

RESOLUTION NO. 2016190

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR (PIN 8757.27)

Legislators PULVER, MICCIO, BOLNER, and HORTON offer the following and move its adoption:

WHEREAS, a project for Palen Road (CR 31) over Fishkill Creek (BIN 3343120), in the Town of East Fishkill, Dutchess County, PIN 8757.27 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Resolution No. 2015043 adopted by Dutchess County on march 9, 2015, approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection, work, and

WHEREAS, it was subsequently found necessary to undertake additional construction and construction inspection work not contemplated in the original agreement authorized by the previous Resolution, and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the project, and

NOW THEREFORE, this Legislature, duly convened does hereby

RESOLVED, that this Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Legislature hereby authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$1,302,000 (\$2,412,000 minus previous \$1,302,000) is hereby appropriated and made available from Capital Project H0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-1023-16

CAB/kvh/C-6904

07/14/16

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of August 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8<sup>th</sup> day of August 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## Fiscal Impact Statement

Resolution Request Number

1023

No Fiscal Impact Projected

Total Current Year Cost

\$1,110,000.00

Total Current Year Revenue and Source

\$888,000.00

Source of County Funds (if OTHER is selected, please explain below.)

EXISTING APPROPRIATIONS 

Explanation / Identify Line Item(s)

H0289.5120.3450.213

Amount and Nature of Related Expenses

\$0.00

Anticipated Savings to County

\$0.00

Net County Cost for Current Year

\$222,000.00

Net County Cost Over Five Years

\$0.00

Additional Comments / Explanation

Request to accept Supplemental Agreement #4 for additional funds for Construction & Construction Inspection from NYSDOT for PIN 8757.27 Palen Road (CR31) over Fishkill Creek in the Town of East Fishkill, Bridge E-9, BIN 3343120.

Prepared By

Rosanne Hall

Date Submitted

7/12/2016

Supplemental Agreement Cover for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: Dutchess County  
PIN: 8757.27  
BIN: 3343120  
Comptroller's Contract No: D024572  
Supplemental Agreement No. 4  
Date Prepared & By: 07/07/2016dh

SUPPLEMENTAL AGREEMENT NO 4 to D024572

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at  
50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)  
Acting by and through the County Executive  
With its office at 22 Market Street, Poughkeepsie, Dutchess County, New York.

This amends the existing Agreement between the parties in the following respects only:

- X Amends a previously adopted Schedule A by:
  - amending a project description
  - amending the contract end date
  - X amending the scheduled funding by:
    - X adding additional funding:
      - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
      - adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
    - X increasing funding for a project phases(s) - Construction
    - X adding a pin extension
    - change from Non-Marchiselli to Marchiselli
    - deleting/reducing a project phase(s) --
    - other (xxxxx)
- Amends a previously adopted Schedule "B"
- X Amends a previously adopted agreement by adding Appendix 2-S -- Iran Divestment Act
- Amends the Text of the Agreement as follows:

Supplemental Agreement Cover for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: Dutchess County  
PIN: 8757.27  
BIN: 3343120  
Comptroller's Contract No: D024572  
Supplemental Agreement No. 4  
Date Prepared & By: 07/07/2016dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to Content:

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

By:  \_\_\_\_\_

Noel Knille, KIA, ASLA  
Commissioner of Public Works

STATE OF NEW YORK            )  
  )ss.:  
COUNTY OF DUTCHESS        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

By: \_\_\_\_\_  
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements**  
**NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.27**

<b>OSC Municipal Contract #:</b> D024572	<b>Contract Start Date:</b> 4/5/2005 (mm/dd/yyyy)	<b>Contract End Date:</b> 9/30/2019 (mm/dd/yyyy) <input checked="" type="checkbox"/> Check, if date changed from the last Schedule A
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**Purpose:**  Original Standard Agreement  Supplemental Schedule A No. 4

**Agreement Type:**  Locally Administered Municipality/Sponsor (Contract Payee): Dutchess County  
 State Administered Other Municipality/Sponsor (if applicable):

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

**Work Type:** HWY REHAB **County (If different from Municipality):** Dutchess County

**Marchiselli Eligible**  Yes  No -(Check, if Project Description has changed from last Schedule A):   
**Project Description:** BIN 3343120 - Palen Road (CR 31) over Fishkill Creek in the Town of East Fishkill

