

**TOWN OF MOORESVILLE SILICON SHORES EAST-WEST CONNECTOR ROAD
PROJECT U-6239**

**REQUEST FOR LETTERS OF INTEREST FOR REPORTING
July 22, 2022**

ADDENDUM No.1

The following questions were posed by consultants interested in this RFLOI. The purpose of this addendum is to answer those questions.

1. **ADD** the following attachments which shall be considered part of the submittal:

Full Executed Second Amended and Restated Grant Agreement under the Fiscal Year 2019 Build Transportation Grants Program

2. **GENERAL CLARIFICATIONS**

Subconsultants will be permitted under this contract.

This addendum must be recognized as Addendum No. 1 on the Bid.

All other aspects of this contract shall remain unchanged.



Jonathan Young, PE
Town of Mooresville

U.S. DEPARTMENT OF TRANSPORTATION

SECOND AMENDED AND RESTATED GRANT AGREEMENT UNDER THE FISCAL YEAR 2019 BUILD TRANSPORTATION GRANTS PROGRAM

This agreement is between the United States Department of Transportation (the “USDOT”), North Carolina Department of Transportation (the “**Recipient**”), and the Town of Mooresville (the “**First-Tier Subrecipient**”).

This agreement reflects the selection of the First-Tier Subrecipient to receive a BUILD Grant for the Silicon Shores East-West Connector Road Project.

The parties want the First-Tier Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The USDOT, Recipient, and First-Tier Subrecipient executed a grant agreement on October 30, 2020 (the “Original Grant Agreement”). The parties amended and restated the grant agreement on December 1, 2021 (the “First Amended and Restated Grant Agreement”).

The parties want to replace the Original Grant Agreement and all previous amended and restated grant agreements with this Second Amended and Restated Grant Agreement.

The parties therefore amend and restate the grant agreement to read in its entirety as follows:

Article 1 GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2019 BUILD Transportation Grants Program: FHWA Projects,” dated October 12, 2021, which is available at <http://go.usa.gov/xMsXR>. Articles 8 – 24 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the BUILD Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the BUILD Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

Article 2 APPLICATION, PROJECT, AND AWARD

- 2.1 Application.** The application for funding was dated July 12, 2019, and titled “Silicon Shores East-West Connector Road.” It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.
- 2.2 Project.** In this agreement, the “**Project**” means the project proposed in the application identified in section 2.1 as modified by the negotiated provisions of this agreement, including article 3 and attachments A-E.
- 2.3 Federal Award and Federal Obligation.**
- (a) As described in attachment A, this Project consists of a base phase for eligible preliminary engineering, final design engineering, and plan, specifications and estimate (PS&E) costs and right-of-way acquisition; and option phase 1 for eligible construction associated with the Silicon Shores East-West Connector Road Improvements, and related infrastructure improvements.
 - (b) The USDOT hereby awards a BUILD Grant to the Recipient in the amount of \$13,609,131 for the base phase and all option phases.
 - (c) This agreement obligates the base phase amount of \$1,433,725 for the budget period for eligible costs in the base phase.
 - (d) This agreement obligates the option phase 1 amount of \$12,175,406 for eligible costs in option phase 1 .
- 2.4 Award Dates**
- | | |
|-------------------------|---------------|
| Budget Period End Date: | June 30, 2026 |
|-------------------------|---------------|
- 2.5 Urban or Rural Designation.** The USDOT hereby designates this to be an award to a project in an urban area.
- 2.6 Federal Award Identification Number.** The Federal Award Identification Number will be generated when the FHWA Division authorizes the project in FMIS. The Recipient acknowledges that it has access to FMIS and can retrieve the FAIN from FMIS

Article 3 SUMMARY PROJECT INFORMATION

- 3.1 Summary of Project’s Statement of Work.** (See Attachment A for additional details).
- The Project will construct three connector roads and related infrastructure near I-77, including: approximately 4,300 linear feet of four-lane divided highway (the “East West

Connector”); approximately 2,368 linear feet of three-lane divided highway (the “RL West Connector”); and approximately 2,298 linear feet of three-lane divided highway (the “Transco Connector”) with pedestrian/bicycle improvements to connect NC 115/Mecklenburg Highway with Langtree Road in Mooresville. The project will also incorporate the use of Intellistreets “smart” lighting and underground fiber lines, and water lines.

