

Order 205-19/20

Passage: 9-0 on 7/13/2020

Effective 7/23/2020

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE AGREEMENT BETWEEN THE MAINE
DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORTLAND
RE: IMPROVEMENTS TO STEVENS AVENUE**

ORDERED, that the Municipal/State Agreement between the Maine Department of Transportation and the City of Portland for improvements to Stevens Avenue, with Work Identification Number 21932.04, 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.

<i>Internal Use Only</i>	
TEDOCS #:	
CT#:	CSN#:
_____	_____
_____	_____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL PARTNERSHIP AGREEMENT**

WIN 21932.04

REGARDING PORTLAND STEVENS AVE

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION (“MaineDOT”), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the **CITY OF PORTLAND** (“MUNICIPALITY”), a municipality in the State of Maine with offices located at **389 CONGRESS ST, PORTLAND, ME.**

WHEREAS,

Portland shall mill 2” and pave 2” with a HMA overlay and shim as necessary on Stevens Ave from Forest Ave to Clinton St at a width of approximately 48’. The length of the project is approximately 0.85 miles and includes reinstalling raised speed tables and reconstructing sidewalk ramps meeting ADA requirements. Repairs to curb and pavement are also included in this work.

Portland estimates this project at **\$1,000,000.00**

PORTLAND SHALL:

- A. Procure all contracts for and oversee the Projects on **Stevens Ave** for the Work outlined above.
- B. Cause such Work to be performed in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agree to secure all necessary Federal, State and Local permits necessary to complete the work. Portland also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.
- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:

- a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
 - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
 - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
 - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor;
 - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system; and,
 - f. Ensuring that the Project meets the most recent standards of Americans with Disabilities Act of 1990 (ADA) design requirements.
- F. Provide certification through their Engineer to MaineDOT that the Project is complete and was constructed as designed.
- G. Ensure that construction shall commence within EIGHTEEN (18) months and shall be certified complete within THIRTY SIX (36) months of execution of this agreement. **PORTLAND** may forfeit the unpaid balance of this grant if these deadlines are not met or they cannot demonstrate earnest and good faith efforts to meet them.
- H. Be responsible for or cause its contractors to be responsible for all damage to public or private property of any kind resulting from any act, omission, neglect or misconduct of **PORTLAND** or its contractors, including damage to vehicles passing through the Project limits.
- I. Bear all risk of loss relating to the Project and the Work regardless of cause.
- J. The signal hardware, if any, must be approved by the MaineDOT State Traffic Engineer, consistent with the future of the Mobility Report.

MAINEDOT SHALL:

- A. **Provide a maximum \$500,000.00 in State funds supporting the Work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed **\$500,000.00** or 50% of the actual costs incurred and paid by the Municipality.
- B. **This project has been approved for Calendar Year 2020.** If the **Municipality** commences construction of the project as outlined above prior to January 1, 2020, the Municipality assumes the risk and responsibility for costs incurred, in the event that funding levels fall

below MaineDOT projections. If this occurs, the Municipality will not receive reimbursement from MaineDOT. Should the project commence prior to January 1, 2020, the MaineDOT will not accept request for reimbursement until after January 1, 2020.

PORTLAND and **MaineDOT** agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed.

CITY OF PORTLAND

Dated: _____

By: _____

Jon Jennings
City Manager

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

Dated: _____

By: _____

Bruce Van Note
Commissioner
MaineDOT

APPENDIX A
PROJECT SCOPE AND COST SHARING MAINE
DEPARTMENT OF TRANSPORTATION

Municipal Partnership Initiative Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO: STEVENS AVENUE

STATE PROJECT IDENTIFICATION NUMBER (WIN) 21932.04_

FUNDED CONSTRUCTION YEAR 2020

Project Scope: Mill 2" and pave HMA overlay and shim as necessary on Stevens Ave. from Forest Ave. to Clinton St. at approximately a 48' width and 0.85 mile length. Includes reinstalling speed tables, and reconstructing ADA ramps and repair to curb and pavement.

Funding Outline: The Total Project Estimated Cost is \$1,000,000 and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	50	500,000	50	500,000	1,000,000
PROJECT SHARES		500,000		500,000	1,000,000
Total Cost of Additional Work above agreement estimate	100%				
TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT		500,000			

REIMBURSEMENT SCHEDULE:

Upon 1/3 project completion the municipality may begin invoicing the Department. Preferred invoicing interval is 1/3, 2/3, final, the Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices.

DESIGN EXCEPTIONS REQUIRED: YES NO

Design exceptions where required for this project. Please see attached approval from MaineDOT Chief Engineer outlining design exceptions.