

**AMENDMENT NUMBER 02**  
**2003 OREGON TRANSPORTATION INVESTMENT ACT**  
**MODERNIZATION PROGRAM AGREEMENT FOR PRELIMINARY ENGINEERING**  
**SW Moody Avenue: SW River Parkway – SW Gibbs Street**  
*City of Portland*

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "ODOT," and the **City of Portland**, acting by and through its elected officials, hereinafter referred to as "CITY," entered into an Agreement on May 18, 2010, and Amendment Number 1 on February 22, 2011. Said Agreement covers the funding and obligations of the Parties regarding the CITY's modernization improvements on SW Moody Avenue from SW River Parkway to SW Gibbs Street.

It has now been determined by ODOT and CITY that the Agreement referenced above shall be amended to extend the Project completion date. The purpose for extending the completion date is to allow for time to complete work on SW Abernathy Street, the intersection of SW Macadam and SW Curry and two existing sign-bridges over I-5 northbound. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

**CITY OBLIGATIONS, Paragraph 3, Pages 3 and 4, which reads:**

3. CITY shall provide ODOT with sufficient information to complete a Project prospectus to ensure ODOT can track the Project using ODOT's reporting systems.
  - a. CITY shall submit documentation to ODOT's Project Liaison that shows that CITY has met the Project key milestones. The Project key milestones, dates, and required documentation are shown below:
    - i. Planning documents listed in CITY Obligations, Paragraph 2 above: Date Quarter/Year *2<sup>nd</sup>/2010*
    - ii. Anticipated Construction Manager/General Contractor(CMGC) Selection Date Quarter/Year: *4<sup>th</sup>/2010*
    - iii. Documentation: **Copies of the selection results including awarded amount and awarded contractor name.**
    - iv. Pre-Construction Services Contract Award: Date Quarter/Year *1<sup>st</sup>/2011*
    - v. Documentation: **Notice to contractor regarding award of contract.**
    - vi. Construction Services Contract Award: Date Quarter/Year *3<sup>rd</sup>/2011*
    - vii. Documentation: **Notice to contractor regarding award of contract.**

- viii. Construction Completion: Date Quarter/Year 3<sup>rd</sup>/2012
- ix. Documentation: **A letter from CITY indicating that all required construction work is satisfactorily completed and open to traffic.**
- x. Project Completion: Date Quarter/Year 4<sup>th</sup>/2012
- xi. Documentation: **Letter from CITY indicating that the Project is complete and accompanied by CITY's final billing to ODOT. Include final accounting of all funds expended –vs– budgeted.**

**Shall be deleted in its entirety and replaced with the following:**

- 3. CITY shall provide ODOT with sufficient information to complete a Project prospectus to ensure ODOT can track the Project using ODOT's reporting systems.
  - a. CITY shall submit documentation to ODOT's Project Liaison that shows that CITY has met the Project key milestones. The Project key milestones, dates, and required documentation are shown below:
    - i. Planning documents listed in CITY Obligations, Paragraph 2 above: Date Quarter/Year 2<sup>nd</sup>/2010
    - ii. Anticipated Construction Manager/General Contractor (CMGC) Selection Date Quarter/Year: 4<sup>th</sup>/2010
    - iii. Documentation: **Copies of the selection results including awarded amount and awarded contractor name.**
    - iv. Pre-Construction Services Contract Award: Date Quarter/Year 1<sup>st</sup>/2011
    - v. Documentation: **Notice to contractor regarding award of contract.**
    - vi. Construction Services Contract Award: Date Quarter/Year 3<sup>rd</sup>/2011
    - vii. Documentation: **Notice to contractor regarding award of contract.**
    - viii. Construction Completion: Date Quarter/Year 3<sup>rd</sup>/2013
    - ix. Documentation: **A letter from CITY indicating that all required construction work is satisfactorily completed and open to traffic.**
    - x. Project Completion: Date Quarter/Year 4<sup>th</sup>/2013
    - xi. Documentation: **Letter from CITY indicating that the Project is complete and accompanied by CITY's final billing to ODOT. Include final accounting of all funds expended –vs– budgeted.**

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2008-2011 Statewide Transportation Improvement Program, (Key #16973) that was adopted by the Oregon Transportation Commission on November 17, 2007 (or subsequently approved by amendment to the STIP).

**SIGNATURE PAGE TO FOLLOW**

**CITY OF PORTLAND**, by and through  
its elected officials

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Highway Division Administrator

Date \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY**  
APPROVED AS TO FORM

**APPROVAL RECOMMENDED**

By James H. Van Dyke  
City Attorney

By \_\_\_\_\_  
Technical Services Manager/Chief Engineer

Date \_\_\_\_\_  
CITY ATTORNEY  
12/13/12

Date \_\_\_\_\_

By \_\_\_\_\_  
Region 1 Manager

**CITY Contact:**

Chris Armes  
Project Manager  
Portland Bureau of Transportation  
1120 SW 5<sup>th</sup> Avenue, Rm 800  
Portland, OR 97204  
503-823-7051  
chris.arnes@portlandoregon.gov

Date \_\_\_\_\_

By \_\_\_\_\_  
District 2B Manager

Date \_\_\_\_\_

**ODOT Contact:**

Joseph Auth  
Transportation Analyst  
123 NW Flanders Street  
Portland, OR 97209  
503-731-8441  
joseph.t.auth@odot.state.or.us

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Assistant Attorney General

Date \_\_\_\_\_