall remain in full force and effect.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties, through their authorized representatives, have properly executed this Amendment on the date of the last Commonwealth signature below.

ATTEST:

WEST NORRITON TOWNSHIP*

Title: Date

BY _____
Title: Date

DO NOT WRITE BELOW THIS LINE – FOR COMMONWEALTH USE ONLY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY _____
District Executive Date

APPROVED AS TO LEGALITY
AND FORM:

BY _____
for Chief Counsel Date

FUNDS COMMITMENT DOC. NO.:

AMOUNT:

BY _____
Deputy General Counsel Date

BY _____
for Comptroller Operations Date

BY _____
Deputy Attorney General Date

Contract No. 0641198A is split N/A%, expenditure amount of \$ N/A for federal funds and N/A%, expenditure amount of \$ N/A for state funds. The related federal assistance program name and number is N/A; N/A. The state assistance program name and SAP fund is Red Light Photo Enforcement Program; 6024400003.

***SPONSOR's resolution authorizing execution and attestation must accompany this Agreement; please indicate the signers' titles in the blanks provided and date all signatures.**

RESOLUTION

BE IT RESOLVED, by authority of the Board of Commissioners of the Township of West Norriton, Montgomery County, and it is hereby resolved by authority of the same, that the Manager of said Municipality be authorized and directed to sign the attached Amendment to ARLE Program Project Funding Agreement on its behalf.

ATTEST:

WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS

Kathy K. Frederick
Assistant Secretary

By: _____
Martin Miller
President

(SEAL)

I, Kathy K. Frederick, Assistant Secretary of the Township of West Norriton, Montgomery County, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Board of Commissioners held the 9th day of February, 2021.

DATE: 2/9/2021

Kathy K. Frederick
Township Assistant Secretary