

MCH:pf
3/14/80

Misc. Contracts & Agreements
No. 7281

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 the 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 H

RECITALS

1. 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 design and construct the Arterial Street Light Conversion Program, hereinafter referred to as "project". The project will be financed with Interstate Transfer (e)(4) Funds and local matching funds provided by the City of Portland with no expense to State.
2. 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.
3. It is proposed that the project will consist of all work necessary to convert the existing mercury vapor illumination system to a high pressure sodium vapor system on various arterial streets. The City will purchase and stockpile the illumination equipment and will be reimbursed after installation. The City will engage a consultant to prepare the plans, specifications and estimates for installation of the equipment and to perform the 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 federal aid participation in all engineering, illumination equipment purchase and construction work for the project. Said program shall include services to be provided by State, City and City's Consultant. 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, or its Consultant, must be approved by the liaison engineer prior to presentation to the Highway Division Accounting Office for payment.

3. State shall, as a participating preliminary engineering function, review and approve all preliminary plans, specifications and estimates received from City, prepare the contract documents, advertise for bids and award all contracts.

4. State shall, as a participating construction function, perform all required laboratory testing of materials, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during construction of the project.

5. State shall prepare an estimate of cost for preliminary engineering services to be provided by State and furnish copies of said estimate to City. The actual cost of services to be provided by State will be included in the total project costs and, when the actual total cost of the project has been computed, the City matching share of said costs will be billed.

6. 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 85 percent of said costs.

7. 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 project prior to receiving written authorization from State. All work and records of such work shall be in conformance to Federal statutes, regulations and the Oregon Action Plan.

2. City shall obtain State concurrence in any third party agreements for engineering services.

3. City shall assign the City 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, or its Consultant. City shall certify that all materials used are in substantial compliance with the controlling specifications and that the completed project meets the quantity requirements of the contract.

4. City, or its Consultant, shall perform all preliminary engineering and design work required to prepare preliminary plans, specifications and estimates and, upon award of a contract, furnish all construction engineering, field testing of materials, technical inspection and resident engineer services for administration of the contract.

5. City shall forward to State, through its Metropolitan Administrator, preliminary plans, specifications and estimates and all pertinent field data for use by State in preparation of the contract documents. Plans shall be submitted on "federal-aid" sheets as prescribed by State.

6. 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 85 percent 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.

7. City shall, prior to proceeding with each phase of the work covered by this agreement, forward to State an advance deposit, or irrevocable letter of credit, in the amount of 100 percent of the difference between the estimated total cost of said work and the amount anticipated to be contributed by the Federal Highway Administration. When the actual total cost of the project has been computed, an adjustment will be made in the City matching share of costs. In the event that City elects to perform certain phases of the work with its own forces, no advance deposit will be requested for said work nor will an advance deposit for preliminary engineering services to be provided by State be requested if the anticipated amount is less than \$2,500. City will be billed for its share of matching funds at the time of construction.

8. Upon completion of the project, City shall thereafter, at its own cost and expense, maintain and operate the project in a manner satisfactory to State and/or the Federal Highway Administration.

9. 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 on behalf of the project.

10. 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 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, with no expense to State.

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 _____, 1980.

This project was approved by the State Highway Engineer on January 7, 1980, under delegated authority from the Oregon Transportation Commission.

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

APPROVAL RECOMMENDED

Asst. State Highway Engineer

Metropolitan Administrator

APPROVED AS TO FORM

City Attorney

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

State Highway Engineer

Date _____

CITY OF PORTLAND, by and through
its designated City Officials

By _____
Mayor

By _____
Commissioner of Public Works

ORDINANCE NO. **149816**

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation (ODOT) providing for conversion of arterial street lighting from mercury vapor to sodium vapor illumination and declaring an emergency.

The City of Portland directs:

Section 1. The Council finds:

1. Replacement of existing mercury vapor illumination equipment with sodium vapor illumination equipment results in substantially reduced electrical energy requirements and costs with no adverse effect on illumination levels.
2. Federal Aid Highway funds may be used to improve existing lighting systems on the Federal Aid Highway System.
3. Council has authorized the use of Interstate Transfer funds to convert existing mercury vapor arterial street illumination systems to sodium vapor and has provided for the local share of the costs in the adopted 1980-81 FY budget of the Bureau of Street and Structural Engineering.
4. The Metropolitan Service District has approved use of Interstate Withdrawal funds for this project.
5. The ODOT and the Federal Highway Administration (FHWA) have authorized the City to purchase materials required for the project to be reimbursed by FHWA when the funds become available next Federal fiscal year.
6. The ODOT and the FHWA have been requested to approve advance payment of installation costs by the Street Lighting Fund when funds become available next Federal fiscal year.
7. The ODOT has submitted a construction-finance agreement for the project for City execution.

NOW, THEREFORE, the Council directs:

- a. The Auditor and the Commissioner of Public Works are authorized to execute on behalf of the City, an agreement with the State of Oregon by and through its Department of Transportation, said agreement to be substantially in accordance with the form of agreement marked Exhibit A, attached to the original of this Ordinance and by this reference made a part hereof.

ORDINANCE No.

- b. The Auditor is directed to transmit four executed copies of the agreement to the Oregon Department of Transportation, 5821 NE Glisan Street, Portland, Oregon 97213, Attention Jon Rose.

Section 2. The Council declares an emergency exists because delay in execution this agreement will result in delay in obtaining Federal approval to implement and realize the savings to the Street Lighting Fund resulting from this project. Therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

CONTINUED TO JUN 22 1980

JUN 18 1980

elimination and declaring an emergency.
from directly vapor to sodium vapor
for conversion of electrical street lighting
unit of Transportation (DOT) providing
into an agreement with the Oregon Depart-
ment Ordinance authorizing the City to enter

ORDINANCE NO. 149816

Title

Calendar No. 3144

3144

Passed by the Council, JUN 25 1980

Commissioner Mike Lindberg
Steve Riddell:mmc
June 6, 1980

Serge Gschornit
Auditor of the City of Portland

2185

Calendar No. ~~2109~~

ORDINANCE No. 149816

Title

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCreedy	

An Ordinance authorizing the City to enter into an agreement with the Oregon Department of Transportation (ODOT) providing for conversion of arterial street lighting from mercury vapor to sodium vapor illumination and declaring an emergency.

JUN 18 1980

CONTINUED TO **JUN 25 1980**

Filed JUN 12 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

George Yerkovich
Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	<i>ML/ST</i>

BUREAU APPROVAL	
Bureau: Street & Structural Engineering	
Prepared By: Steve Riddell :mmc	Date: 6-6-80
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>D Vargas</i>	
David Vargas, Acting Chief	

NOTED BY	
City Attorney	
City Auditor	
City Engineer Approved: <i>[Signature]</i>	
John M. Long, City Engineer	
By: <i>[Signature]</i>	