

# Local Bridge (205) Template – 100% Locally Funded Design

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|  <p><b>STATE/MUNICIPAL AGREEMENT<br/>FOR A LOCAL BRIDGE PROJECT</b></p> <p><b>100% LOCALLY FUNDED DESIGN<br/>AND DESIGN OVERSIGHT</b></p> | <p>Date: October 22 2013<br/>I.D.: 2570-06-00<br/>Road Name: Port Washington Avenue<br/>Bridge ID: B-40-0219<br/>Location: Over W. Capitol Drive<br/>Limits: W Melvina Street to W Fiebrantz Avenue<br/>County: Milwaukee<br/>Project Length: 0.02<br/>Facility Owner: City of Milwaukee<br/>Project Sponsor: City of Milwaukee</p> |
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The signatory, City of Milwaukee, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project will be submitted for approval in a federally funded program. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **Bridge B-40-0219 is a 4-span structure with a width of 60ft and length of 161ft. The structure passes over Capitol Dr (STH 190) and is part of the National Highway System (NHS). It has a sufficiency rating of 38.2, is structurally deficient, and is included on the 2013 NBI list.**

Proposed Improvement - Nature of work: **Bridge Replacement. Less than 250 feet of approach work will be required. A 6ft sidewalk and 5ft bicycle lane will be installed on each side of the structure.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable Federal requirements if the project is approved in a federally funded program: N/A

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The Municipality agrees to the following funding conditions for 100% locally funded designs for projects seeking approval for Design in the Local Bridge program:

- A State/Municipal Agreement is required to allow state review on a locally funded design for a project not currently in an approved Local Bridge program.
- Costs for design and state review of design are 100% the responsibility of the municipality.
- Should federal funding for project construction be approved, the municipality will be subject to Local Bridge guidelines for bridge projects.

The dollar amounts shown in the Summary Funding Table below are estimates unless explicitly identified as maximum amounts.

| <b>SUMMARY OF COSTS</b>             |                        |                            |           |                        |             |
|-------------------------------------|------------------------|----------------------------|-----------|------------------------|-------------|
| <b>PHASE</b>                        | <b>Total Est. Cost</b> | <b>Federal/State Funds</b> | <b>%</b>  | <b>Municipal Funds</b> | <b>%</b>    |
| <b>ID 257-06-00</b>                 |                        |                            |           |                        |             |
| <b>Design</b>                       | <b>\$355,350</b>       | <b>\$0</b>                 | <b>0%</b> | <b>\$355,350</b>       | <b>100%</b> |
| <b>State Review</b>                 | <b>\$71,070</b>        | <b>\$0</b>                 | <b>0%</b> | <b>\$71,070</b>        | <b>100%</b> |
| <b>Total Est. Cost Distribution</b> | <b>\$426,420</b>       | <b>\$0</b>                 | <b>0%</b> | <b>\$426,420</b>       | <b>100%</b> |

**Costs for design and state review of design are 100% the responsibility of the municipality.**

This request is subject to the terms and conditions that follow (pages 3 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing signed by both parties to the State/Municipal Agreement.

Signed for and in behalf of City of Milwaukee (please sign in blue ink.)

|      |       |      |
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| Name | Title | Date |
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|------|-------|------|
| Name | Title | Date |
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Signed for and in behalf of the State:

|      |                                 |      |
|------|---------------------------------|------|
| Name | Title: SE Region Planning Chief | Date |
|------|---------------------------------|------|

[Terms and Conditions begin on the following page.]

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## GENERAL TERMS AND CONDITIONS:

1. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
  - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
  - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
  - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113 and Wis. Stat. 103.50.
  - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
  - e. Competitive bidding requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06.
  - f. All DBE requirements that the State specifies.
  - g. Federal statutes that govern the Highway Bridge Replacement and Rehabilitation Program, including but not limited to 23 U.S.C. 144.
  - h. State Statutes that govern the Local Bridge Program, including but not limited to Wis. Stat 84.18.
  - i. Bridge Approaches Funding Policy. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
  - j. State administrative rule that implements Local Bridge Program: Ch. Trans 213.
2. The items listed below are illustrative of terms that will be applicable should the project receive federal funding for construction.
  - a. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
  - b. Work prior to federal authorization is ineligible for federal or state funding.

## MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

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3. Work necessary to complete the proposed improvement project to be financed entirely by the Municipality or other utility or facility owner includes the following items:
  - a. Preliminary Engineering and design
  - b. Management Consultant and State Review Services.
4. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
5. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
6. The Municipality will, at its own cost and expense, provide complete plans, specifications, and estimates for state review.

### LEGAL RELATIONSHIPS:

7. Contract Modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
8. Binding Effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
9. Choice of Law and Forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

### PROJECT FUNDING CONDITIONS

10. The Municipality agrees to the following project funding conditions:
  - a. 2570-06-00: The Municipality is responsible for 100% of design related costs. This phase includes Plan Development, Management Consultant Review, and State Review. The work includes project review, approval of required reports and documents and for processing the final PS&E document for award of the contract. Costs include an estimated amount for state review activities.
  - b. Execution of this agreement does NOT guarantee that the subject project will be approved for federal/state funding in present or future Local Bridge Program cycles.

[End of Document]