3.2 Project’s Estimated Schedule.

Milestone	Schedule Date
Base Phase: Preliminary Engineering & Right-of-Way Acquisition	
Actual NEPA Completion Date:	July 7, 2020
Actual Design Engineering Start Date:	December 1, 2020
Actual Right of Way Acquisition Start Date:	March 4, 2022
Planned Plan, Specification & Estimates (PS&E) Approval Date:	September 1, 2022
Option Phase 1: Construction	
Planned Construction Start Date:	October 31, 2022
Planned Construction Substantial Completion and Open to Traffic Date:	December 31, 2025

3.3 Project’s Estimated Budget. (See Attachment B for additional details).

Eligible Project Costs	
BUILD Grant Amount:	\$13,609,131
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds ¹ :	\$481,064
Other Funds ² :	\$7,640,000
Total Eligible Project Cost:	\$21,730,195

¹ Town of Mooresville General Funds

² Donated Funds from Stakeholders including Cash and Right of Way

Article 4
CRITICAL MILESTONE DEADLINES

4.1 Critical Milestone Deadlines.

Milestone	Deadline Date
Begin Design Engineering	February 1, 2021
USDOT receives first reimbursement request	March 15, 2021
Construction substantially completed and project opens to traffic	December 31, 2025

Article 5
PARTY INFORMATION

5.1 Recipient's and any Subrecipient's Unique Entity Identifiers.

Recipient's Unique Entity Identifier: 7881429460000

Name of any First-Tier Subrecipients (if applicable – to be reported if/when identified. If not applicable please note is N/A): Town of Mooresville

DUNS No. of First-Tier Subrecipient (if applicable – to be reported if/when identified): 030504328

5.2 First-Tier Subrecipient's Contact(s).

Jonathan M. Young
Engineering Services Director
Town of Mooresville
P.O. Box 878; Mooresville, NC 28115
704-799-4065
jyoung@mooresvillenc.gov

5.3 Recipient Key Personnel.

Jackie McSwain, Division Project Team Lead
NCDOT, Division 12
P.O. Box 47
Shelby, NC 28151-0047
704-480-9027
jmcswain@ncdot.gov

5.4 USDOT Project Contact(s).

Loretta W. Barren
Transportation Planning & Environmental Specialists
FHWA, NC Division Office
310 New Bern Ave. Suite 410
Raleigh, NC 27606
919-747-7025
loretta.barren@dot.gov

**Article 6
USDOT ADMINISTRATIVE INFORMATION**

6.1 Payment System.

USDOT Payment System: FMIS.

6.2 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Division.

**Article 7
SPECIAL GRANT TERMS**

7.1 Subaward to First-Tier Subrecipient.

- (a) The Recipient hereby awards a subaward to the First-Tier Subrecipient for the purpose described in section 8.1.
- (b) The Recipient and the First-Tier Subrecipient may enter into a separate agreement, to which the USDOT is not a party, assigning responsibilities, including administrative and oversight responsibilities, among the Recipient and the First-Tier Subrecipient.
- (c) For the purpose of 2 C.F.R. parts 200 and 1201, the Recipient is a pass-through entity.

7.2 First-Tier Subrecipient Statements and Responsibilities.

- (a) The First-Tier Subrecipient affirms all statements and acknowledgments that are attributed to the Recipient under sections 10.1 and 10.2.
- (b) The First-Tier Subrecipient assumes the Recipient's reporting obligations under articles 14 and 15.

- 7.3 State Oversight Responsibilities.** For the purpose of 23 U.S.C. 106(g), the Recipient shall act as if funds under this award are Federal funds under title 23, United States Code.
- 7.4 Base Phase Funds Cancellation.** The Recipient and First-Tier Subrecipient acknowledge that, notwithstanding section 11.2 and the budget period end date that is listed in section 2.4, funds obligated under section 2.3(c) are canceled by statute after September 30, 2026, and are then unavailable for any purpose, including adjustments.

ATTACHMENT A STATEMENT OF WORK

The Project will construct three connector roads near I-77, including: approximately 4,300 linear feet of four-lane divided highway (the “East West Connector”); approximately 2,368 linear feet of three-lane divided highway (the “RL West Connector”); and approximately 2,298 linear feet of three-lane divided highway (the “Transco Connector”). The project will also install 8,976 linear feet of water lines along the three connectors, 8,620 linear feet of pedestrian/bicycle lanes, 4,310 linear feet of fiber liner, and 26 Intellistreets Luminaires.

