

### **First Written Commitment and Agreement**

The Town of Munster ("Community") and the Northern Indiana Commuter Transportation District ("District") are signatories to an Agreement Regarding Construction of Rail Project, with an effective date of December 2, 2019 ("Agreement").

Pursuant to Section 4.B.i. of the Agreement, the District has provided Community with an estimated increase to the District's Design-Build Contract of \$6,007,657.87 for design and construction of alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations.

The District is willing to authorize its Design-Build Contractor to proceed with a change order for the design and construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations, subject to Community agreeing in writing to pay for the additional design and construction costs, which are estimated to be \$6,007,657.87. Also subject to Community agreeing to pay for the additional design costs of finalizing the design of the original architecture and aesthetic finishes, in the highly unlikely event that Community elects in the future not to proceed with the construction of the alternate designs.

NOW, THEREFORE, INTENDING TO BE DULY BOUND, the Community and District agree as follows:

1. Pursuant to § 4.B.i. of the Agreement, Community agrees to pay all amounts associated with the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations that would increase the District's Design-Build Contract Price, and future additional costs of operating and maintaining the alternate aesthetic finishes. These amounts include, but are not limited to, the following:
  - a. The additional design and construction costs, which are to be established via change order in the amount of \$6,007,657.87. Including design costs and construction costs as shown on Exhibit 'A'.
  - b. The additional costs to NICTD of operating and maintaining the alternate architecture and alternate aesthetic finishes, to be further defined in the Operations and Maintenance Agreement described in 4.A.xx. of the Agreement.
2. Community also agrees that in the event Community informs the District it no longer wants to proceed with the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations, for any reason, that Community will pay all amounts associated with returning the design to the District's original design without the alternate architecture and aesthetic finishes. These amounts include, but are not limited to, the following:
  - a. The additional design costs to re-design and re-engineer the passenger station building and passenger platforms at Ridge Road.

- b. The additional design costs to re-design and re-engineer the passenger station building, pedestrian tunnel entrance, and passenger platform at Main Street.
  - c. Any staff and consultant expenses of the District, the Northwest Indiana Regional Development Authority, and the Indiana Finance Authority, which expenses are associated with returning to the District's original architecture and design.
3. The District agrees to immediately authorize its Design-Build Contractor to proceed with the design and construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations

IN WITNESS WHEREOF, the parties indicate their acceptance and have executed this First Written Commitment and Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**“COMMUNITY”**

**TOWN OF MUNSTER**

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

Its: Town Council President

**“DISTRICT”**

**NORTHERN INDIANA COMMUTER  
TRANSPORTATION DISTRICT**

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

Michael Noland

Its: President