01-04-A-106034-0485

JPA 85-006

Contract No. 85-16
Project No. IR-10-5(55)
Fund 8537M

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into on July 9, 1985, pursuant to Arizona Revised Statutes 11-951 through 11-954, by and between the State of Arizona, Arizona Department of Transportation, Highways Division, acting by and through the Director, hereinafter called STATE, and Pima County, acting by and through its Board of Supervisors, hereinafter called COUNTY.

The description and location of the PROJECT are as follows:

Description: Project No. IR-10-5(55)
Tucson - Benson Highway
Alvernon Way T.I. Redesign

Location: I-10 Bridges over Alvernon Way
Pima County

RECITALS

WHEREAS, through the services of a Consultant, COUNTY has obtained construction plans for four-lane grade separation structures at Alvernon Way, and

WHEREAS, STATE desires that the structures be redesigned to six-lane interstate standards, said redesign hereinafter called PROJECT, and

WHEREAS, the Federal Highway Administration has agreed to participate in the cost of the PROJECT, and

WHEREAS, the PROJECT is deemed to be in the interest of public safety and convenience, and

WHEREAS, COUNTY is empowered by Arizona Revised Statute 11-251 to enter into this Agreement, and

WHEREAS, STATE is empowered by Arizona Revised Statute 28-108 to enter into this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

COUNTY SHALL:

1. Execute a lump sum change order with Consultant, providing for redesign of structures to six-lane interstate highway standards, inclusive of all roadway approach appurtenances.

2. Administer the change order work and submit invoices to STATE for reimbursement.

3. Obtain STATE's concurrence prior to acceptance of Consultant's work as complete.

NO. 10427
FILED WITH SECRETARY OF STATE
Date Filed 2-9-85
Secretary of State

STATE SHALL:

1. Provide Consultant with criteria and geometric controls for a standard six-lane interstate highway design.

2. Provide Consultant with a reproducible set of construction drawings of the previously designed structures.

3. Provide PROJECT review and comments as required.

4. Reimburse COUNTY the lump sum amount of $48,734.00, for payments made to Consultant.

5. Audit, as deemed necessary, all costs invoiced to the STATE.

In consideration of these premises, it is mutually agreed that:

COUNTY hereby agrees to save and hold harmless and indemnify from loss STATE, any of its departments, agencies, officers or employees from any and all cost and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, or event arising out of the performance or non-performance of any provision of this Agreement by STATE, any of its departments, agencies, officers and employees, or any of its independent contractors. Costs incurred by STATE, any of its departments, agencies, officers or employees shall include in the event of any action, but not limited to, court costs, expenses of litigation and attorneys fees incurred. COUNTY assumes the burden of proof that the above activity, condition, or event did not cause such cost, damage, or other damage.

This Agreement shall remain in force and effect until the work embraced in the PROJECT is accepted as complete, and STATE has reimbursed COUNTY for all costs due under the terms of this Agreement. In the event PROJECT is terminated prior to its completion, then this Agreement shall terminate when STATE has reimbursed COUNTY for all costs due under the terms of this Agreement.

This Agreement shall become effective on the date of filing same with the Secretary of State.

In the event of any controversy which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes 12-1518 (B) and (C) as amended.

Attachments A and B are authenticated copies of the resolutions of the Arizona Department of Transportation and Pima County, authorizing said parties to enter into this Agreement.

Attachments C and D are the written determinations of the attorneys for said parties that this Intergovernmental Agreement is in proper form and within the powers and authority granted to said parties under the laws of the State of Arizona.

All parties hereby are put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statute 38-511, the provisions of which are incorporated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first herein written.

PIMA COUNTY

By: Sam Lena

Title

APR 16 1985

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

By: A. J. Judd
Chief Deputy State Engineer

ATTEST:

Jane S Williams
CLERK OF THE BOARD OF SUPERVISORS

APPROVED AS TO FORM:

John R Neubauer
Deputy County Attorney

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT

C. Richelberry
Director

IGA No. 85-16
Attachment B

RESOLUTION AND ORDER NO. 1985 - 42

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS TO ENTER INTO AN AGREEMENT WITH THE STATE OF ARIZONA FOR THE I-10 BRIDGE REDESIGN AT ALVERNON WAY.

