

Order 106-17/18

Passage: 8-0 (Thibodeau absent) on 11/20/2017

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 11/30/2017

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING SECOND MODIFICATION TO AGREEMENT BETWEEN
PORTLAND AND MAINE DEPARTMENT OF TRANSPORTATION
RE: WOODFORD'S CORNER INTERSECTION IMPROVEMENTS**

ORDERED, that the two-party agreement between the Maine Department of Transportation (MDOT) and the City of Portland, for intersection improvements on Forest Avenue and Woodford's Corner, with the MDOT identification number of 20543, is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

Internal Use Only

TEDOCS #: _____

DOT Generated #: DOT0516-35945

CSN#: 35945

MODIFICATION # 2 TO MUNICIPAL/STATE AGREEMENT

MaineDOT Program / Division / Office: Multimodal Program

MaineDOT Contact Person: Aurele Gorneau II

Project Location: Portland
State W.I.N. #: 020543.00/020543.10
Federal W.I.N. #: STP-2054(300)/HAZ-2054(310)
Vendor Customer #: 17A12984

Original Agreement Receivable Amount: \$640,477.10
Current Agreement Receivable Amount: \$1,206,852.10
Modified Agreement Receivable Amount: \$2,085,093.02 N/A
Current Agreement Expiration Date: 5/20/2019
Modified Agreement Expiration Date: _____ N/A

This Modification hereby amends a Municipal/State Agreement (Agreement) that was executed by MaineDOT on 5/20/2016, with the Municipality of PORTLAND for FOREST AVENUE/WOODFORD'S CORNER for the above referenced project as follows:

The following checked appendices are hereby incorporated into this modification by reference:

- Appendix A – Project scope, cost sharing, and payment schedule
- Appendix B – Bicycle/Pedestrian Facility Maintenance
- Appendix B – Landscape Maintenance
- Appendix B – Lighting/Flashing Beacon Operation and Maintenance
- Appendix B – Traffic Signal Operation and Maintenance
- Appendix C – Additional work requested by Municipality

Increased Receivable Amount. The Municipal Share (estimated receivable amount) of the Agreement shall be increased by: \$878,240.92 from \$1,206,852.10 to \$2,085,093.02.

Expiration Date. The Expiration Date of the Agreement shall be extended from _____ to _____.

Change in Scope of Work. The Scope of Services specified in the Agreement shall be modified by _____

All other terms and conditions of the original Agreement shall remain in effect. This Modification hereby becomes part of the original Agreement. MaineDOT and the Municipality of PORTLAND, by their duly authorized representatives, have executed this modification to said original Agreement, which shall become effective on the date last signed below.

MUNICIPALITY OF PORTLAND

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Jon Jennings, City Manager

By: _____
William A. Pulver, Director
Bureau of Project Development

Date

Date

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE/WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 20543.00

Project Scope:

Reconfigure Forest Ave. traffic pattern at Woodford's Corner and Ocean Ave, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

Funding Outline:

The Total Project Estimated Cost for WIN 020543.00 is \$ 6,851,642.84 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Combined Funding Outline:

The combined total Project Estimated Cost for WIN 020543.00 & WIN020543.10 is \$ 8,064,542.84

Work Element	Municipal Share		Project Share				Total Cost
			MPO	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering (PACTS)	10.0%	\$ 26,358.57	80.0%	\$ 210,868.55	10.0%	\$ 26,358.57	\$ 263,585.69
Preliminary Engineering (PACTS Rail/Hwy)	10.0%	\$ 8,016.43	80.0%	\$ 64,131.45	10.0%	\$ 8,016.43	\$ 80,164.31
Preliminary Engineering (Overages)	100.0%	\$ 42,839.83	0.0%		0.0%	\$ -	\$ 42,839.83
Right of Way (PACTS)	10.0%	\$ 39,998.36	80.0%	\$ 319,986.90	10.0%	\$ 39,998.36	\$ 399,983.62
Right of Way (Overages)	100.0%	\$ 60,016.38	0.0%	\$ -	0.0%	\$ -	\$ 60,016.38
Utilities	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	\$ 3,044,275.92
Construction (PACTS)	10.0%	\$ 102,514.24	80.0%	\$ 820,113.90	10.0%	\$ 102,514.24	\$ 1,025,142.38
Construction (Overages)	100.0%	\$ 1,277,634.71	0.0%	\$ -	0.0%	\$ -	\$ 1,277,634.71
Construction (MaineDOT)	0.0%	\$ -	0.0%	\$ -	100.0%	\$ 300,000.00	\$ 300,000.00
Construction Engineering (PACTS)	10.0%	\$ 14,987.50	80.0%	\$ 119,900.00	10.0%	\$ 14,987.50	\$ 149,875.00
Construction Engineering (Overages)	100.0%	\$ 208,125.00	0.0%	\$ -	0.0%	\$ -	\$ 208,125.00
PROJECT SHARES		\$ 1,780,491.02		\$ 1,535,000.80		\$ 491,875.10	\$ 6,851,642.84
Total Cost of Additional Work	100.0%						
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount for WIN's 20543.00/.10)		\$ 2,085,093.02					

APPENDIX A CON'T.
PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO FOREST AVENUE/WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(310)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 20543.10

Project Scope: Upgrade the Railroad crossing signals and gates to current standards and to meet the new roadway and pedestrian facility widths.

Funding Outline: The Total Project Estimated Cost for WIN 020543.10 is \$ 1,212,900.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			Federal	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	10.0%	\$ 500.00	90.0%	\$ 4,500.00	0.0%	\$ -	\$ 5,000.00
Right of Way	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	\$ -
Construction	10.0%	\$ 27,112.78	90.0%	\$ 244,015.00	0.0%	\$ -	\$ 271,127.78
Construction	100.0%	\$ 276,824.22	0.0%	\$ -	0.0%	\$ -	\$ 276,824.22
Construction	0.0%	\$ -	90.0%	\$ 592,468.20	10.0%	\$ 65,829.80	\$ 658,298.00
Construction Engineering	10.0%	\$ 165.00	90.0%	\$ 1,485.00	0.0%	\$ -	\$ 1,650.00
PROJECT SHARES		\$ 304,602.00		\$ 842,468.20		\$ 65,829.80	\$ 1,212,900.00
Total Cost of Additional Work	100.0%	\$ -					
TOTAL ESTIMATED MUNICIPAL		\$ 304,602.00					

(Check if applicable)

Additional Work as outlined in Appendix C to this Agreement.

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work	Cost: 100% Municipal Share	
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY	\$	-

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project.

1. Invoicing will include the following:
 - a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
 - b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
 - c. 100% of all additional work requested by the Municipality.
2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor,

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
PORTLAND	\$1,134,388.88	Paid
PORTLAND	\$193,174.15	12/1/2017
PORTLAND	\$757,529.99	3/15/2019
Total Receivable Amount:	\$2,085,093.02	