



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Right of Way Section

355 Capitol Street NE, Room 420

Salem, OR 97301-3871

503-986-3600

Fax 503-986-3625

July 21, 2010

City of Portland, BES
Attn: Dave Nunamaker
1120 SW 5th Ave, Room 1100
Portland, OR 97204

SUBJECT: Add Work Letter Agreement
PROJECT: OR99E:DIVISION ST - ROSS ISLAND BRIDGE (PORTLAND)
COUNTY: MULTNOMAH
KEY#: 09350/14545

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

For the utility work included in the above mentioned project, the City of Portland, BES will be responsible for paying 100% of the relocation/installation costs as discussed in the **May 7, 2010** meeting with ODOT, and confirmed in an email from you dated **July 8, 2010**. For Bid Items 76 – 157 the City of Portland, BES agrees to pay 37.14% of the cost.

The cost to accommodate The City of Portland BES relocation work is shown below:

Item Description	Bid Number	Unit	Quantity	Unit Price	Cost
ENGINEERED SHORING	76	LS	1	\$70,000	\$70,000.00
FLEXIBLE PIPE BEDDING	77	M3	1169.44	\$32.00	\$37,422.08
150 MM SAN SEW PIPE, 3 M DP	78	M	39.8	\$344.49	\$13,710.70
200 MM SAN SEW PIPE, 3 M DP	79	M	65	\$393.7	\$25,590.50
900 MM SAN SEW PIPE, > 6 M DP	81	M	256.2	\$1,600.00	\$409,920.00
TV SANITARY SEWER INSPECTION	82	M	654.4	\$7.00	\$4,580.80
TV INSPECTION OF NEW SERVICE LATERAL	83	EA	0	\$325.00	0.00
900 MM SANITARY SEWER PIPE BEND,	84	EA	0	\$1,400.00	0.00
900 MM SANITARY SEWER PIPE BEND,	85	EA	0	\$1,400.00	0.00
CONC SANITARY SEWER MANHOLES	86	EA	7	\$6,400.00	\$44,800.00
CONC MANHOLES, LARGE PCAST	87	EA	6	\$13,000.00	\$78,000.00
DEEP CONNECTION RISER, 150 MM X 900 MM	88	EA	7	\$580.00	\$4,060.00

INSIDE DROP CONNECTION	89	EA	1	\$700	\$700.00
ABANDON MANHOLES	90	EA	16	\$1,600	\$25,600.00
DIVERSION OF FLOW	91	LS	1	\$130,000	\$130,000.00
TRENCH RESURFACING	92	M2	565.8	\$57	\$32,250.60
200 MM SAN SEW PIPE, 6 M DP	156	M	321.62	\$620	\$199,404.40
CONNECTION TO EXISTING SANITARY	157	EA	9	\$3,200.00	28,800.00
				SUBTOTAL	\$1,104,839.08
				SUBTOTAL @ 37.14 %	\$410,337.24
POTHOLE FOR 900MM SANITARY SEWER	4009B	LS	1	\$4,366.06	4,366.06
900 MM TRENCH FOUNDATION	4022	LS	1	\$12,767.51	12,767.51
WOODWASTE & BLEND SAND	4024	LS	1	\$1,186.62	1,186.62
900 mm Three week Shut down	4020	LS	1	\$94,202.00	\$94,202.00
900 mm Special Section MH 15 to 15a est. costs	4021	LS	1	\$153,472.36	\$153,472.36
				SUBTOTAL	\$265,994.55
				TOTAL	\$676,331.79

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, the City of Portland, BES will be required to make a deposit of monies to ODOT for the non-reimbursable work included in the contract.

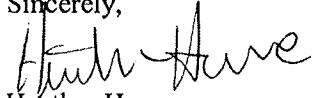
At this time, no payment of funds is due. A letter will be sent by our Highway Program Office, prior to the bid opening, requesting the above stated payment. Please note that the bid costs could vary substantially from the estimated costs. **You should be advised that the execution of this agreement 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. The City of Portland, 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. The City of Portland, 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.

The City of Portland, 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/CS/CONSTRUCTION/Bid_Award.shtml.

If the terms set forth above are acceptable to the City of Portland, BES, please sign in the space provided on the following page and **return the original to this office by August 20, 2010**. If you have any questions, please do not hesitate to contact me at 503-986-3658.

Sincerely,



Heather Howe
State Utility Liaison
355 Capitol St. NE
Salem, OR 97301-3871

Cc: Jane Estes, Region Utility Specialist

By signing this letter agreement, you agree to the conditions of the letter and acknowledge that the City of Portland, BES is responsible for the cost of the non-reimbursable utility work. The City of Portland, BES 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, BES representative then sign and date as provided below.

APPROVED:

Name _____

Signature _____

Title _____

Date _____

APPROVED AS TO FORM

Sandra Menzies
CITY ATTORNEY