



Russell R. McMurtry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

May 22, 2025
PI No. 0015280, Hall County
Spout Springs Road from Union Circle to S of SR 347- Phase II

David Gibbs, Chairman
Hall County Board of Commissioners
2875 Browns Bridge Road
Gainesville, GA 30504
Attention: Brent E. Cook

Dear Mr. Gibbs:

Attached is a Supplemental Agreement #2 to the Original Memorandum of Agreement (MOA) detailing Preliminary Engineering Oversight commitments for Hall County for the above referenced project.

Please review the attached agreement and if satisfactory, execute the agreement within the Contract Authorization Tracking System (CATS) using the DocuSign® electronic signature system. Once the agreement has been fully executed by the Georgia Department of Transportation, Hall County will receive a notification from CATS that an electronic copy of the executed agreement is available and can be downloaded for your project file. Any additional Specific Activity Agreements for Right of Way, Utility Relocation, and Construction will be sent at the appropriate time, if required.

If you have any questions about items contained in this agreement, please contact the Project Manager, Katyna Knapton, at (404) 631-1373.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly W. Nesbitt". The signature is written in a cursive, flowing style.

Kimberly W. Nesbitt,
State Program Delivery Administrator

^{CAR}
KWN:CAR:OUE:KK
Attachment(s)

cc: Albert V. Shelby III, Director of Program Delivery
Jason Dykes, District 1 Engineer
Elizabeth C. Johnson, District 1 Planning & Programming Liaison

**SUPPLEMENTAL AGREEMENT NO. 2
FOR AN
EXECUTED MEMORANDUM OF AGREEMENT**

**BY AND BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
HALL COUNTY
FOR
PRELIMINARY ENGINEERING**

**Original PE Oversight \$ 40,000
REVISED PE OVERSIGHT \$ 110,000**

THIS AGREEMENT is made and entered into this _____ day of _____, 20____, by and between the Georgia Department of Transportation, an agency of the State of Georgia (hereinafter called the "DEPARTMENT"), and HALL COUNTY, Georgia acting by and through its Board of Commissioners (hereinafter called the "LOCAL GOVERNMENT" or "SPONSOR").

WHEREAS, the DEPARTMENT and LOCAL GOVERNMENT heretofore entered into a Memorandum of Agreement dated November 1, 2023, Contract ID Number IGOPD2400650, hereinafter called the "Original Agreement", which was modified by Supplemental Agreement Number 1 dated January 2, 2025, for the purpose of the LOCAL GOVERNMENT funding the DEPARTMENT's expenses associated with PE Oversight for Spout Springs Road from Union Circle S of SR 347 – Phase II (PI 0015280), hereinafter referred to as the "PROJECT"; and

WHEREAS, due to the Preliminary Engineering Oversight (hereinafter called "PE Oversight") funds being depleted within \$5,000.00 of the remaining PE Oversight balance and the PROJECT activities and tasks are still outstanding, the Department has elected to exercise its reserved right to request additional funds from the LOCAL GOVERNMENT pursuant to Section 3.c. of the Original Agreement; and

WHEREAS, the DEPARTMENT policy requires, and the LOCAL GOVERNMENT has agreed, that the LOCAL GOVERNMENT shall fund the DEPARTMENT expenses associated with PE Oversight for the PROJECT and

NOW THEREFORE, the ORIGINAL AGREEMENT is hereby modified to reflect that the LOCAL GOVERNMENT shall fund any additional DEPARTMENT expenses associated with PE Oversight for the project in excess of the amounts set out in the ORIGINAL AGREEMENT.

Sections 3.a. through 3.c. of the ORIGINAL AGREEMENT, PAYMENT BY THE LOCAL GOVERNMENT TO THE DEPARTMENT, is deleted in its entirety and replaced with the following:

3. PAYMENT BY THE LOCAL GOVERNMENT TO THE DEPARTMENT

- a. Subject to the provisions of this section, the LOCAL GOVERNMENT will be responsible for providing payment of **\$60,000 and 00/100 (One Hundred Ten Thousand Dollars and zero Cents)** to the

DEPARTMENT within three (3) days after the execution of this Agreement.

- b. All payments by the LOCAL GOVERNMENT to the DEPARTMENT shall be sent to the following address:

For payments made by check:
Georgia Department of Transportation
P.O. Box 932764
Atlanta, GA 31193-2764

For payments made by ACH:
Bank Routing (ABA) # 121000248
Account # 297948400000000007

- c. The DEPARTMENT reserves the right to request additional funds from the LOCAL GOVERNMENT for PE Oversight, such additional funds to be determined by the DEPARTMENT. If, as determined by the DEPARTMENT, at any time the PE Oversight funds are depleted within \$5,000 of the remaining PE Oversight balance and PROJECT activities and tasks are still outstanding, the LOCAL GOVERNMENT shall, upon request, make additional payment to the DEPARTMENT. The payment shall be determined by prorating the percentage complete and calculating the balance required to complete stated activities. Until such time as applicable requested additional PE Oversight is received, the DEPARTMENT shall not conduct further project activities.

Except as modified, changed or amended, all terms and conditions of the Original Agreement dated November 1, 2023, as modified by Supplemental Agreement Number 1 dated January 2, 2025, shall remain in full force and effect.

The WHEREAS clauses hereto are a part of this Supplemental Agreement No .2 and are incorporated herein by reference.

The ORIGINAL AGREEMENT, as amended by Supplemental Agreement Number 1 and this Supplemental Agreement Number 2, constitutes the full, complete and entire understanding between the DEPARTMENT and the LOCAL GOVERNMENT.

IN WITNESS WHEREOF, the DEPARTMENT and the LOCAL GOVERNMENT have caused these presents to be executed under seal by their duly authorized representative.

GEORGIA DEPARTMENT OF
TRANSPORTATION

HALL COUNTY, GEORGIA

BY: _____
Commissioner

BY: _____
David Gibbs, Chairman

ATTEST:

Treasurer

Signed, sealed and delivered this _____
day of _____, 20__, in the
presence of:

Notary Public

This Agreement approved by Local
Government, the _____ day of
_____, 20__.

Attest

Name and Title

FEIN: 58-6000836

APPENDIX G

CERTIFICATION OF COMPLIANCE WITH ANNUAL IMMIGRATION REPORTING REQUIREMENTS/ NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION

By executing this document, the undersigned duly authorized representative of the SPONSOR, certifies that the SPONSOR:

- 1) has filed a compliant Annual Immigration Compliance Report with the Georgia Department of Audits & Accounts (“GDA&A”) for the preceding calendar year required by O.C.G.A. § 50-36-4(b), or has been issued a written exemption from GDA&A from doing so;
- 2) has not enacted a “Sanctuary Policy” in violation of O.C.G.A. § 36-80-23(b); and,
- 3) is in compliance with O.C.G.A. §§ 35-1-17 *et seq.* regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the SPONSOR shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 *et seq.* for the duration of time the subject agreement is in effect.

Signature of Authorized Officer or Agent

David Gibbs

Printed Name of Authorized Officer or Agent

Chairman

Title of Authorized Officer or Agent

Date