

AGREEMENT NUMBER _____

**AN AGREEMENT TO EXCHANGE FEDERAL FOR STATE FUNDS
FOR CONSTRUCTION OF PROJECT P 1746(00) PCEMS 4530
IN RAPID CITY, SOUTH DAKOTA
(CANYON LAKE DR. FROM SOO SAN DR. TO DAKOTA DR.)**

This **AGREEMENT** is made by and between the South Dakota Department of Transportation, hereinafter referred to as “**STATE**” and the City of Rapid City hereinafter referred to as “**CITY**”.

WHEREAS, both parties to this **AGREEMENT** desire that project P 1746(00), PCEMS 4530 (Canyon Lake Dr. from Soo San Dr. to Dakota Dr.), be let for construction in FY2003 and shall be hereinafter referred to as “**PROJECT**”;

AND WHEREAS it is in the best interest to let **PROJECT** as a state project thus eliminating certain federal requirements resulting in significant anticipated cost savings;

AND WHEREAS PROJECT costs include preliminary engineering, materials, right of way, construction, and construction engineering with a total estimated at \$2,100,000.

AND WHEREAS this **AGREEMENT** supersedes and voids Agreement number 612799.

NOW THEREFORE, the parties to this **AGREEMENT** agree as follows:

A. STATE will perform the following activities:

1. **STATE** will provide technical assistance for **PROJECT**, approve plans and specifications prior to advertising for letting, and concur in **CITY** award of contract to the lowest responsible bidder.
2. **STATE** will exchange **CITY** STP funds for **STATE** funds at a ratio of 90:10 to fund 81.95% of **PROJECT**. With the exchange, **PROJECT** cost split will be 91.05555% **CITY** STP funds and the remainder will be **STATE** match.

3. **STATE** agrees to reimburse **CITY** for eligible **PROJECT** costs with funds as described in section A.2 upon receipt of proper documentation of work completed, services performed, or supplies furnished.
 4. The Local Government Assistance Engineer or his designee will be invited to the final inspection of **PROJECT** and may choose to attend.
- B. CITY** will perform the following:
1. **CITY** agrees to transfer **CITY** STP funds to **STATE** balance of STP funds at a ratio of 90:10 to fund 81.95% of **PROJECT** costs as per section A.2.
 2. **CITY** will develop plans, specifications, bid documents, advertise for bids, and award contract to the lowest responsible bidder upon concurrence by the Local Government Assistance Engineer.
 3. **CITY** will arrange for all utility adjustments and right of way prior to construction.
 4. **CITY** agrees to provide construction administration for **PROJECT**.
 5. **CITY** agrees to make progress payments for **PROJECT** and then seek reimbursement from the **STATE**.
 6. **CITY** agrees to pay for non-participating utility work directly, using **CITY** funds.
- C.** This **AGREEMENT** is binding upon signatories hereto not as individuals but solely in their capacities as officials of their respective organizations and acknowledges proper action of **STATE** and **CITY** to enter into the same.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

CITY OF RAPID CITY

BY: _____
Secretary

BY: _____
Mayor

DATE: _____

DATE: _____

BY: _____
Local Government Assistance

ATTEST: _____
City Finance Officer

DATE: _____