

APPROVED: OSHD STAFF
EDM:pf
6/28/85
Revised 11/15/85

Misc. Contracts & Agreements
No. 7471

**CONSTRUCTION-FINANCE 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 of 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. For the purpose of providing acceptable traffic circulation patterns on public highways, the State and City plan and propose to construct the N.W. Nicolai Street-W. Fremont Interchange section of the Stadium Freeway, hereinafter referred to as "project". The project will be financed with Federal Aid Interstate Funds with the State providing the required match, and no expense to the City.
2. By the authority granted in ORS 366.770, State may enter into cooperative agreements with the cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties. Traffic signal work on the project shall conform to the current State standards and specifications.
3. By the authority granted in ORS 487.850, 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. It is proposed that this project will consist of grading, paving, signing, installation of signals and illumination, and construction of the structures.

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 present to the City, prior to advertising, preliminary plans for their review and approval.
2. State shall advertise for construction bid proposals, award all contracts, furnish all construction engineering, material testing, technical inspection and project manager services for administration of the contract.
3. State shall maintain and operate illumination devices located on and used specifically for State highway purposes and shall pay the cost thereof.
4. State shall retain jurisdiction on that portion of project utilized for State highway purposes shown in blue on attached Exhibit A, and upon completion of construction, perform all necessary maintenance operations thereon.
5. State shall maintain the storm drain line constructed for this project within the freeway and within City rights-of-way of NW Reed Street and NW 21st Avenue to its point of connection to the City-maintained 84-inch storm outfall sewer approximately 100 feet east of NW Sherlock Street.
6. State shall have jurisdiction of the structures and be responsible for maintenance of the structures shown in pink on attached Exhibit A.

CITY OBLIGATIONS

1. City shall assign a liaison person to act as the coordinator between the State and the City for project related issues.
2. City shall, upon completion and acceptance of the project, initially pay for power costs and maintain the traffic signals installed by this project. Maintenance and power costs for the signals on State highways shall be negotiated annually as set forth in the 1984 Policy Statement for Cooperative Traffic Control Projects.
3. The City shall make no changes in the timing program established for the traffic signals without mutual documented concurrence between the City and State.
4. City shall have jurisdiction and be responsible for maintenance of those streets shown in green on attached Exhibit A.
5. City shall be responsible for maintenance of the roadway and sidewalks on the structures shown in pink on attached Exhibit A. Maintenance of the roadway under this obligation includes patching (surface repair of the bridge deck) striping, signing, snow removal, sanding, sweeping, and washing. Maintenance of the sidewalks under this obligation includes snow removal, sanding, sweeping and washing.
6. City shall be responsible for all drain lines required for the project except those referred to in paragraph 5 under STATE OBLIGATIONS.

7. City shall present properly certified bills for 100 percent of actual costs incurred by City on behalf of the project directly to the State project manager 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.

8. 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.

9. 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 utilities and facilities with the plans and ultimate requirements of the project. Only those utility relocations which are eligible for federal aid participation under the 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 expense of the City, or others. The State will arrange for utility adjustments in areas lying within jurisdiction of the State and, if the State is performing the preliminary engineering, the City may request the State to arrange for utility adjustments lying within City jurisdiction, acting on behalf of the City.

10. City shall monitor work performed by the State's contractor in relocating City-maintained combination sewer and advise State of any deficiencies noted during the construction.

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; Title 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 _____, 1985.

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-Street 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

