

Project No.: PP 8052(45), PCN 3053  
 County: Pennington  
 Location: Cross Street in Rapid City  
 DOT Crossing No.: 190-276L

## AGREEMENT

DOT Contact No.: \_\_\_\_\_

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

WHEREAS, the City desires to have traffic control devices installed and the crossing rehabilitated at their urban highway-rail grade crossing located on City right-of-way in compliance with federal aid requirements and priority listing of Project PP 8052(45), PCN 3053, Pennington County, Cross Street in Rapid City, South Dakota; DOT 190-276L; installation of standard mast flashing light highway-rail grade crossing signals and the rehabilitation of the crossing with 36' of precast concrete crossing surface 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 DM&E Railroad Corporation and negotiate agreements 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 approach work, construction signing, and pavement markings.

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 for any necessary approach work, curb & gutter, construction signing, and pavement markings 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 current Code of Federal Regulations. 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, pavement marking and advance warning signing at this highway-rail grade crossing.

5. That the City must notify the Area Engineer, Gary Engel, South Dakota Department of Transportation, PO Box 1970, Rapid City, South Dakota, 57709; 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 cost are to be sent to the Area Engineer, Gary Engel. The City agrees that all records necessary to support project cost 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 authority 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 \$25,572.00. The estimated cost of work to be performed by the railroad for the crossing surface is \$24,300.00. The estimated cost of work to be performed by the railroad for the installation of highway-rail grade crossing signals is \$102,144.00. The estimated cost for preliminary and construction engineering performed by the State is \$984.00. The total estimated project cost is \$153,000.00. Estimated 10% City match is \$15,300.00.
9. The City will notify the State of any change orders which substantially increase the amount of the City 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 shall not be exceeded unless one of the two following conditions is 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. A minor 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.
10. The City agrees to hold harmless and indemnify the State, its officers and employees, from and against any and all actions, suits, damages, liability or other proceedings that may arise as a result of the City performing services hereunder. This section does not require the City to be responsible for or defend against claims or damages arising solely from acts or omissions of the State, its officers or employees.
11. The City certifies, to the best of its knowledge and belief, that: No Federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any of the above mentioned parties, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

ATTEST:

CITY OF RAPID CITY:

By: \_\_\_\_\_  
Finance Officer

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

APPROVED AS TO FORM:

SD DEPARTMENT OF TRANSPORTATION:

By: \_\_\_\_\_  
Assistant Attorney General

By: \_\_\_\_\_  
Tim Bjorneberg, Program Manager

Date: \_\_\_\_\_

**ESTIMATED COSTS  
FOR CROSS STREET RAILROAD CROSSING**

YOUR PROJECT NO. PP 8052(45) PENNINGTON CO., PCN 3053, CROSS ST.

[OUR PROJECT NO. RR06-1540, CROSS STREET RR CROSSING ]

**EXHIBIT 1**

LINE ITEM	DESCRIPTION	HOURS	RATE	ESTIMATE OF COSTS
A	PERSONNEL			
	Project Engineer/Administrator	40	\$40.00	\$1,600.00
	Survey Crew Chief	8	\$28.00	\$224.00
	Engineering Technician	60	\$26.00	\$1,560.00
	Administrative Secretary	4	\$22.00	\$88.00
			Subtotal	\$3,472.00
B	MILEAGE	(50MILES @ 0.36/MILE)		\$18.00
			GRAND TOTAL	\$3,490.00
				4.2.07 LVC

EXHIBIT A1042

## CITY OF RAPID CITY

## PERIODIC ESTIMATE SHEET FOR INFORMAL QUOTATIONS

PROJECT NO./NAME: RR06-1540; CROSS STREET RAILROAD CROSSING

ORIGINAL QUOTATION AMT.:

NAME OF CONTRACTOR:

**CONFIDENTIAL**

ADDRESS:

CONTACT PERSON:

CHILSTROM

TELEPHONE NO.:

PERIODIC ESTIMATE NO.:

**ESTIMATE**

FOR PERIOD: 4.2.07

ITEM NO.	DESCRIPTION OF ITEM	QUOTATION			SINCE LAST ESTIMATE		COMPLETED TO DATE	
		QUANTITY	COST PER UNIT	TOTAL COST OF ITEM	QUANTITY	TOTAL COST	QUANTITY	TOTAL COST
****BEGIN ITEMS****								
1	MOBILIZATION, LS	1.00	\$ 4,000.00	\$ 4,000.00		\$ -		\$ -
2	REMOVE ASPHALT CONCRETE, SY	54.00	\$ 9.00	\$ 486.00		\$ -		\$ -
3	REMOVE CONC. CURB & GUTTER, LF	47.00	\$ 6.00	\$ 282.00		\$ -		\$ -
4	AGGR. BASE COURSE, TON	40.00	\$ 30.00	\$ 1,200.00		\$ -		\$ -
5	A C, CL 'G', TYPE I, PG 64-28, TON	20.00	\$ 125.00	\$ 2,500.00		\$ -		\$ -
6	CONCRETE CURB & GUTTER, LF	47.00	\$ 22.00	\$ 1,034.00		\$ -		\$ -
7	PAVEMENT MARKING PAINT, 4" YELLOW	40.00	\$ 2.00	\$ 80.00		\$ -		\$ -
8	RAILROAD INSURANCE, LS	1.00	\$ 3,500.00	\$ 3,500.00		\$ -		\$ -
9	TRAFFIC CONTROL, LS	1.00	\$ 7,000.00	\$ 7,000.00		\$ -		\$ -
10	INCIDENTAL WORK, LS	1.00	\$ 2,000.00	\$ 2,000.00		\$ -		\$ -
****END ITEMS****								
TOTALS:				\$ 22,082.00		\$ -		\$ -

EXHIBIT A 2012

PW010208-09