Base Phase

Preliminary Engineering
NEPA Document Preparation
Final Design Engineering
Plan, Specifications and Estimate (PS&E) Package
Right of Way Acquisition

Option Phase 1

Construction
Construction Engineering & Inspection

**ATTACHMENT B
ESTIMATED PROJECT BUDGET**

1. Supplementary Fund Source Table(s)

The following tables supplement the budget information in section 3.3.

Base Phase Eligible Costs	
BUILD Funds:	\$1,433,725
Other Funds ¹ :	\$5,240,000
Total:	\$6,673,725

¹ Estimated Value of Donated Right of Way from Stakeholders

Option Phase 1 Eligible Costs	
BUILD Funds:	\$12,175,406
Local Funds ¹ :	\$481,064
Other Funds ² :	\$2,400,000
Total:	\$15,056,470

¹ Town of Mooresville General Funds

² Donated Stakeholder Cash

2. Cost Classification Table

Cost Classification	Total Costs	Eligible Costs
Administrative and legal expenses	\$420,000	\$420,000
Land, structure, right-of-way, appraisals, etc.	\$5,240,000	\$5,240,000
Architectural and Engineering fees	\$1,013,725	\$1,013,725
Project inspection fees	\$775,000	\$775,000
Site work	\$1,500,000	\$1,500,000
Construction	\$12,781,470	\$12,781,470
Project Total	\$21,730,195	\$21,730,195

ATTACHMENT C
PERFORMANCE MEASUREMENT TABLE

Study Area: The study area for this Project is the proposed East-West Connector, from the intersection of Langtree Road to Highway 115.

Pre-project Measurement Date: September 30, 2022

Pre-project Report Date: December 31, 2022

Project Outcomes Report Date: December 31, 2029

Table 1: Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Travel Time Savings	Travel time savings for traffic measured during peak and off-peak periods as defined by the project study area. The measurement is in minutes or seconds depending on the amount of savings.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Post-construction Performance Measures: Accurate as of December 31, 2026 December 31, 2027 December 31, 2028	Baseline Measurement: Pre-project Report Date Post-construction Performance Measures: For a period of 3 years, beginning February 28, 2027 February 28, 2028 February 28, 2029
Average Daily Traffic	Economic Competitiveness Quality of Life The total volume of vehicle traffic on a highway or road segment near project areas. Average daily traffic counts collected using NCDOT data supplemented with Town data where needed.	Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date Post-construction Performance Measures: Accurate as of December 31, 2026 December 31, 2027 December 31, 2028	Baseline Measurement: Pre-project Report Date Post-construction Performance Measures: For a period of 3 years, beginning February 28, 2027 February 28, 2028 February 28, 2029

ATTACHMENT D
MATERIAL CHANGES FROM FIRST AMENDED AND RESTATED GRANT
AGREEMENT

Scope: No changes.

Schedule: The Town of Mooresville requests an amendment to the First Amended and Restated Grant Agreement for the obligation of funds for option phase I. There have been some changes to the project schedule due to continuing challenges with utility relocations and work involving Norfolk Southern Railroad.

The additional coordination and preliminary design have delayed the initiation of right of way acquisition and completion of the Plans, Specification & Estimate (PS&E) package. The Town of Mooresville plans to start right of way activities March 4, 2022, and the planned PS&E approval date is September 1, 2022. These delays have pushed the planned construction start date to October 31, 2022. The planned substantial completion date has not moved, but the budget period is extended three months to ensure availability of award funds if there are additional, unanticipated delays.

The table below provides a summary of schedule changes to date:

Activity	First Amendment	Second Amendment
Preliminary Engineering (Base Phase)	December 1, 2020	December 1, 2020
Right-Of-Way (Base Phase)	October 1, 2021	March 4, 2022
PS&E (Base phase)	March 1, 2022	September 1, 2022
Construction (Option Phase 1)	May 15, 2022	October 31, 2022
Construction substantially completed	December 31, 2025	December 31, 2025

Budget: No changes.

MATERIAL CHANGES FROM ORIGINAL GRANT AGREEMENT

The Town of Mooresville requests an amendment to the original grant agreement to extend the project substantial completion date by one year due to unforeseen changes to our schedule. Specifically, coordination with Norfolk Southern Railroad (NSRR) and Duke Energy has taken longer than expected.

