



Oregon

Kate Brown, Governor

Department of Transportation

Right of Way Section

4040 Fairview industrial Drive SE,

MS#2

Salem, OR 97302-1142

Phone: (503) 986-3600

Fax: (503) 986-3625

January 23, 2018

City of Portland Bureau of Environmental Services

Attn: Dave Nunamaker

1120 SW 5th Ave, Room 1000

Portland OR 97204

SUBJECT: Add Work Letter Agreement

PROJECT: US26 (POWELL BLVD): SE 122ND AVE - SE 136TH AVE

KEY#: 19690

Dear Mr. Nunamaker:

This letter serves as an agreement between the City of Portland Bureau of Environmental Services (BES) and the Oregon Department of Transportation (ODOT) for utility relocation work that is to be added to the above titled Oregon Transportation Commission project. This agreement sets forth the provisions for including utility work into the ODOT project.

For the utility work to be included in the above mentioned project, BES will be responsible for paying 100% of the relocation/installation costs. BES requested to add the work to the contract in an email dated, January 12, 2018.

The estimated cost to accommodate BES relocation work is shown below:

Item Description	Item Code	Unit	Quantity	Estimated Unit Price	Cost
MINOR ADJUSTMENT OF MANHOLES	0490-0120000E	EACH	12	\$1,000.00	\$12,000.00
Total					\$12,000.00

With regard to the payment of funds, the Oregon Constitution states that the revenue collected from taxes on motor vehicle use and fuel are used exclusively for highway purposes. Highway trust funds cannot be utilized for non-highway purposes, i.e., non-reimbursable utility work. Therefore, funds covering the cost of non-highway construction must be deposited with the agency administering the highway construction contract in advance of the actual construction. Since ODOT will administer the contract for this project, BES will be required to make a deposit of monies to ODOT for the non-reimbursable work included in the contract.

All work added to the project will comply with Buy America requirements as described in Section 00160.20 of the Oregon Standard Specifications for Construction

http://www.oregon.gov/ODOT/Business/Pages/Standard_Specifications.aspx. Should BES supply materials to the ODOT contractor, those materials will also comply with Buy America requirements.

At this time, no payment of funds is due. A letter will be sent by our Active Transportation Section, prior to the bid opening, requesting the above stated payment. Please note that the bid costs could vary substantially from the estimated costs. **You should be advised that the execution of this agreement means that the non-reimbursable utility work**

cannot be removed from ODOT's construction contract, even if the cost of the bid items exceeds the estimate. BES will be responsible for paying its entire share of the charges for the above work.

When construction has been completed, verification will be made of the expenditures involved in the ODOT contract. BES will be billed for any costs that exceed the bid amount or a refund will be issued for any excess funds that were collected.

BES is required to pay actual costs as per 23 CFR 645.117 (Code of Federal Regulations). To view the awarded contract bid prices, precede to <http://www.oregon.gov/ODOT/Business/Procurement/Pages/BT.aspx>

If the terms set forth above are acceptable to BES, please sign in the space provided on the following page and **return the original to this office by May 4, 2018**. If you have any questions, please do not hesitate to contact me at 503-986-3658.

Sincerely,



Heather Howe

State Utility Liaison

4040 Fairview Industrial Dr SE MS#2

Salem, OR 97302-1142

Cc: Brendan LeBlanc and Stephanie Turner, Utility Coordinator
Matt Freitag, Project Manager

By signing this letter agreement, you agree to the conditions of the letter and acknowledge that City of Portland Bureau of Environmental Services is responsible for the cost of the non-reimbursable utility work. City of Portland Bureau of Environmental Services will compensate ODOT for that portion of non-reimbursable utility work added to ODOT's contract, including any administrative costs ODOT incurs that are associated with the work.

Print name and title of the authorized City of Portland Bureau of Environmental Services representative then sign and date as provided below.

APPROVED:

Name _____

Signature _____

Title _____

Date _____
