

AMENDMENT NUMBER 1
TO THE
PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
ALLEGHENY COUNTY SANITARY AUTHORITY
FOR
DESIGN AND CONSTRUCTION
OF THE
SHERADEN PARK & CHARTIERS CREEK SECTION 206 PROJECT

THIS AMENDMENT NUMBER 1 is entered into this 15th day of Sept., 2014, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Pittsburgh District and the Allegheny County Sanitary Authority (hereinafter "ALCOSAN"), and the City of Pittsburgh, Pennsylvania (hereinafter the "City"), represented by the Executive Director of Allegheny County Sanitary Authority and the Mayor of the City of Pittsburgh, Pennsylvania (ALCOSAN and City of Pittsburgh when referred to collectively are referred to as the "Non-Federal Sponsors").

WITNESSETH, THAT:

WHEREAS, the Government and ALCOSAN entered into a Project Partnership Agreement on September 29, 2009 (hereinafter the "Agreement") for cost sharing of the design and construction of the Sheraden Park & Chartiers Creek Section 206 Project (hereinafter the "*Project*");

WHEREAS, the City possesses certain real estate interests needed to complete the Project;

WHEREAS, the City has requested to be added as a party to the Agreement;

WHEREAS, the Government, ALCOSAN, and the City desire to amend the Agreement to include the City as a Non-Federal Sponsor for the *Project*.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. Throughout the Agreement, unless otherwise specified below, all uses of the term "Non-Federal Sponsor" are replaced with "Non-Federal Sponsors" and all uses of the singular possessive "Non-Federal Sponsor's" are replaced with the plural possessive "Non-Federal Sponsors". In addition, all necessary grammatical changes following the

new term “Non-Federal Sponsors” (i.e., “its” to “their”, “has” to “have”, “provides” to “provide”, “is” to “are”) are hereby made.

2. TITLE - The Agreement Title is amended by striking the current title and replacing it with the following:

“PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
ALLEGHENY COUNTY SANITARY AUTHORITY
AND
CITY OF PITTSBURGH, PENNSYLVANIA
FOR
DESIGN AND CONSTRUCTION
OF THE
SHERADEN PARK & CHARTIERS CREEK SECTION 206 PROJECT”

3. WHEREAS CLAUSES

a. The following is added after the third WHEREAS clause of the Agreement:

“WHEREAS, the Government, Allegheny County Sanitary Authority (hereinafter “ALCOSAN”), and the City of Pittsburgh, Pennsylvania (hereinafter the “City”), (ALCOSAN and City of Pittsburgh when referred to collectively are referred to as the “Non-Federal Sponsors”) entered into Amendment Number 1 to the Agreement to include City of Pittsburgh as a Non-Federal Sponsor for the *Project*,”

4. ARTICLE VII – DISPUTE RESOLUTION is amended as follows:

a. The first sentence is amended by striking “other party” and replacing it with “other parties”.

b. The second sentence is amended by striking “both parties” and replacing it with “all parties”.

5. ARTICLE XII – RELATIONSHIP OF PARTIES is amended as follows:

a. Paragraph A is amended by striking “neither” and replacing it with “no party” by striking “other” and replacing it with “others”.

b. Paragraph B is amended by striking “neither” and replacing it with “no” and by striking each occurrence of “other party” and replacing it with “other parties”.

6. ARTICLE XIII – TERMINATION OR SUSPENSION is amended as follows:

a. Paragraph B is amended by striking “Government or the Non-Federal Sponsor” and replacing it with “Government or one or more of the Non-Federal Sponsors”.

b. Paragraph E is amended by striking “both parties” and replacing it with “all parties”.

c. Article XIII is further amended by inserting the following paragraph at the end thereof:

