

AMENDMENT # 1
AGREEMENT # 0495-45-79

PORT OF MILWAUKEE LAKE CLASSIFICATION YARD
RAILROAD REHABILITATION AND IMPROVEMENT

BY AND BETWEEN
THE WISCONSIN DEPARTMENT OF TRANSPORTATION
AND
THE PORT OF MILWAUKEE

This Amendment # 1 to Agreement No. 0495-45-79, dated June 30, 2015, is made and entered into this _____ day of _____ 2015 by and between the Port of Milwaukee (hereinafter called "Operator") and the Wisconsin Department of Transportation ("WisDOT").

WHEREAS, Section 9.4 of the above referenced Agreement provides for amendments of said agreement; and

WHEREAS, it has become necessary to amend the budget because of higher than expected tie prices and higher than expected bids on the installation of rail and ties by the subcontractor.

NOW, THEREFORE, BE IT RESOLVED, that the parties agree to amend said agreement as follows:

1. Section 2.2 (a) is hereby deleted and replaced with the following:

- (a) In consideration of the Project Work performed by Port, WisDOT shall: (i) grant, in cash and material, to Port an amount equal to 68% of actual allowable rehabilitation costs. The amount to be granted to Port for the rehabilitation portion of the Project Work shall in no event exceed One Million, Five Hundred and Seventy-Two Thousand, One Hundred and Eighty-Four Dollars (\$1,572,184).

2. Section 2.3 (a) is hereby deleted and replaced with the following:

3.

- (a) In consideration of the grant provided by WisDOT, Port shall perform or cause to be performed the Project Work set forth in Attachment IV and shall provide an amount, in cash, equal to no less than 32% of actual allowable rehabilitation project costs. The amount to be provided by Port for the rehabilitation portion of the Project Work identified in Attachment IV is estimated to equal Seven Hundred Forty-One Thousand, Six Hundred Sixteen Dollars (\$741,616).

4. Attachment I, Section 2.0 is hereby deleted and replaced with the following:

Budget Line Items and Funding Sources

(a) Budget Items

Item #	Description	Amount
1	Mobilization/Demobilization	\$115,000
2	Environmental Control	\$14,300
3	Demolition	\$48,000
4	115# track and No. 8 Turnout Construction	\$2,006,500
5	Site Restoration	\$7,000
6	Granite or Quartzite Ballast	\$123,000
7	Total	\$2,313,800

(b) Funding Sources

Funding Source	FRPP Funds	Port Funds	Total
Port of Milwaukee		\$ 741,616	\$ 741,616
WisDOT	\$ 1,572,184		\$ 1,572,184
Total	\$ 1,572,184	\$ 741,616	\$ 2,313,800

5. Attachment II, Section 5.1(a) is hereby deleted and replaced with the following:

5.1 Time for Completion

- (a) The Project Work is scheduled to start on or about August 13, 2015 and be completed by June 30, 2016.

6. Attachment IV is hereby deleted and replaced with the following:

SCHEDULE

The Project Work will begin on or about August 13, 2015 and be completed by June 30, 2016.

DESCRIPTION OF WORK

The project will rehabilitate 9,435 feet of track within the Lake Classification Yard, to include removing existing rail, ties and ballast, excavating to sub-grade, installing perforated under-drains, compacting subgrade, installing new ballast, ties and 115# rail, and track surfacing.

All other sections of the Agreement shall remain as written.

SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and witnessed by their duly authorized officers on the date and year designated in the Preamble to this Agreement.

WITNESS:

PORT OF MILWAUKEE

By: _____
Paul Vornholt
Municipal Port Director

WITNESS:

WISCONSIN DEPARTMENT OF
TRANSPORTATION

By: _____
David M. Simon, P.E.
Chief, Railroads and Harbors Section