

MCH:pf
2/24/81

Misc. Contracts & Agreements
No. 7471

PRELIMINARY ENGINEERING AGREEMENT
FEDERAL AID INTERSTATE 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 the CITY OF PORTLAND, a municipal corporation within the State of Oregon, acting by and through its City Officials, hereinafter referred to as "City".

W I T N E S S E T H

RECITALS

1. State is engaged in the development of projects in the Portland Northwest Industrial Area known as the N.W. Nicolai Street-W. Fremont Interchange Section of the Stadium Freeway (Prefix 626-1924) and the N.W. Kittridge Street-Stadium Freeway Section of the Lower Columbia River Highway (Prefix 26-1924), hereinafter referred to as "project". Said project will create an impact on the Transportation system of the City of Portland.

2. City is adequately staffed and suitably equipped to conduct certain investigative work, provide transportation data, advise on street design, and assist in citizen participation efforts.

3. By the authority granted in ORS 366.775, State and City may enter into agreements for the improvement of any street, highway or road upon such terms and conditions as are mutually agreeable. Under said authority, State and City plan and propose to cooperate in development of the project.

4. Attached hereto, marked Exhibit A, and by this reference made a part hereof, is an outline of City's proposed work program and budget.

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 assume responsibility for overall development of the project, and shall assign a project coordinator to act as liaison between the State Design Team and City personnel. The project coordinator will receive, review and approve all billings from City prior to transmittal to the Highway Division Accounting Office for payment.

2. 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 for the full amount of said eligible costs. The total amount of all such payments shall not exceed the sum of \$29,000.

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 assist the State Design Team in design work required to adapt city streets for the safe and efficient use of public transit vehicles, and aid in development of traffic patterns suitable for service of desired lane use patterns, as outlined in the attached Exhibit A.

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 Project Coordinator 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 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. REQUIRED STATEMENT FOR USDOT FINANCIAL ASSISTANCE AGREEMENT:

If as a condition of assistance the recipient has submitted and the U.S. Department of Transportation has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the U.S. Department of Transportation shall impose such sanctions as noted in Title 49 Code of Federal Regulations Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the recipient to obtain future U.S. Department of Transportation financial assistance.

The recipient further agrees to comply with all applicable civil rights laws, rules and regulations, including section 504 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Act.

5. City shall adopt an ordinance authorizing the appropriate 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 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.

2. 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 _____, 1981.

The projects named in this agreement were approved by the Oregon Transportation Commission on May 20, 1980 as a part of the Six Year Highway Improvement Program (Nicolai Street-W. Fremont Interchange, page 9 and Kittridge St.-Stadium Freeway, page 14).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to execute the necessary agreements 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 _____
Auditor

By _____
Commissioner of Public Works

CITY WORK PROGRAM

I-405 Extension and City Street Improvements

	<u>I-405</u>	<u>City Streets</u>
	<i>626-1924</i>	<i>26-1924</i>
<ul style="list-style-type: none"> • Provide technical assistance and sketch level designs through participation on the project TAC. Assist ODOT in preliminary design phase, through design review, to insure plans, and phasing of project elements are consistent with city transportation plans for the northwest area, and design policies and standards. 		
Bureau of Planning and Bureau of Streets and Structural Engineering	\$ 3,000	\$ 4,500
<ul style="list-style-type: none"> • Prepare preliminary engineering design plans for traffic signal systems for city street improvements. Furnish traffic data to ODOT on surface streets. 		
Bureau of Traffic	-0-	\$10,000
<ul style="list-style-type: none"> • Prepare preliminary engineering design plans for storm and sanitary sewers to be relocated by the project. 		
Bureau of Sanitary Engineering	\$ 1,000	\$ 500
<ul style="list-style-type: none"> • Prepare preliminary engineering design plans for water facilities to be relocated by the project. 		
Water Bureau	<u>\$ 5,000</u>	<u>\$ 5,000</u>
Subtotals	<u>\$ 9,000</u>	<u>\$20,000</u>
TOTAL		\$29,000

EXHIBIT A

ORDINANCE No. 151365

An Ordinance authorizing the City to enter into an agreement with the Highway Division of the Oregon Department of Transportation providing for preliminary engineering for the I-405 extension into Northwest Portland and related City street improvements; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Alternative to I-505 Report approved by Resolution 32308, adopted November 30, 1978 recommended, in part, that the proposed route of the I-405 extension and NW Yeon Avenue between NW Nicolai Street and NW Kitt-ridge Avenue be designated as US 30, the Lower Columbia River Highway, upon completion of the I-505 Alternative.
2. The Report also recommended that the City accept jurisdiction over, and maintenance responsibility for, the existing route of the Lower Columbia River Highway (US 30) on Thurman, 22nd, Vaughn, Wardway and St. Helens Road between the existing I-405 ramps to NW Portland and NW Kittridge Avenue, also upon completion of the I-505 Alternative.
3. The Oregon Department of Transportation, Highway Division, has prepared an agreement for City approval providing for City performance of portions of the preliminary engineering for the proposed project.
4. There are funds available in the 1980-81 FY Budget of the Bureau of Street and Structural Engineering for required Bureau and Interagency Services which will be reimbursed by Federal and State Highway Funds.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Works and the Auditor 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.

Section 2. The Council declares an emergency exists because the Oregon Department of Transportation has reached the point where City input is required in order to complete preliminary engineering; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 8 1981**

Commissioner Mike Lindberg
S.T. Riddell: cel
March 27, 1981

Attest:

Serge Jechonil
Auditor of the City of Portland

Calendar No. 1078

ORDINANCE NO. 151365

Title

An Ordinance authorizing the City to enter into an agreement with the Highway Division of the Oregon Department of Transportation providing for preliminary engineering for the I-405 extension into Northwest Portland and related City street improvements; and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Jordan	/	
Lindberg	/	
Schwab	/	
Ivancie	/	

FOUR-FIFTHS CALENDAR

Jordan	
Lindberg	
Schwab	
Ivancie	

Filed APR 2 1981

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Robert Cross*
Deputy

INTRODUCED BY

Commissioner Lindberg

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works *ML/MS*

BUREAU APPROVAL

Bureau:

Street & Structural Engineering

Prepared By: _____ Date: _____

S. T. Riddell March 27, 1981

Budget Impact Review:

Completed Not required

Bureau Head: *R. O. Schmidt*
Chief

CALENDAR

Consent Regular

NOTED BY

City Attorney

City Auditor

City Engineer

John M. Tang