

ProjectNo.: PS 1575(15)

AGREEMENT

This AGREEMENT, made this day of , 2001, by and between the State of South Dakota, Department of Transportation, hereinafter referred to as the "State", and the City of Rapid City, South Dakota, hereinafter referred to as the "City".

WHEREAS, the City desires to upgrade their urban highway-rail grade crossing across railroad property in compliance with federal aid requirements and priority listing of Project PS 1575(15), Pennington County, PCEMS 548M; LaCrosse Street in Rapid City; AAR/DOT 190-1378; rehabilitation of highway-rail grade crossing surface with precast concrete crossing material.

AND WHEREAS, the State is responsible to assure the Federal Highway Administration that federal aid requirements are met in order to receive federal participation in adjustment costs.

NOW THEREFORE, it is agreed as follows:

1. The State will notify the railroad and negotiate agreement for crossing adjustments for highway purposes as necessary for the City.
2. The City will provide the 10% share for the total project cost of the above referenced highway-rail project through their City funds and/or through the labor and materials provided by the City for engineering, approach work and construction signing.

The City's project cost will be billed to the State when their portion of the work is completed and will be credited to the City's share of the project. The State will provide a check to the City when the City's billed costs are in excess of 10% of the total project cost or the State will bill the City when the City's billed costs are less than 10% of the total project cost. The State will authorize the remaining 90% from highway-rail safety funds.

3. The City will provide construction for any necessary approach work and construction signing as shown in the estimate attached hereto and marked Exhibit "A".

If it is the City's intention to contract for a portion of the work, no contract shall be let or entered into by the City without the prior approval of the State or without compliance with the FAPG. Any existing continuing contract, under which the City now has certain work performed regularly, will be considered to conform to the requirements of this Section, provided the contract is submitted for the State's prior approval.

4. The City will maintain the approaches and signing that are included in the scope of this project.
5. That the City must notify the Area Engineer, Gary Engel, South Dakota Department of Transportation, PO Box 1970, Rapid City, South Dakota, 57709-1970; telephone #605/394 1635, when commencing, discontinuing, resuming and upon completion of the work. Other reports will be required only as found necessary by the State.

6. Billings for City's costs are to be sent to the Area Engineer. And the City agrees that all records necessary to support costs claimed **under this** agreement would be retained and made available for audit performed by the State and/or Federal Highway Administration.
7. The City and State by signing this agreement evidence a uthority to enter into this agreement for payment to be made hereunder.
8. The estimated cost of the various items of work to be performed by the City under this agreement is \$19,939.60. The estimated cost of work to be performed by the railroad for the crossing surface is \$49,561.00. The estimated cost for preliminary and construction engineering performed by the State is \$1,499.40. The total estimated cost of the work completed under this agreement is \$71,000.00. The City's estimated share for this portion of the project would be \$7,100.00.
9. The City will notify the State of any change orders which substantially increase the amount of this estimate, and that any work necessary and eligible, but not covered by exhibit shall be submitted in writing for approval by the State prior to completing the work. The estimate for such work shall not be exceeded unless one of the two following conditions are met:
 - a. An increase in the cost estimate will be allowed as a result of a change in construction plans when such change is authorized by an approved Change Order issued by the State before such work is done.
 - b. An increase in the estimated cost, eligible for reimbursement, will be allowed the City after completion of the work, when such increase is adequately supported by detailed billing and sufficient explanation. A final Change Order, when approved, will place the increase in line for audit and payment.

ATTEST:

By:

Finance Officer

CITY OF RAPID CITY:

By:

Mayor

Date:

APPROVED AS TO FORM:

By:

Assistant Attorney General

SD DEPARTMENT OF TRANSPORTATION:

By:

Bruce Lindholm, Program Manager

Date:

 Approved as per Stewardship Provisions this

day of , 2001 By:

Project Development Engineer