A.G. Contract No. KR98-2806-TRN
ECS File No: JPA 98-214
Project: Price Freeway (R101L)
Section / TRACS No.:
Warner Road to Frye Road - **H4527 01C**
Guadelupe Road to Warner Road - **H3876 01C**

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF CHANDLER

THIS AGREEMENT is entered into 19 April, 1999 pursuant to Arizona Revised Statutes Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF CHANDLER acting by and through its CITY COUNCIL, (the "City")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter, Article I, Section 1.03 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to the State's planned construction of the Price Freeway (the "Freeway"), the City requests and the State agrees to construct four (4) bus bays located at Elliot (1), Warner (1) and Ray (2) Roads, herein referred to as the Project. The requested construction cost associated with the Project is $19,080.00, at the City's expense, as shown on Exhibit "A" and "B", attached hereto and made a part hereof. The purpose of this agreement is to define each parties responsibilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 23163
Filed with the Secretary of State
Date Filed: 04/19/99
Betsey Bayless
Secretary of State
By Vicky D. Greenwood

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this agreement, invoice the City the Bid Tab amount of $19,080.00, for the total cost of the Project, as shown on Exhibit "A" and "B".

b. Provide design plans, specifications, and such other documents and services required for construction and construction bidding of the Project. Incorporate City's review comments as appropriate.

c. Call for bids and award one or more construction contracts for the Project, administer same and make all payments to the contractor(s). Confer with the City on any Project related contract modifications. Be responsible for any contractor claims for extra compensation, due to delays or whatever reason attributable to the State.

2. The City will:

a. Upon execution of this agreement and receipt of an invoice from the State, reimburse the State the Bid Tab amount of $19,080.00, for the total cost of the Project, as shown on Exhibit "A" and "B".

b. Review the design documents and provide comments as appropriate.

c. Be responsible for any design consultant or contractor claims for extra compensation, due to delays or whatever reason attributable to the City.

d. Upon completion and acceptance of the Project by the State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the Project, and the payment to the State by the City; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. 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 for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Chandler
Public Works Department, Asst. Director
215 East Buffalo Street
P. O. Box 4008
Chandler, AZ 85224-4408

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF CHANDLER,

~~JAY TIBSHRAENY~~ Bob Robson
Vice Mayor 3-26-99

STATE OF ARIZONA
Department of Transportation

for VICTOR M. MENDEZ, P.E. DAN LANGE
Assistant State Engineer DISTRICT ENGINEER
4/7/99

ATTEST:

By
CAROLYN DUNN
City Clerk 3-26-99

CITY OF CHANDLER
CORPORATED
ARIZONA

98-214 doc
10Feb99

JPA 98-214

R-3020

RESOLUTION

BE IT RESOLVED on this 15th day of December 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Chandler, for the purpose of defining responsibilities for the design, construction and maintenance of four (4) bus bays located at Elliot (1). Warner (1) and Ray (2) Roads at a cost of $19,080.00, incident to the construction of the Price.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

RESOLUTION NO. 3020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR INSTALLING BUS BAYS ALONG ELLIOT, WARNER AND RAY ROADS AS PART OF THE CONSTRUCTION OF THE PRICE FREEWAY FROM THE WESTERN CANAL TO FRYE ROAD AT AN ESTIMATED COST OF $19,080

WHEREAS, the Arizona Department of Transportation (ADOT) will construct new bus bays as part of the Price Freeway construction project; and

WHEREAS, ADOT will advertise for bids, award contract and administer the construction of the Price Freeway and bus bay installation; and

WHEREAS, an intergovernmental agreement is required by the City and ADOT to clarify the responsibilities between the parties; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That the Intergovernmental Agreement in substantially the form attached hereto, is hereby approved; and

Section 2. That the Mayor of the City of Chandler is hereby authorized to execute said Intergovernmental Agreement.

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 11th day of March, 1999.

ATTEST:

CITY OF CHANDLER INCORPORATED SEAL ARIZONA

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 3020 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 11th day of March, 1999, and that a quorum was present thereat.