**Marchiselli Allocations Approved FOR ALL PHASES** *To compute Total Costs in the last row and column, right click in each field and select "Update Field."*

Check box to Indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$18,000.00	\$983.00	\$184,000.00	\$202,983.00
<input type="checkbox"/>	Current SFY	\$	\$	\$0.00	\$ 0.00
<b>Authorized Allocations to Date</b>		\$18,000.00	\$983.00	\$184,000.00	\$202,983.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.27.121	Current	STP (80%)	\$120,000.00	\$96,000.00	\$18,000.00	\$6,000.00	\$0.00
	Old	STP (80%)	\$120,000.00	\$96,000.00	\$18,000.00	\$6,000.00	\$0.00
8757.27.221	Current	STP (80%)	\$8,550.00	\$5,240.00	\$983.00	\$327.00	\$0.00
	Old	STP (80%)	\$8,550.00	\$5,240.00	\$983.00	\$327.00	\$0.00
8757.27.321	Current	STP (80%)	\$2,412,000.00	\$1,929,600.00	\$184,000.00 *	\$298,400.00	\$0.00
	Old	STP (80%)	\$1,302,000.00	\$1,041,600.00	\$184,000.00	\$78,400.00	\$0.00
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
<b>TOTAL CURRENT COSTS:</b>			\$2,538,550.00	\$2,030,840.00	\$202,983.00	\$304,727.00	\$ 0.00

NYS DOT/State-Local Agreement - Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
	Current		\$	\$	\$	\$
	Old					
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

<b>C. Total Local Deposit(s) Required for State Administered Projects:</b>	\$0.00
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<b>D. Total Project Costs</b> To compute Total Costs in the last column, right click in the field and select "Update Field."				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$2,030,840.00	\$202,983.00	\$0.00	\$304,727.00	\$2,538,550.00

<b>E. Point of Contact for Questions Regarding this Schedule A (Must be completed)</b>	Name: <u>Doreen Hoisopple</u> Phone No: <u>845-431-5977</u>
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See Agreement (or Supplemental Agreement Cover) for required contract signatures.



APPENDIX 2-S  
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2015043

RE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR (PIN 8757.27)

Legislators HUTCHINGS, SAGLIANO, WEISS, HORTON, MAC AVERY, and FARLEY offer the following and move its adoption:

WHEREAS, the project for the replacement of Palen Road (CR 31) over Fishkill Creek (BIN 3343120), in the Town of East Fishkill, Dutchess County, PIN 8757.27 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection work, and

NOW THEREFORE, the Dutchess County Legislature, duly convened does hereby

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes the County of Dutchess to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection, and construction supervision work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$1,302,000 is hereby appropriated and made available from Capital Project H0289.5120.3450.213 - 2000 Bridges (ISTEA/TEA21) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the County Executive or his designee be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid with the New York State Department of Transportation on behalf of the County of Dutchess in connection with the advancement or approval of the above referenced project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local

share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the project, and it is further

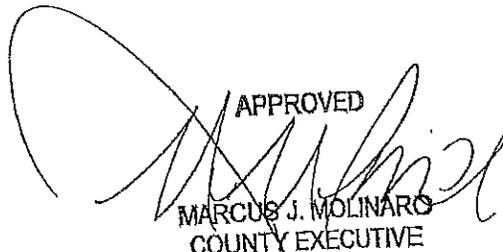
RESOLVED, that this resolution shall take effect immediately.

CA-037-15

CAB/kvh/C-6904

2/9/15

Fiscal Impact: See attached statement

APPROVED  
  
MARCUS J. MOLINARO  
COUNTY EXECUTIVE  
Date 3/10/2015

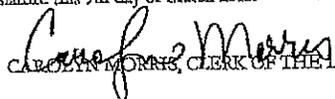
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9th day of March 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9th day of March 2015.

  
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS  
(To be completed by requesting department)

Total Current Year Cost \$ 1,302,000

Total Current Year Revenue \$ 1,225,600  
and Source

Source of County Funds (check one):  Existing Appropriations,  Contingency,  
 Transfer of Existing Appropriations,  Additional Appropriations,  Other (explain).

Identify Line Items(s):  
H0289.5120,3450.213

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$76,400  
Over Five Years: \_\_\_\_\_

Additional Comments/Explanation:

This F.I.S. is related to the resolution request to accept Supplemental Agreement # 3 for Construction & Construction Inspection funds and to extend the contract from NYSDOT for PIN 8757.27 Palen Road (CR 31) over Fishkill Creek (BIN 3343120), in the Town of East Fishkill, Dutchess County (Bridge E-9).

