AGREEMENT

PROJECT NO. RD-6-6(1038), STATE CONTROL NO. 12749
CITY OF LINCOLN
STATE OF NEBRASKA, DEPARTMENT OF ROADS
FISCAL YEAR 2002 RESURFACING PROJECT
SELECTED HIGHWAYS

THIS AGREEMENT, made and entered into by and between the City of Lincoln, hereinafter referred to as the "City", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, it is the desire of the City and the State to maintain the urban extensions of State Highways in a favorable condition for the general public. Because of increased traffic and general deterioration of the roadway, some of the streets require resurfacing work. It is hereby agreed that the City and State join in resurfacing work on Selected Highways, and

WHEREAS, the State for its Fiscal Year 2002 construction program has programmed $54,000.00 for the resurfacing of various State highways in Lincoln, and

WHEREAS, this resurfacing shall consist of surface planing, asphalt pavement and inlet repairs.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The City agrees to prepare specifications, take bids, award contracts, provide the necessary inspection to insure the performance is within specification requirements and maintain sufficient records to fully document locations and actual costs of work performed.

The City further agrees that final inspection of the work shall be by the State and only that work which is deemed satisfactory shall be eligible for payment by the State.

The City also agrees that the State's share of the cost of the work shall be limited only to the actual construction cost of accepted work based on the lane responsibilities of the City and the State at the locations described in Section 3 herein.

SECTION 2. The State agrees to participate in 50 percent of the actual construction cost only of work approved and accepted. Construction engineering is not included in the above construction costs. The maximum monetary amount which the State will provide for their share of the actual construction costs is $54,000.00.

SECTION 3. The specific locations of highways for which resurfacing is authorized, within the $54,000.00 limit are as follows:

Cornhusker Highway 31st Street to approximately 35th Street.

SECTION 4. Upon completion of the work described herein, the City shall provide to the State certification that the work has been performed according to specifications and shall furnish a summary and supporting pay estimates of actual costs of work performed in the specific areas. These items shall be submitted to the Department of Roads through the District 1 Office in Lincoln.

The State agrees to make payment to the City for 95 percent of the State's share of the actual eligible construction costs within thirty (30) days after inspection and approval of the work by the State's District Engineer and the subsequent receipt of the City's billing. The final payment of the State's share will be made after the State's cost audit of City records have been made to verify actual costs.

SECTION 5. The City agrees to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb.Rev.Stat. §18-1101 through 48-1126 (Reissue 1988).

SECTION 6. The City shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred and shall make such material available at its office at all reasonable times during the contract period and for three (3) years from the date of final payment under this agreement; such records to be available for inspection by the State, and copies thereof shall be furnished by the City if requested.

SECTION 7. Nothing said or implied to the contrary, the State's maximum share of the actual costs under this agreement shall not exceed $54,000.00.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this _____ day of _____, 20___.

ATTEST:

CITY OF LINCOLN

_____
City Clerk

_____
Mayor

EXECUTED by the State this _____ day of _____, 20____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

_____
District Engineer

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