Carolyn Quan
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

H 452701C

WARNER TO FRYE

*** Bid Tabs for Proposal Pamphlet 98162 ***

Item Number	Unit of Measure	Item Description	Quantity	Unit Price	Extended Amount	Compared To Dept Estimate
3030022	M3	AGGREGATE BASE, CLASS 2				
Bid Rank	Department Estimate		24,220.000	$22.000	$532,840.00	
1	PULICE CONSTRUCTION, INC.			$19.000	$460,180.00	-13.6%
2	MORRISON KNUDSEN CORPORATION			$18.000	$435,960.00	-18.2%
3	AMES CONSTRUCTION, INC.			$30.000	$726,600.00	+36.4%
4	SUNDT CORP.			$26.000	$629,720.00	+18.2%
5	FNF CONSTRUCTION, INC.			$16.000	$387,520.00	-27.3%
6	PCL CIVIL CONSTRUCTORS, INC.			$16.000	$387,520.00	-27.3%
7	D.H. BLATTNER & SONS, INC.			$20.000	$484,400.00	-9.1%
4010010	M2	PORTLAND CEMENT CONCRETE PAVEMENT (250 MM)				
Bid Rank	Department Estimate		36,430.000	$27.000	$983,610.00	
1	PULICE CONSTRUCTION, INC.			$24.500	$892,535.00	-9.3%
2	MORRISON KNUDSEN CORPORATION			$22.000	$801,460.00	-18.5%
3	AMES CONSTRUCTION, INC.			$25.480	$928,236.40	-5.6%
4	SUNDT CORP.			$24.000	$874,320.00	-11.1%
5	FNF CONSTRUCTION, INC.			$22.000	$801,460.00	-18.5%
6	PCL CIVIL CONSTRUCTORS, INC.			$24.000	$874,320.00	-11.1%
7	D.H. BLATTNER & SONS, INC.			$24.250	$883,427.50	-10.2%
4010012	M2	PORTLAND CEMENT CONCRETE PAVEMENT (300 MM)				
Bid Rank	Department Estimate		110,440.000	$26.000	$2,871,440.00	
1	PULICE CONSTRUCTION, INC.			$22.250	$2,457,290.00	-14.4%
2	MORRISON KNUDSEN CORPORATION			$23.000	$2,540,120.00	-11.5%
3	AMES CONSTRUCTION, INC.			$24.750	$2,733,390.00	-4.8%
4	SUNDT CORP.			$25.000	$2,761,000.00	-3.8%
5	FNF CONSTRUCTION, INC.			$23.000	$2,540,120.00	-11.5%
6	PCL CIVIL CONSTRUCTORS, INC.			$27.000	$2,981,880.00	+3.8%
7	D.H. BLATTNER & SONS, INC.			$23.000	$2,540,120.00	-11.5%
4010028	M2	PORTLAND CEMENT CONCRETE PAVEMENT (FOR BUS BAY)				
Bid Rank	Department Estimate		241.000	$40.000	$9,640.00	
1	PULICE CONSTRUCTION, INC.			$40.000	$9,640.00	+0.0%
2	MORRISON KNUDSEN CORPORATION			$27.000	$6,507.00	-32.5%
3	AMES CONSTRUCTION, INC.			$62.000	$14,942.00	+55.0%
4	SUNDT CORP.			$35.000	$8,435.00	-12.5%
5	FNF CONSTRUCTION, INC.			$60.000	$14,460.00	+50.0%
6	PCL CIVIL CONSTRUCTORS, INC.			$27.000	$6,507.00	-32.5%
7	D.H. BLATTNER & SONS, INC.			$40.000	$9,640.00	+0.0%
4040112	MTON	BITUMINOUS TACK COAT (SS-1)				
Bid Rank	Department Estimate		18.000	$200.000	$3,600.00	
1	PULICE CONSTRUCTION, INC.			$140.000	$2,520.00	-30.0%
2	MORRISON KNUDSEN CORPORATION			$110.000	$1,980.00	-45.0%

R-3020

EXHIBIT "A"