Prepared by: Rosanne M. Hall

Prepared On: 02/06/2015



Supplemental Agreement Cover for Local Agreements (11/12)  
MUNICIPALITY/SPONSOR: Dutchess County  
PIN: 8757.27  
BIN: 3343120  
Comptroller's Contract No: D024572  
Supplemental Agreement No. 3  
Date Prepared & By: 01/26/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

Municipality/Sponsor Attorney:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

STATE OF NEW YORK            )  
  )ss.:  
COUNTY OF DUTCHESS        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_\_\_; that he/she is the \_\_\_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the \_\_\_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on \_\_\_\_\_ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order:

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
For Commissioner of Transportation

APPROVED AS TO FORM:  
STATE OF NEW YORK ATTORNEY GENERAL

By: \_\_\_\_\_  
Assistant Attorney General

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

COMPTROLLER'S APPROVAL:

By: \_\_\_\_\_  
For the New York State Comptroller  
Pursuant to State Finance Law § 112

Press F1 to read instructions in blank fields

**SCHEDULE A -- Description of Project Phase, Funding and Deposit Requirements**

NYS DOT/ State-Local Agreement - Schedule A for PIN 8757.27

ISC Municipal Contract #: 0024572 Contract Start Date: 4/5/2005 Contract End Date: 9/30/2019  
 Check, if date changed from the last Schedule A

Purpose:  Original Standard Agreement  Supplemental Schedule A No. 3

Agreement Type:  Locally Administered Municipality/Sponsor (Contract Payee): Dutchess County  
 State Administered Other Municipality/Sponsor (if applicable):

State Administered List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.

Municipality: % of Cost share  
 Municipality: % of Cost share  
 Municipality: % of Cost share

Authorized Project Phase(s) to which this Schedule applies:  PE/Design  ROW Incidentals  
 ROW Acquisition  Construction/CI/CS

Work Type: HWY REHAB County (if different from Municipality): Dutchess County

Marchiselli Eligible  Yes  No (Check, if Project Description has changed from last Schedule A):   
 Project Description: BIN 3343120 - Palen Road (CR 31) over Fishkill Creek in the Town of East Fishkill

**Marchiselli Allocations Approved FOR ALL PHASES** To compute Total Costs in the last row and column, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$18,000.00	\$983.00	\$	\$18,983.00
<input checked="" type="checkbox"/>	Current SFY 14/15	\$	\$	\$184,000.00	\$184,000.00
	Authorized Allocations to Date	\$18,000.00	\$983.00	\$184,000.00	\$202,983.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry Indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.27.121	Current	STP (80%)	\$120,000.00	\$96,000.00	\$18,000.00	\$6,000.00	\$0.00
	Old	STP (80%)	\$120,000.00	\$96,000.00	\$18,000.00	\$6,000.00	\$0.00
8757.27.221	Current	STP (80%)	\$6,550.00	\$5,240.00	\$983.00	\$327.00	\$0.00
	Old	STP (80%)	\$10,000.00	\$8,000.00	\$1,500.00	\$500.00	\$0.00
8757.27.321	Current	STP (80%)	\$1,302,000.00	\$1,041,600.00	\$184,000.00	\$78,400.00	\$0.00
	Old						
	Current		\$	\$	\$	\$	\$
	Old						
	Current		\$	\$	\$	\$	\$
	Old						
	Current		\$	\$	\$	\$	\$
	Old						
<b>TOTAL CURRENT COSTS:</b>			\$1,428,550.00	\$1,142,840.00	\$202,983.00	\$82,727.00	\$ 0.00



APPENDIX 2-S  
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.

SAMPLE RESOLUTION BY MUNICIPALITY  
(Locally Administered Project)  
RESOLUTION NUMBER: \_\_\_\_\_

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for Palen Road (CR 31) over Fishkill Creek (BIN 3343120) in the Town of East Fishkill, PIN 8757.27 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the construction, construction inspection and construction supervisor work.

NOW, THEREFORE, the Dutchess County Legislature, duly convened does hereby

RESOLVE, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,302,000 is hereby appropriated from [or, appropriated pursuant to \_\_\_\_\_ and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, that the Dutchess County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Dutchess County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further