

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN PORT OF
TACOMA AND CITY OF TACOMA
REGARDING IMPROVEMENTS TO TAYLOR WAY**

This First Amendment to Interlocal Agreement (“Amendment”) is made and entered into by the City of Tacoma, a municipal corporation of the State of Washington, hereinafter called the “City” and the Port of Tacoma, a port district organized under the laws of the State of Washington, hereinafter called the “Port.” As used in this Agreement, “Project” means the Taylor Way Road Rehabilitation Project (bid by the City PW 19-0262F), to benefit the movement of freight and goods as further described in the January 21, 2016 Interlocal Agreement (“2016 Agreement”) The Port and the City are also referred to in this Agreement collectively as “the Parties,” and individually as a “Party.”

RECITALS

WHEREAS, the 2016 Agreement included a proposed scope of work with regard to the reconstruction of Taylor Way to a Heavy Haul Industrial Corridor standard, and

WHEREAS, the Parties desire to amend and update the 2016 Agreement to reflect the current state of items addressed in the 2016 Agreement, and

WHEREAS, the Port is agreeable to provide additional funding to the Project to maintain elements of the scope of the Taylor Way reconstruction that are beneficial to the operations of the Port, and

NOW, THEREFORE, the Parties agree to amend the 2016 Agreement as follows:

1. Project Funding. Section 4 of the 2016 Agreement is deleted and replaced by the following:

4. Project Funding. The Port will invest not more than \$ 500,000 of additional Project funding to complete the Taylor Way Reconstruction Project, conditioned upon all other funding sources for the Project have first been depleted, including but not limited to any contingency funds. The Port has agreed to the elimination of three crossings contemplated in the original scope (Crossings 1, 2, and 3), as depicted on the attached Exhibit A, and the elimination of these crossings are recognized as in-kind savings to the Project provided by the Port. The additional Port cash contribution will allow retention of the reconstruction of the other crossings within the Project, installation of ITS infrastructure, and construction of improvements to Taylor Way and the SR509 intersection to Heavy Haul Industrial Corridor standards.

2. Section 3 of the 2016 Amendment is deleted and replaced with the following:

3. Project Plans and Specifications. The Parties acknowledge and agree that the Plans and Specifications for the Project are those established in the Taylor Way Road Rehabilitation Project under City of Tacoma Public Works bid PW 19-0262F. Any references to Plans or specifications in the 2016 Agreement are hereby modified accordingly.

3. City Contact. Section 15 of the 2016 Agreement is hereby amended to change the City contact for notification as follows:

To the CITY: Mark D'Andrea, P.E.
City of Tacoma
Tacoma Public Works/Special Projects
Tacoma Municipal Building
747 Market Street, Room 544
Tacoma, WA 98402-3769
mdandrea@cityoftacoma.org
253-591-5518

4. **Termination Date.** Section 13 is amended to extend the Termination Date to December 31, 2025, or final completion of the Project, whichever is later.
5. **No Additional Changes.** All other terms and conditions of the 2016 Agreement except as specifically modified herein shall remain in full force and effect.
6. **COVID19 Emergency.** The Parties acknowledge and agree that the current COVID19 emergency as declared by the Governor of Washington, and the Tacoma City Council, may affect the Project in ways that are not foreseeable, and are not within the control of either party. Neither party shall be responsible or liable for issues or impacts to the Project arising in any manner from the COVID19 emergency.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement which shall be effective upon the date of recording.

PORT OF TACOMA

CITY OF TACOMA

Eric Johnson, Executive Director Date

Elizabeth A. Pauli, City Manager Date

APPROVED AS TO FORM:

Carolyn Lake, Port Legal Counsel Date

Kurtis D. Kingsolver, P.E. Date
Public Works Director/City Engineer

APPROVED AS TO FORM:

Steve Victor, Deputy City Attorney
Date