AMENDMENT NUMBER 2 TO AGREEMENT NUMBER 715310

BACKGROUND:

1. On April 22, 2014, the State of South Dakota, acting by and through its Department of Transportation, referred to in this Amendment as the "STATE," and the city of Rapid City, South Dakota, referred to in this Amendment as the "CITY"; entered into a Joint Powers Financial Agreement for South Dakota Federal Aid Construction Project Number P 0231(12)B0 PCN 02R5, which agreement, referred to in this Amendment as the "AGREEMENT," was signed by representatives of each party and assigned Agreement Number 715310 by the STATE.

2. Having previously amended the AGREEMENT, now the parties wish to further amend the AGREEMENT.

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Paragraph 5.G. of the AGREEMENT is revised to read as follows:

   5. COMBINATION LETTING

      G. Except for the top of the utility trenches, the CITY will conduct inspection of the trench backfill, trench compaction testing, and moisture and density testing, for the CITY UTILITY PROJECT. The CITY will provide the STATE with a copy of all test reports within forty-eight (48) hours of testing. The CITY will be responsible for ensuring that all work and test results on the CITY UTILITY PROJECT are satisfactory to the STATE. The CITY will ensure all testing conducted by the CITY conforms to the South Dakota Department of Transportation Standard Specifications for Roads and Bridges, 2015 Edition, except as modified by any applicable special or supplemental provisions. The CITY will also ensure all testing conducted by the CITY conforms to the STATE'S most recent Materials Manual. All personnel conducting testing must meet the requirements of the South Dakota Department of Transportation's Materials Testing and Inspection Certification Program Manual.

2. Except as specifically modified by this Amendment, the terms and conditions of the AGREEMENT, along with the prior Amendment Number 1, will remain in full force and effect.

3. The CITY has designated its Mayor as the CITY'S authorized representative and has empowered the Mayor with the authority to sign this Amendment on behalf of the CITY. A copy of the CITY’S Commission minutes or resolution authorizing the execution of this Amendment by the Mayor as the CITY’S authorized representatives is attached to this Amendment as Exhibit A.

This Amendment is binding upon the signatories not as individuals, but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the CITY to enter into the same.

City of Rapid City, South Dakota

By: ____________________________

Its: Mayor

Date: ____________________________

Attest:

______________________________

City Auditor/Clerk

(State of South Dakota
Department of Transportation

By: ____________________________

Its: Secretary

Date: ____________________________

Approved as to Form

______________________________

Special Assistant Attorney General

(CITY SEAL)