

LETTING AND FINANCIAL

AGREEMENT BETWEEN THE CITY OF RAPID CITY AND THE STATE

FOR

FEDERAL-AID HIGHWAY IMPROVEMENT PROJECT

P 0044 (52) 50 PCN 6437

WHEREAS, the **DEPARTMENT OF TRANSPORTATION** acting through the South Dakota Transportation Commission, hereinafter designated as the **STATE**, concurs in the proposal with the city for the new construction or improvement of a street identified as South Dakota, Federal Aid Construction Project No. P 0044(52) 50 – PCN 6437, Pennington County, hereinafter designated as the **PROJECT**, extending east of the City of Rapid City, South Dakota, hereinafter referred to as the **CITY**, located and further described as follows.

Utility adjustments including adjusting 4' to 5' in elevation of sanitary sewer manholes; adjusting the sanitary sewer vent pipes to the inslope of the outside the shoulder; providing the necessary vented manhole covers at Station 25+00 and 30+00; and relocating the fire hydrants and water valves outside the clear zone beginning at the Intersection of SD44 and Longview Road and ending at the Intersection of SD44 and the Airport Road.

WHEREAS, the **CITY** desires the **STATE** to let in combination with **PROJECT** a utility adjustment project number SSW05-1469 CIP #50479, beginning at the Intersection of SD44 and Longview Road and ending at the Intersection of SD44 and the Airport Road near Rapid City.

WHEREAS, the Statutes of the State of South Dakota give assent to the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – Legacy for Users (**SAFTETEA – LU**) and its acts amendatory thereof or supplementary thereto and regulations issued pursuant thereto by the Federal Highway Administration, Department of Transportation, United States of America, which hereinafter collectively will be designated as the Act, and charge of the **STATE** and the **CITY** to do all things necessary to fully carry out the cooperation contemplated and provided for in the Act; and

WHEREAS, the construction of the **PROJECT** is conditioned upon the fulfillment of the obligation of the **CITY** in a manner satisfactory to the **STATE** and the Federal Highway Administrator, or their authorized representatives:

NOW THEREFORE, be it agreed for and in consideration of the undertaking of the **PROJECT** under the requirements of the Act, with the **STATE**'s approval, that insofar as its legal jurisdiction over the **PROJECT** is concerned, the **CITY** assents to the requirements of the Act and pledges its good faith to the carrying out the purposes stipulated in the Act and to this end, the **CITY** hereby agrees:

I. LETTING CONDITIONS:

1. The STATE will let CITY Utility Adjustment Project SSW05-1469 CIP #50479 in combination with the STATE PROJECT. Bidders will be required to submit a bid on the CITY Project SSW05-1469 CIP #50479 and STATE PROJECT P 0044 (52) 50 PCN 6437 with award of the contract to the same bidder based on the total combination bid for the two projects.
2. The lowest responsible bid on the STATE PROJECT will be the basis for determining State and Federal Funds participation. In the event the total low combination bid for the CITY Project and the STATE PROJECT combined does not have as part of that bid the lowest bid on the STATE PROJECT, the CITY agrees to pay the STATE the difference between the bid awarded on the combination project and the lowest bid on the STATE PROJECT.
3. The STATE will award and will issue a contract for both the STATE PROJECT and the CITY Project SSW05-1469 CIP#50479; however, the CITY will be the contracting party for CITY Project SSW05-1469 CIP#50479 and will make payments to the contractor. The CITY's engineer's estimated cost for CITY Project SSW05-1469 CIP #50479 is \$365,000.00. Actual costs will be based upon bids and final quantities.
4. The CITY will provide plans, specifications, and estimates, for its project.
5. The CITY will provide construction engineering including construction supervision and inspection of the CITY Utility Adjustment Project described herein. The CITY will inspect the physical installation of the Utility Adjustment Project, including measuring in place quantities and documenting their location for as built records. The CITY will conduct all physical testing of the water mains and sanitary sewer for final acceptance.
6. The CITY agrees to provide testing of trench backfill and conduct trench compaction testing for that portion of the CITY Project SSW05-1469 CIP #50479 under the surface of the highway with a copy of the compaction tests being sent to the Rapid City Area Engineer within twenty-four hours of the results.
7. That CITY will not designate a speed limit on State Trunk System Projects until after appropriate engineering and traffic investigation has been made and such speed limit has been approved by the STATE.
8. That CITY will prohibit all parking in the traffic lanes constructed under this PROJECT. It further agrees that it will prohibit double parking and control all parking where and if allowed in a manner satisfactory to the STATE or their authorized representatives.

The CITY further agrees that where curbs are not installed and are not to be installed under the proposed improvement; the curbs, when proposed to be constructed in the future, shall be at a lateral distance approved by the STATE.

DATED this _____ day of _____, 2006

CITY OF RAPID CITY

ATTEST:

Mayor

City Auditor/Finance Officer

(S E A L)

SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM:

Project Development Engineer

Assistant Attorney General

AGREEMENT BETWEEN THE POLITICAL SUBDIVISION AND THE STATE
FOR
FEDERAL AID HIGHWAY ENCROACHMENTS

EXHIBIT "A"

NONE