By _____
Region Engineer

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

By _____
State Highway Engineer

Date _____

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
Asst. Attorney General

CITY OF PORTLAND, by and through
its designated City Officials

By _____
Commissioner of Public Works

Date _____

By _____
Auditor

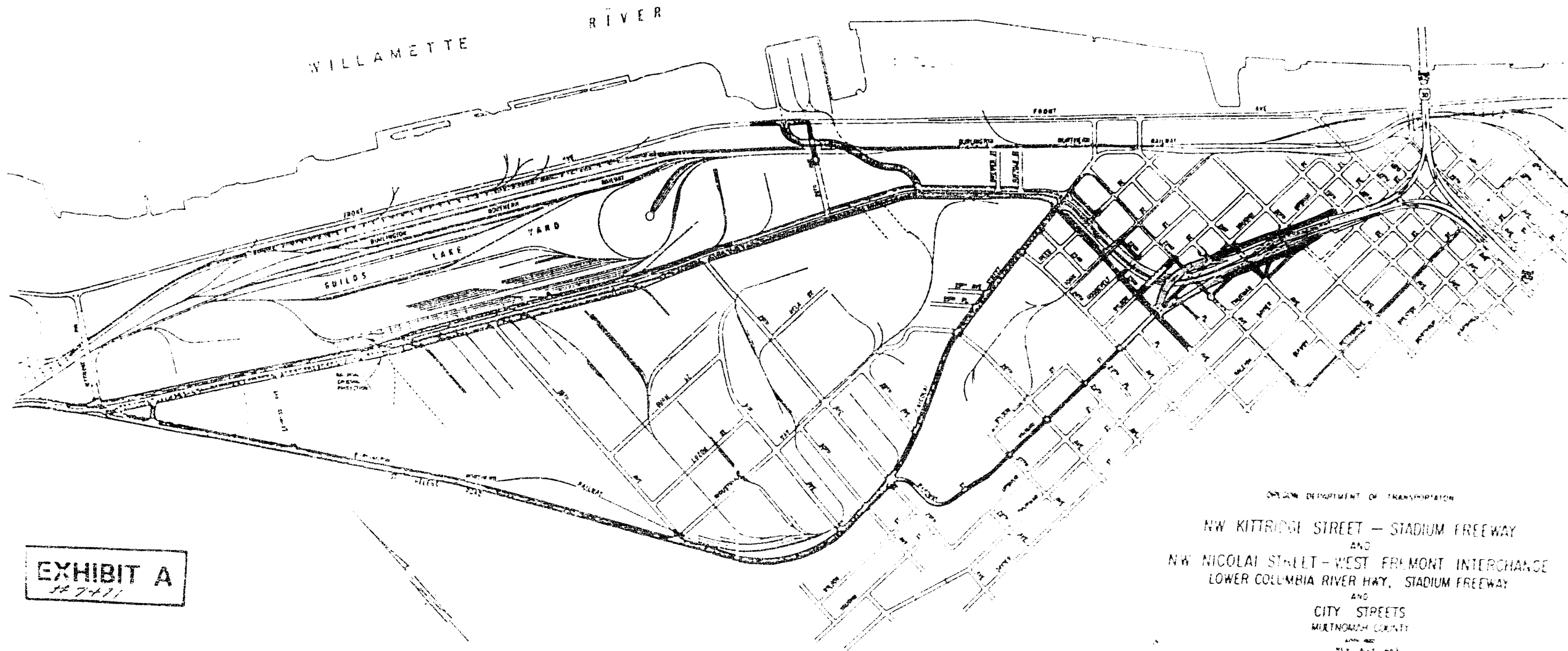


EXHIBIT A

7-11

OREGON DEPARTMENT OF TRANSPORTATION

NW KITTRIDGE STREET - STADIUM FREEWAY
AND
NW NICOLAI STREET - WEST FRAMONT INTERCHANGE
LOWER COLUMBIA RIVER HWY, STADIUM FREEWAY
AND
CITY STREETS
MULTNOMAH COUNTY
APRIL 1963
REV. 10-11-63

158068

ORDINANCE No. 158068

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation for constructing the I-405 Extension Project from the West Fremont Interchange of the I-405 Stadium Freeway to NW Nicolai Street, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Alternative to I-505 Study approved by Resolution 32308, adopted by City Council on November 30, 1978 recommended the proposed route of the I-405 Extension project from the West Fremont Interchange of the I-405 Freeway to N.W. Nicolai Street as part of the adopted Alternative to I-505.
2. Ordinance No. 151365, passed by the Council April 8, 1981, authorized a City/State Agreement No. 19448 which provided for the City to assist the State (ODOT) in performance of preliminary engineering services for the I-405 extension into Northwest Portland with full reimbursement to the City from the State for these services.
3. This project is being financed with Federal Aid Interstate Funds (92%) and State (ODOT) Funds (8%).
4. The State has prepared an agreement for City approval providing for construction finance in connection with completion of this project.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Utilities 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 that an emergency exists because delay in executing this agreement would delay construction and the related economic development and public safety benefits to be derived from this project; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, DEC 18 1985

Commissioner Margaret Strachan
Mulvey Johnson:jwp
11-27-85

Jewel Lansing
Auditor of the City of Portland

By

Edna Cervera

Deputy

Calendar No. 2500

ORDINANCE No. 158068

Title

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation for constructing the I-405 Extension Project from the West Fremont Interchange of the I-405 Stadium Freeway to NW Nicolai Street, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
CLARK	/	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

DEC 13 1985
Filed _____

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Dennis J. E.
Deputy

INTRODUCED BY

Commissioner Margaret Strachan

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Transportation Engineering

Prepared By MLJ Date

Mulvey Johnson:jwp 11-27-85

Budget Impact Review:

☒ Completed ☐ Not required

Bureau Head:

R. O. Schmidt, P.E. RO

CALENDAR

Consent

Regular X

NOTED BY

City Attorney

City Auditor

City Engineer

R. O. Schmidt, P.E.

RO Schmidt