

Approved: L. E. George
MCH:pf
12/18/80

Misc. Contracts & Agreements
No. 7426

PRELIMINARY ENGINEERING AND
CONSTRUCTION-FINANCE AGREEMENT
INTERSTATE TRANSFER PROJECT

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, Highway Division, hereinafter referred to as "State"; and CITY OF PORTLAND, a municipal corporation within the State of Oregon, acting by and through its designated City Officials, hereinafter referred to as "City".

W I T N E S S E T I:

RECITALS

1. The Pacific Highway West, State Primary Highway No. 1W, (N. Interstate Avenue) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission, and N. Tillamook Street is a part of the city street system under the jurisdiction and control of the City of Portland.

2. By the authority granted in ORS 366.775, State and City may enter into agreements for the construction, reconstruction, improvement or repair of any street, highway, road or bridge upon such terms and conditions as are mutually agreeable to the contracting parties. Under said authority, State and City plan and propose to replace the existing traffic signal equipment on N. Interstate Avenue at Tillamook Street, hereinafter referred to as "project". The location of said project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof. The project will be financed with Interstate Transfer (e)(4) Funds and local matching funds provided by State and City.

3. By the authority granted in ORS 437.850, State is authorized to determine the character or type of traffic control signals to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control signals shall be erected or maintained upon any state highway by any authority other than State, except with its written approval.

4. By the authority granted in ORS 366.425, as amended by Chapter 365, Oregon Laws, 1979, any county or city may deposit monies, or an irrevocable letter of credit, with the Department of Transportation for performance of work upon any public highway within the State. When any money or a letter of credit is deposited, the state shall proceed with the project. Money so deposited shall be disbursed for the purpose for which it was deposited.

5. It is proposed that the project will consist of all work necessary to replace the existing three phase, fixed time traffic signal equipment with a three phase, fully-actuated, interconnected traffic signal installation. The required 15 percent local matching funds will be provided by the State (9%) and the City of Portland (6%), approximately. The State shall provide 9 percent of the local matching funds only for that portion of federal funds allocated to the project from the "FAU Replacement Fund". The City will perform the preliminary and construction engineering.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

STATE OBLIGATIONS

1. State shall submit a program to the Federal Highway Administration with a request for approval of federal aid participation in all engineering, eligible utility relocations and construction work for the project. No work shall proceed until said approval has been obtained. Said program shall include services to be provided by both State and City. State shall notify City in writing when authorized to proceed with each phase of the work.

2. State shall, as a participating expense, assign a liaison engineer to provide advice and guidance to City and to monitor the work for compliance with acceptable procedures, standards, and specifications during development and prosecution of the project. All billings received from City must be approved by the liaison engineer prior to presentation to the Highway Division Accounting Office for payment.

3. State shall review and approve all preliminary plans, specifications and estimates received from City, perform all required laboratory testing of materials, check final quantities and costs, and oversee and provide intermittent inspection services during the traffic signal installation. The actual cost of services provided by State will be included in the total project costs and the City matching share of said costs will be billed when the actual total cost of the project has been computed.

4. Upon receipt of monthly approved itemized statements for 100 percent of actual costs incurred by City on behalf of the project to date, State shall promptly reimburse City the full amount of federal aid and State participation.

5. State shall, in the first instance, pay all costs of the project, submit all claims for federal aid participation to the Federal Highway Administration in the normal manner, compile accurate cost accounting records and, when the actual total cost of the project has been computed, furnish City with an itemized statement of said costs.

CITY OBLIGATIONS

1. City shall not undertake any phase of the work prior to receiving written authorization from State. All work and records of such work shall be in conformance with Federal statutes, rules and regulations, and the Oregon Action Plan.

2. City shall assign the City Traffic Engineer and his staff to be in responsible charge of the project, and to review, approve and forward to the State Liaison Engineer all billings due the City. City shall furnish all labor, materials and equipment required to accomplish the traffic signal installation, and shall certify that all materials used are in substantial compliance with the controlling specifications and that the completed project meets the quantity requirements.

3. City shall, on a monthly basis, present properly certified bills for 100 percent of actual costs incurred by City on behalf of the project directly to the State Liaison Engineer for review and approval. Said bills shall be in a form acceptable to State and documented in such a manner as to be easily verified. Billings shall be presented for periods of not less than one month duration, based on actual expenses to date. City shall be reimbursed for the full amount of federal aid and State participation in said eligible expenses. City's actual costs, direct and indirect, shall be those allowable under the provisions of Federal Management Circular 74-4 and OMB Circular A-102, Attachments G and P.

4. City shall relocate, or cause to be relocated, all utility conduits, lines, poles, mains, pipes and such other facilities where such relocation is necessary in order to conform said utility and other facilities with the plans and ultimate requirements of the project. Only those utility relocations which are eligible for federal participation under Federal Aid Highway Program Manual, Volume 1, Chapter 4, Section 4, shall be included in the total project costs and participation; all other utility relocations shall be at the sole cost of City or others.