“G. In the event that one or more of the Non-Federal Sponsors elects to terminate its responsibilities under this Agreement, and the remaining Non-Federal Sponsor elects to continue to participate in the *Project*, the Government shall negotiate in good faith with the remaining Non-Federal Sponsor to effect a timely and productive conclusion to that portion of the *Project* pertaining to the area of statutory authority applicable for the remaining Non-Federal Sponsor. The Government shall prepare a revised *PMP* and revised estimate of *total project costs* to complete that portion of the *Project* of interest to the remaining Non-Federal Sponsor. If the remaining Non-Federal Sponsor elects to complete the *Project*, this Agreement shall be amended to reflect the negotiated revisions to the scope of the *Project* defined in Article I.A. of this Agreement and the estimate of *total project costs* in Article VI.A.1. of this Agreement. Amendments to this Agreement made pursuant to this paragraph shall reflect credits for the contribution of funds provided previously by all of the *Project* sponsors and shall reflect task reductions made as a result of withdrawal of any *Project* sponsor.”

7. ARTICLE XV – NOTICES is amended as follows:

a. Paragraph A is amended by striking “If to the Non-Federal Sponsor:” and replacing it with “If to the Allegheny County Sanitary Authority:” and by adding the following immediately preceding “If to the Government:”:

“If to the City of Pittsburgh:

City of Pittsburgh
Mike Gable
Director, Department of Public Works
313 City County Building
414 Grant Street
Pittsburgh, PA 15219

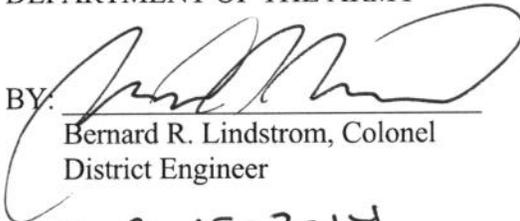
b. Paragraph B is amended by striking “other party” and replacing it with “other parties”.

8. The City, Alcosan, and the Government hereby approve, consent to and agree to be bound by the terms, conditions and other provisions of the Agreement, as amended by this Amendment Number 1, whether individually or otherwise as one of the parties, as provided therein.

9. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number 1 to the Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

BY: 
Bernard R. Lindstrom, Colonel
District Engineer

DATE: 9-15-2014

ALLEGHENY COUNTY SANITARY
AUTHORITY

BY: 
Arleta Scott Williams
Executive Director

DATE: 8-22-2014

CITY OF PITTSBURGH

BY: 
Mike Gable
Director, Department of Public Works

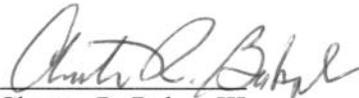
DATE: August 19, 2014

CERTIFICATE OF AUTHORITY

I, Chester R. Babst III, do hereby certify that I am the principal legal officer of the Allegheny County Sanitary Authority, that the Allegheny County Sanitary Authority is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement, as amended by Amendment No. 1, between the Department of the Army and the Allegheny County Sanitary Authority and the City of Pittsburgh, Pennsylvania in connection with the project partnership agreement for the Sheraden Park and Chartiers Creek Section 206 Project, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed this Agreement on behalf of the Allegheny County Sanitary Authority have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this

13th day of August 2014.



Chester R. Babst, III
Solicitor

CERTIFICATION REGARDING LOBBYING

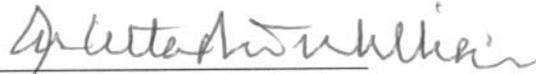
The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Arletta Scott Williams
Executive Director

DATE: 8/22/2014

CERTIFICATE OF AUTHORITY

I, CITY OF PITTSBURGH COUNSEL, do hereby certify that I am the principal legal officer of the City of Pittsburgh, Pennsylvania, that the City of Pittsburgh is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement, as amended by Amendment No. 1, between the Department of the Army and the Allegheny County Sanitary Authority and the City of Pittsburgh, Pennsylvania in connection with the project partnership agreement for the Sheraden Park and Chartiers Creek Section 206 Project, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed this Agreement on behalf of the City of Pittsburgh have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this

14th day of August 2014.


CITY OF PITTSBURGH COUNSEL
Solicitor

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Mike Gable
Director, Department of Public Works

DATE: August 14, 2017