The crossing agreement between the Town of Mooresville and Norfolk Southern Railroad requires the Town to close five existing crossings (two public and three private) within the Town of Mooresville corporate limits. Originally this was planned to occur after the completion of the Silicon Shores Project, but NSRR is requiring closures of the existing crossings to occur in conjunction with the project.

During the initial survey phase of the project an old Duke Energy easement was identified through the project corridor. Duke Energy originally stated they had no future plans to use the easement; however, as the preliminary design progressed Duke Energy notified the Town of Mooresville that the easement would be used for electricity transmission infrastructure and the design of the BUILD grant project would need to adjust to accommodate the future lines/towers.

The additional coordination and preliminary design have delayed the initiation of right of way acquisition and completion of the Plans, Specification & Estimate (PS&E) package. The Town of Mooresville plans to start right of way acquisition activities October 1 2021, and the planned PS&E approval date is March 1, 2022. These delays have pushed the planned construction substantial completion date to December 31, 2025.

MATERIAL CHANGES FROM APPLICATION

Scope: No changes.

Schedule: The schedule has changed since the grant was awarded to address the NEPA requirement for a transportation conformity determination. At the time the Town of Mooresville submitted the BUILD application, it did not anticipate the time needed for a transportation conformity determination and the application schedule did not include sufficient time. The Town of Mooresville is a part of the Charlotte region non-attainment area. The area is currently designated a maintenance area for both the 1997 and 2008 Ozone standards, but is still required to conduct transportation conformity until the life of their maintenance plans are complete. The current project is in the Charlotte Region Transportation Planning Organization's (CRTPO) Metropolitan Transportation Plan (MTP) in the 2025 planning year for implementation, and in the Transportation Improvement Program (TIP). The FHWA Division Office made the transportation conformity determination on June 8, 2020. The project CE complete and was approved July 7, 2020.

Based on the above explanations, the following changes are being made to the schedule: The start date for the Preliminary Engineering (Base Phase) schedule has changed from July 1, 2019 to December 1, 2020; the planned start date for the Right-Of-Way (Base Phase) schedule has been changed from October 1, 2019 to March 1, 2021; and the planned approval date for the PS&E (Base Phase) schedule has changed from October 1, 2019 to July 1, 2021. The planned start date for Construction (Option Phase 1) has been changed from July 1, 2020 to October 1, 2021. The planned date for substantial completion of the project has changed from December 30, 2023 to December 31, 2024 in response to the above changes and to allow time for execution of the agreement by all parties.

The table below provides a summary of schedule changes:

Activity	Original Schedule Date	New Schedule Date
Preliminary Engineering (Base Phase)	July 1, 2019	December 1, 2020
Right-Of-Way (Base Phase)	October 1, 2019	March 1, 2021
PS&E (Base phase)	October 1, 2019	July 1, 2021
Construction (Option Phase 1)	July 1, 2020	October 1, 2021
Construction substantially completed	December 30, 2023	December 31, 2024

Budget: No changes.

ATTACHMENT E
APPROVED PRE-AWARD COSTS

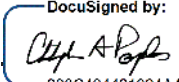
None. The USDOT has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, the USDOT will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by USDOT before being included the project costs and documented in this Attachment E. See section 19.2(b).

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Presented to the the NC Board of Transportation on July 7, 2022 

North Carolina Department of Transportation

06/29/2022 Date By:  Chris Peoples
Signature of Recipient's Authorized Representative

Christopher A. Peoples, PE
Chief Engineer, NC DOT

FIRST-TIER SUBRECIPIENT SIGNATURE PAGE

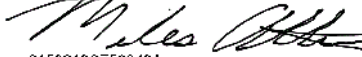
The First-Tier Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Town of Mooresville

6/23/2022 | 10:27 AM EDT

Date

By:

DocuSigned by:

6159213C758349A...

Signature of First-Tier Subrecipient's Authorized Representative

Miles Atkins
Mayor, Town of Mooresville

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF
TRANSPORTATION

_____ By:  2022.07.05 09:57:01
Date -04'00'

Signature of Recipient's Authorized Representative

John F. Sullivan, III, P.E.
Division Administrator, NC Division Office