

AMENDMENT NO. 2
TO
PROJECT COOPERATION AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE CITY OF BURLEY, IDAHO
FOR
DESIGN AND CONSTRUCTION
OF THE
BURLEY WASTEWATER CAPITAL IMPROVEMENTS PROGRAM

BURLEY, CASSIA COUNTY, IDAHO

THIS AMENDMENT NO. 2 is entered into this 27th day of April, 2006, by and between the DEPARTMENT OF THE ARMY (hereinafter the "Government"), represented by the U.S. Army Engineer, Walla Walla District (hereinafter the "District Engineer"), and the City of Burley, Idaho (hereinafter the "Non-Federal Sponsor"), represented by the Mayor of the City of Burley, Idaho.

WITNESSETH, THAT:

WHEREAS, the Secretary of the Army is authorized to provide design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Idaho, Montana, rural Nevada, New Mexico, and rural Utah, pursuant to Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended;

WHEREAS, the Energy and Water Appropriations Act of 2004, Public Law 108-137, included \$4,450,000 for such projects in the State of Idaho and \$2,000,000 was identified in Congressional Conference language for use in the City of Burley, Idaho.

WHEREAS, the Government and the Non-Federal Sponsors entered into a Project Cooperation Agreement (hereinafter the "Agreement") on July 8, 2004, for the design and construction of the Burley Wastewater Capital Improvements Program, as generally described in the Burley Wastewater Capital Improvements Program Scope of Work, dated June 21, 2004;

WHEREAS, the Project, as originally defined in Article I.A. of the Agreement, only included the design and construction of the Burley Wastewater Treatment Plant Administrative Building, in Burley, Idaho; and

WHEREAS, on June 2, 2005, the Government and Non-Federal Sponsor executed Amendment No. 1 to the Agreement (hereinafter "Amendment No. 1"), which expanded the Project to include construction of sewer lines in the Overlook Trailer Village, Burley, Idaho; and

WHEREAS, the Government and Non-Federal Sponsor now desire to modify the Project to include design and construction/replacement of additional sewer lines within the City of Burley.

NOW, THEREFORE, the Government and the Non-Federal Sponsors agree to amend the Agreement and Amendment No. 1 as follows:

1. The Project, as originally defined in Article I.A. of the Agreement, and Paragraph 2 of Amendment No. 1, is modified by adding the following sentence after the second sentence, "The Project shall also include design and construction/replacement of additional sewer lines, as generally described in the Burley Wastewater Capital Improvements Program Supplemental Scope of Work, Sewer Line Replacement Project, dated March 21, 2006."
2. Paragraph 4 of Amendment No. 1 is deleted and Article VI.A. of the Agreement is modified by deleting everything after, ". . . reimbursements in the upcoming fiscal year." and replacing it with the following:

On the effective date of this agreement, total project costs are projected to be \$2,634,300; the Government's share of total project costs is projected to be \$1,975,725; the Non-Federal Sponsor's share of total project costs is projected to be \$658,575; total project costs to be incurred by the Government are projected to be \$114,300; total project costs to be incurred by, or on behalf of, the Non-Federal Sponsor are projected to be \$2,520,000; and total reimbursements in accordance with paragraph B.2. of this Article are projected to be \$1,861,425. Such amounts are estimates subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

3. All other terms and conditions of the Agreement and Amendment No. 1 remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 which shall become effective upon the date it is signed by the District Engineer.

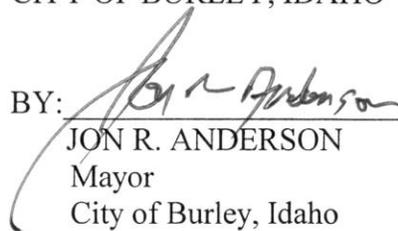
THE DEPARTMENT OF THE ARMY

CITY OF BURLEY, IDAHO

BY:


LTC RANDY L. GLAESER
District Engineer
Walla Walla District

BY:


JON R. ANDERSON
Mayor
City of Burley, Idaho

DATE:

27 April 06

DATE:

4-18-2006

CERTIFICATE OF AUTHORITY

I, Randy Stone, City Attorney, do hereby certify that I am the principal legal officer of the City of Burley, Idaho and the City of Burley, Idaho is a legally constituted public body with full authority and legal capability to perform the terms of Amendment No. 2 between the Department of the Army and the City of Burley, Idaho in connection with the Burley Wastewater Capital Improvements Program, Burley, Cassia County, Idaho, and to pay damages in accordance with the terms of the Agreement and Amendments No. 1 and 2, if necessary, in the event of the failure to perform, and that the persons who have executed Amendment No. 2 on behalf of the City of Burley, Idaho, have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 18th
day of April, 2006.



Randy Stone
City Attorney
City of Burley, Idaho

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 Section 1352, Title 31, U.S. Code. 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.



Jon R. Anderson
Mayor
City of Burley

DATE: 4-18-2006