5. City shall, upon completion of the project, control all parking within the limits of the project. Any alterations in regard to traffic control measures shall have concurrence of State.

6. City shall, in the first instance, perform all necessary maintenance operations associated with the traffic signal equipment and pay all costs of electrical energy consumed in operation of the equipment. The costs of maintenance and power shall be shared by State and City as negotiated on an annual basis.

7. City agrees that should it cancel or terminate the project prior to its completion, it will reimburse State for any costs that have been incurred by State in behalf of the project.

8. City shall adopt an ordinance authorizing its designated City Officials to enter into and execute this agreement, and the same shall be attached hereto and become a part hereof.

GENERAL PROVISIONS

1. The parties hereto mutually agree and understand that State and City shall contribute 100 percent of the difference between the actual total cost of the project and the amount contributed by the Federal Highway Administration. Said contribution shall be on the basis of 9 percent by State and 6 percent by City, approximately. City shall contribute 100 percent of the cost of any portion of the project in which federal funds do not participate. Non-participation of federal funds in any portion of the project occurs when federal rules and regulations exclude an item or the available federal funds are depleted. State participation shall be limited to 9 percent matching funds for that portion of federal aid funds allocated to the project from the "FAU Replacement Fund".

2. The parties hereto agree and understand that they will comply with all applicable Federal and State statutes and regulations, including but not limited to: Title 6, U.S.C., Civil Rights Act; Title 18, U.S.C., Anti-Kickback Act; Title 23, U.S.C., Federal Aid Highway Act; Titles 2 and 3 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and the Oregon Action Plan.

3. Provisions of State and Federal law applicable to public contracts and agreements of this type are hereby incorporated by reference as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written. City has acted in this matter pursuant to Ordinance No. _____, adopted by its City Council on the _____ day of _____, 19____.

This project was approved by the Oregon Transportation Commission on May 20, 1980 as a part of the Six Year Highway Improvement Program (page 77, FAU Traffic Signal Replacement).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to execute this agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED

Metropolitan Administrator

STATE OF OREGON, by and through
its Department of Transportation,
Highway Division

State Highway Engineer

Date _____

APPROVED AS TO FORM

City Attorney

CITY OF PORTLAND, by and through
its designated City Officials

By _____
Commissioner of Public Affairs

By _____
Commissioner of Public Works

PROPOSED PROJECT



EXHIBIT A

MARQUAM HILL

FAP 24

FAU 9

ORDINANCE NO. 151355

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation, Highway Division, providing for finance, design and replacement of traffic signals at the intersection of N. Interstate Avenue and N. Tillamook Street and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Council has identified replacement of fixed time, three phase signals, which are over 25 years old, at the intersection of N. Tillamook Street and N. Interstate Avenue as an element of the Signal Replacement Program funded utilizing Interstate Withdrawal Funds.
2. Funds are available in the 1980-81 FY Budget of the Bureau of Traffic Engineering for Personnel to design and perform the required construction engineering for an interconnected, fully actuated three phase signal.
3. Funds are available in the Bureau of Traffic Engineering's Interagency Service Agreement with the Bureau of Maintenance for the necessary construction work.
4. Interstate Withdrawal Funds have been programmed by MSD, ODOT and FHWA which will reimburse 85% of City costs; ODOT will reimburse an additional 9% of City costs.
5. ODOT has prepared an agreement for City approval providing for finance, preliminary engineering and construction of the project.

NOW, THEREFORE, the Council finds:

- a. The Commissioner of Public Works and the Commissioner of Public Affairs are authorized to execute, on behalf of the City, an agreement similar in form to the agreement attached to the original of this Ordinance and by this reference made a part hereof.

ORDINANCE No.

Section 2. The Council declares an emergency exists because this agreement is needed in order to commence work on this signal replacement and to obtain the benefit of low maintenance equipment interconnected with adjacent signals to smooth the flow of traffic, reducing fuel consumption; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 1 1981**

COMMISSIONER MIKE LINDBERG
S.T. Riddell:mm
January 22, 1981
BUC 58240044/Project 5002/Object 260

Attest:


Auditor of the City of Portland

Calendar No. 1051

ORDINANCE No. 151355

Title

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation, Highway Division, providing for finance, design and replacement of traffic signals at the intersection on N. Interstate Avenue and N. Tillamook Street and declaring an emergency.

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ml/ms</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: S.T. Riddell:mm Date: Jan 22, 1981
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>Margaret</i>

CALENDAR
Consent Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer <i>John M. Langston</i>

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan		
Lindberg		
Schwab		
Ivancie		

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Filed MAR 26 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Crowell*
Deputy