

ARKANSAS STATE HIGHWAY COMMISSION



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MAURICE SMITH
DIRECTOR OF
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DAN FLOWERS
ASSISTANT DIRECTOR OF
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CHARLES VENABLE
CHIEF ENGINEER

December 10, 1992

The Honorable Hubert Brodell
Mayor of Jonesboro
P.O. Box 1845
Jonesboro, Arkansas 72403

Dear Mayor Brodell:

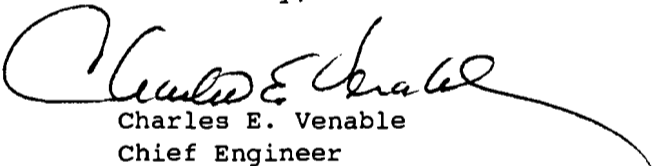
This is in response to your request to evaluate replacing the existing Race Street bridge (Str. No. 19069) over Turtle Creek.

We have completed a detailed review of this structure regarding its eligibility for Federal-Aid funding. A 24-hour traffic count was made as part of this review process. Based on this traffic data (ADT=3030), it has been determined this facility is now eligible for Federal-Aid Bridge funding.

If you wish to proceed with programming a project, please have your City Council pass the Project Resolution and execute the Agreement of Understanding and return the documents to us.

If you need further assistance, please contact Ed Fain of our Programming and Scheduling office at 569-2481.

Yours truly,


Charles E. Venable
Chief Engineer

Enclosures

cc: Donna Jackson
Guy Lowe
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AGREEMENT OF UNDERSTANDING
BETWEEN
THE CITY OF Jonesboro , ARKANSAS
AND
THE ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation
Federal Highway Administration

RELATIVE TO

The improvement and maintenance of City Streets eligible for Federal Aid funds.

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 provides 80% Federal-Aid funds to be matched with 20% local-funds for improvements on certain City Streets, and

WHEREAS, the City has expressed its desire to use Federal-Aid funds for an eligible project and to provide necessary matching for such funds, and

WHEREAS, the City understands that the Department will adhere to the General Requirements for recipients and subrecipients concerning minority business enterprises as stated on the attachment,

IT IS HEREBY AGREED that the City of Jonesboro , and the Arkansas State Highway and Transportation Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation, and

HEREBY, accept the responsibilities and assigned duties as described hereafter.

THE CITY WILL:

1. Be responsible for satisfactory maintenance and operation of all improvements on that portion of the project not on the Arkansas Highway System and all traffic signals on the Arkansas Highway System. Failure to adequately maintain and operate the facility in accordance with Federal-Aid requirements will result in withholding future Federal-Aid highway funds.
2. Be responsible for 20% of the total project cost, which will include preliminary engineering services, construction engineering services, appraisal and acquisition of right-of-way, relocation services (when required), adjustment of all man-made improvements, including utilities, for projects not on the Arkansas Highway System.

3. Be responsible for 100% of all preliminary engineering, right-of-way, and other costs incurred should the City not enter into the construction phase of the project.
4. Be responsible for any and all preliminary engineering costs by consultant.
5. Be responsible for any and all expenditures which may be declared non-participating including any such awards by the State Claims Commission or Board of Arbitration.
6. Submit a letter to the Right-of-Way Division of the Arkansas State Highway and Transportation Department stipulating the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or request that the Arkansas State Highway and Transportation Department handle some or all of these services.
7. Transmit to the Arkansas State Highway and Transportation Department a copy of the Resolution from the City Council or Board of Directors which requests a project and authorizes the Mayor or City Manager to execute contracts with the Arkansas State Highway and Transportation Department for projects on city streets.
8. Submit to the Arkansas State Highway and Transportation Department 5%, if applicable, of the estimated total project cost before preliminary engineering begins.
9. Submit to the Department the local matching share, when applicable, of the total estimated cost before the project is advertised for receipt of bids.
10. Make no alterations to the improvements constructed with Federal-Aid funds without first consulting with the Arkansas State Highway and Transportation Department.
11. Maintain or adopt regulations and ordinances as necessary for proper operation of the improvements.
12. Be responsible for the necessary enforcement of operations as required by improvements on the Arkansas State Highway System and the City Streets.
13. Hereby attest that the employment policies and practices with regard to its employees, any part of whose compensation is reimbursed from Federal funds, will be without regard to race, color, creed, or national origin.

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT WILL:

1. Be responsible for administering Federal-Aid funds and for project construction supervision.
2. Develop the necessary plans and specifications for all projects.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-Aid highway funds.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 19____.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF Jonesboro, AR.

Director of Highways
and Transportation

Hubert Brodell
Mayor/City Manager

GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUBRECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES

It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently the MBE requirements of 49 CFR Part 23 apply to this agreement.

This recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each subrecipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient," and the term "contractor" modified to include "subcontractor".)

FEDERAL-AID PROJECT RESOLUTION

(SAMPLE RESOLUTION)

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS
OF THE CITY OF JONESBORO
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:

Race St. Bridge Replacement

WHEREAS, the City of Jonesboro understands Federal-Aid
Surface Transportation funds are available for certain city projects at the
following Federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>City Match</u>
1. Traffic Signals	CONSTRUCTION & ENGINEERING	100%	-0-
2. Intersection Improvements	CONSTRUCTION & ENGINEERING	100%	-0-
	RIGHT-OF-WAY & UTILITIES	80%	20%
3. Roadway & Br. Construction on City Streets	ALL PHASES	80%	20%
4. City projects programmed but not let to contract	ALL PHASES	-0-	100%

NOW THEREFORE, BE IT RESOLVED BY THE CITY council
(Council/Board of Directors)

OF THE CITY OF Jonesboro, ARKANSAS, THAT:

SECTION I: The City will participate in accordance with its designated
responsibility in this project.

SECTION II: The (Mayor/City Manager) is hereby authorized and directed
to execute all appropriate agreements and contracts necessary to expedite the
construction of this city project.

SECTION III: The City pledges its full support and hereby authorizes
the Arkansas State Highway and Transportation Department to initiate action
to construct this city project.

THIS RESOLUTION adopted this _____ day of _____, 19____.

Hubert Brodell
MAYOR/CITY MANAGER

ATTEST: _____

(SEAL)