

**AMENDMENT NO. 1**

**TO COOPERATIVE AGREEMENT NUMBER  
EFAL4-ST-50035  
Between the  
TEXAS STATE SOIL AND WATER CONSERVATION BOARD  
And  
CITY OF MCKINNEY, TEXAS**

It is mutually understood and agreed by and between the Texas State Soil and Water Conservation Board, called the RECEIVING AGENCY; and City of McKinney, Texas, called the PERFORMING AGENCY; to amend said contract as follows:

**DELETE:**

**IV. Consideration/Price:**

- a. The RECEIVING AGENCY shall provide the PERFORMING AGENCY reimbursement for approved work at the rates set herein for labor, material, and/or completion of work. Invoices will be reimbursed at a rate of 33.25% of eligible cost, not to exceed a maximum agreement amount of \$179,550.00. Eligible cost includes construction activities, legal and land rights, and administrative cost. The PERFORMING AGENCY shall successfully complete the services specified in Section II "Scope of Work" in accordance with contract requirements and within the ceiling price and budget as specified.
- b. Project Budget.
  - i. Not more than \$0.00 may be expended for construction activities without prior approval by the RECEIVING AGENCY.
  - ii. Not more than \$13,300.00 may be expended for actual administrative costs incurred and documented by PERFORMING AGENCY.
  - iii. Not more than \$166,250.00 may be expended for actual legal services and land rights costs incurred and documented by PERFORMING AGENCY.

**INSERT:**

**IV. Consideration/Price:**

- a. The RECEIVING AGENCY shall provide the PERFORMING AGENCY reimbursement for approved work at the rates set herein for labor, material, and/or completion of work. Invoices will be

reimbursed at a rate of **33.25% of eligible cost, not to exceed a maximum agreement amount of \$1,617,244.00**. Eligible cost includes construction activities, **mitigation for 404 permit**, legal fees, land rights, and administrative cost. The PERFORMING AGENCY shall successfully complete the services specified in Section II "Scope of Work" in accordance with contract requirements and within the ceiling price and budget as specified.

- b. Reimbursement to the PERFORMING AGENCY for administrative cost, legal fees and land rights costs shall not exceed the following amounts without prior approval of the RECEIVING AGENCY:
  - i. Administrative Cost: \$13,300.00
  - ii. Legal Fees and Land Rights Cost: \$166,250.00

THIS AMENDMENT shall become effective on the date of approval by both the RECEIVING AGENCY and the PERFORMING AGENCY. All other terms and conditions not hereby amended are to remain in full force and effect.

RECEIVING AGENCY

PERFORMING AGENCY

**Texas State Soil and Water  
Conservation Board**

**City of McKinney, Texas**

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

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

Title: Executive Director

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

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

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

Approved By:

\_\_\_\_\_