

4. Agreement

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4.1. Introduction

An Agreement between a Local Agency and the Alaska Department of Transportation and Public Facilities (DOT&PF) is prepared for each project where:

- The project is administered by DOT&PF and the constructed facility is owned by the Local Agency or for facilities owned by DOT&PF the Local Agency has agreed to commit resources to project development (staff support, match funding), long-term maintenance or receiving title for the facility upon completion of construction.
- The project is administered by a Local Agency using federal-aid funds.

The Agreement is in the form of a Memorandum of Agreement (MOA) for DOT&PF-administered projects and a Transfer of Responsibility Agreement (TORA) for Local Agency-administered projects.

The Agreement defines the project and the responsibilities of the Local Agency and DOT&PF. In addition, when applicable, the Agreement defines the general terms and conditions which must be met for a Local Agency to receive federal or state funds through DOT&PF.

4.2. Agreement Content

4.2.1 *Projects Administered by DOT&PF*

The Agreement will include the terms set forth in the applicable form agreement and will include:

- A description in general terms of work to be performed by the Department.
- A description of the responsibility of/or work to be provided by the local agency and the associated terms or conditions.
- For municipal agreements, allocation of funding and required billing records. For state agencies, the authority and allocation of funding is accomplished through a Reimbursable Services Agreement.
- Source of matching funds and any

stipulations for the use of the funds.

Applicable when the local agency provides the match.

- The specific terms of any transfers of title

4.2.2 *Projects Administered by a Local Agency*

The Agreement will include the terms set forth in the applicable form agreement and will include:

- A description of work to be performed by and the responsibilities of the local agency and the associated terms and conditions
- A description of the Department's delegation to the local agency
- Standards and process to which the local agency will adhere
- Description of work to be provided by the Department
- For municipal agreements, allocation of funding and required billing records. For state agencies, the authority and allocation of funding is accomplished through a Reimbursable Services Agreement.
- Source of matching funds and any stipulations for the use of the funds. Applicable when the local agency provides the match.
- The specific terms of any transfers of title

4.3. Agreement Preparation

Agreements will be executed prior to the performance of work to be reimbursed with federal funds.

The DOT&PF will prepare an agreement for the local agency review. Once agreement is reached on the content, DOT&PF will prepare the agreement for signature by the local agency and followed by the DOT&PF. The agreement will be executed in duplicate originals, with a copy of the fully executed agreement for each party.

4.4. Agreement Amendment

Changes in scope of work, responsibilities and funding requests beyond the amount set forth in an Agreement with a local agency will require execution of an Agreement Amendment

Projects that exceed the Agreement amount at the time of construction contract award must receive written approval (executed Agreement Amendment) from the state for the additional federal funds required prior to contract award. If the local agency does not obtain written approval from DOT&PF, the local agency will be responsible for all additional costs.