WHEREAS, Pima County desires to proceed with the construction of the bridges over Alvernon Way; and

WHEREAS, the State desires that the I-10 bridges over Alvernon Way be redesigned to six-lane interstate standards; and

WHEREAS, the redesign would also include the approaches to the bridges and detour plans; and

WHEREAS, the State shall reimburse County 100% of the cost of this redesign.

NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED AND CARRIED, BE IT RESOLVED:

That Pima County enter into an agreement with the State of Arizona that will provide for the redesign of the aforementioned structures.

That the Chairman of this Board is hereby instructed and authorized to sign the said agreement for the Board of Supervisors.

Passed, adopted and approved this 16th day of April 1985.

PIMA COUNTY BOARD OF SUPERVISORS

Chairman

APR 16 1985

ATTEST:

Jane S. Williams
Clerk of the Board

APPROVED AS TO FORM:

John R Neubauer
Deputy County Attorney

IGA No. 85-16

Attachment C

DETERMINATION

I have reviewed the proposed agreement between the State of Arizona and Pima County, Arizona which agreement provides for the redesign of the I-10 bridges over Alvernon Way including the approaches to the bridges and detour plans.

I have determined that the said proposed agreement is in the proper form and is within the powers and authority granted to Pima County and its agencies under the laws of the State of Arizona.

Dated this 25TH day of March 1985.

STEPHEN D. NEELY
PIMA COUNTY ATTORNEY

BY: John R Neubauer
Deputy County Attorney

Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007
Robert K. Corbin

Attachment D

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 85-291 which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 31 day of May, 1985.

ROBERT K. CORBIN
Attorney General

Assistant Attorney General
Transportation Division

2018G

Sheet 1 of 1

ARIZONA DEPARTMENT OF TRANSPORTATION
ENGINEERING CONSULTANTS SERVICES

PROGRESS _____ FINAL X PAYMENT REPORT

Report No. 1 - Final	FA X	NON FA	FUND CODE 8537M	Contract No. 85-16
Project No. IR-10-5 (55)			Month Ending July 9	19 85
Name of Project Tucson - Benson Hwy. (I-10 at Alvernon Way)				
Name of Consultant Pima County Transportation and Flood Control District				
Date Started 7-9-85	Date Accepted Estimated Completion Date 7-9-85			% Billed 100

SUMMARY OF WORK FOR WHICH PAYMENT IS REQUESTED

Item	DESCRIPTION	TOTAL CONTRACT AMOUNT	PREVIOUS ACCUMULATIVE AMOUNT	CURRENT MONTH	ACCUMULATIVE AMOUNT
	Reimbursement of Consultant Costs	48,734.00		48,734.00	48,734.00

TOTAL TO DATE	48,734.00
TOTAL PREVIOUS REPORT	.00
CURRENT REPORT	48,734.00

SUBMITTED Pima County Transportation & Flood Control District
CONSULTING ENGINEER

DATE November 5, 19 85

APPROVED Raymond Olmetri
Engineer, Local Government Roads Section
DATE Nov. 7 19 85

CORRECT Robert C. Hustad
MANAGER, ENGINEERING CONSULTANTS SERVICES
DATE Nov 7 19 85

FS

12-6902 R4-81

Attachment A

RESOLUTION

Be it resolved on this date, July 5, 1985, I, Charles L. Miller, the below undersigned Director, Department of Transportation, have determined that it is to be to the advantage of the State of Arizona that the Department of Transportation acting by and through the Highway Division, and Pima County, acting by and through its Board of Supervisors, enter into this Intergovernmental Agency Agreement for the redesign of the I-10 bridges over Alvernon Way; Project No. IR-10-5(55)

CHARLES L. MILLER, Director
Department of Transportation