Guadalupe to Warner

H 38/601 C

*** Bid Tabs for Proposal Pamphlet 98149 ***

Item Number	Unit of Measure	Item Description	Quantity	Unit Price	Extended Amount	Compared To Dept Estimate
3030024	M3	AGGREGATE SUBBASE, CLASS 4				
Bid Rank	Department Estimate		32,939.000	$20.000	$658,780.00	
3	KIEWIT WESTERN COMPANY			$20.000	$658,780.00	+0.0%
4	SUNDT CORP.			$22.000	$724,658.00	+10.0%
3060001	M2	GEOGRID BASE REINFORCEMENT				
Bid Rank	Department Estimate		215,186.000	$2.000	$430,372.00	
1	PULICE CONSTRUCTION, INC.			$2.000	$430,372.00	+0.0%
2	FNF CONSTRUCTION, INC.			$2.000	$430,372.00	+0.0%
3	KIEWIT WESTERN COMPANY			$2.500	$537,965.00	+25.0%
4	SUNDT CORP.			$2.500	$537,965.00	+25.0%
4010010	M2	PORTLAND CEMENT CONCRETE PAVEMENT (250 MM)				
Bid Rank	Department Estimate		48,049.000	$24.000	$1,153,176.00	
1	PULICE CONSTRUCTION, INC.			$26.000	$1,249,274.00	+8.3%
2	FNF CONSTRUCTION, INC.			$30.000	$1,441,470.00	+25.0%
3	KIEWIT WESTERN COMPANY			$30.000	$1,441,470.00	+25.0%
4	SUNDT CORP.			$25.000	$1,201,225.00	+4.2%
4010011	M2	PORTLAND CEMENT CONCRETE PAVEMENT (275 MM)				
Bid Rank	Department Estimate		10,[illegible]9.000	$26.500	$281,933.50	
1	PULICE CONSTRUCTION, INC.			$24.000	$255,336.00	-9.4%
2	FNF CONSTRUCTION, INC.			$23.000	$244,697.00	-13.2%
3	KIEWIT WESTERN COMPANY			$32.000	$340,448.00	+20.8%
4	SUNDT CORP.			$26.000	$276,614.00	-1.9%
4010028	M2	PORTLAND CEMENT CONCRETE PAVEMENT (FOR BUS BAY)				
Bid Rank	Department Estimate		236.000	$22.500	$5,310.00	
1	PULICE CONSTRUCTION, INC.			$40.000	$9,440.00	+77.8%
2	FNF CONSTRUCTION, INC.			$50.000	$11,800.00	+122.2%
3	KIEWIT WESTERN COMPANY			$47.000	$11,092.00	+108.9%
4	SUNDT CORP.			$42.000	$9,912.00	+86.7%
4010040	M2	PORTLAND CEMENT CONCRETE PAVEMENT (REINFORCED)(275 MM)				
Bid Rank	Department Estimate		97,796.000	$35.000	$3,422,860.00	
1	PULICE CONSTRUCTION, INC.			$36.000	$3,520,656.00	+2.9%
2	FNF CONSTRUCTION, INC.			$38.000	$3,716,248.00	+8.6%
3	KIEWIT WESTERN COMPANY			$45.000	$4,400,820.00	+28.6%
4	SUNDT CORP.			$42.500	$4,156,330.00	+21.4%
4040112	MTON	BITUMINOUS TACK COAT (SS-1)				
Bid Rank	Department Estimate		15.000	$200.000	$3,000.00	
1	PULICE CONSTRUCTION, INC.			$175.000	$2,625.00	-12.5%
2	FNF CONSTRUCTION, INC.			$160.000	$2,400.00	-20.0%
3	KIEWIT WESTERN COMPANY			$170.000	$2,550.00	-15.0%
4	SUNDT CORP.			$185.000	$2,775.00	-7.5%

R-3020

EXHIBIT "B"

APPROVAL OF CHANDLER CITY ATTORNEY

I hereby state that I have reviewed the attached Intergovernmental Agreement between the State of Arizona, acting by and through the Arizona Department of Transportation, and the City of Chandler, and declare the Agreement to be in proper form and within the powers and authority granted to the City of Chandler under the laws of the State of Arizona.

Dennis M. O'Neill
Chandler City Attorney

Date: 3-23-99

STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2997

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR98-2806TRN, 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 April 12, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/20149

Enc.