



**AGREEMENT TO CONSTRUCT
REQUIRED IMPROVEMENTS AND RETAIN
DESIGN PROFESSIONALS
REGISTERED IN OREGON**

ARTICLE I. Acknowledgment of Obligation to Construct Required Improvements

Developer hereby acknowledges that the development commonly known as

(City of Beaverton Land Use Planning [Design Review and/or Land Division] Application File Number (circle letter prefix): **DR/LP/SB** _____) includes, as a condition of approval, the construction of certain public and private improvements to serve said development and that said construction is regulated by BC 9.05.020, BC 9.05.046, and Ordinance 4060 (including any amendments or supplements). Developer further acknowledges that it is developer's obligation to cause said improvements to be designed and constructed in accordance with all special conditions, permits and approvals from the City Planning Director, hearing body, agency, and other jurisdiction with authority over the proposed work.

ARTICLE II. Retainage of Design Professional(s) and Contractor(s)

Developer agrees to retain design professionals and contractors appropriately licensed and skilled to design and construct the development. Design professionals may include civil engineers, environmental engineers, structural engineers, traffic engineers, registered geologists, lighting professionals, wetland consultants, licensed arborists, architects, landscape architects, or other professionals as required for the specific development proposal. Developer also agrees that only registered professional engineers with specialties in civil, environmental, structural, and/or traffic engineering, as appropriate to their respective expertise, shall perform primary design and construction inspection activities of improvements to be publicly-owned and maintained.

Further, in order to ensure coordination of design of the development and to facilitate efficient communication with the City, the Developer has retained

a professional engineer, engineering firm, or other design professional, registered and licensed to practice in the State of Oregon, to serve as Coordinating Design Professional, with duties as listed in Article III below, to provide developer with engineering and inspection services during the design and construction of all public improvements and professional design and construction observation services for regulated private improvements. If there is only one design professional responsible for preparing and submitting the entire project plan set to the City for review and approval, the design professional is automatically considered as the project's Coordinating Design Professional.

If an engineer, engineering firm or any other design professional providing services is dismissed, or otherwise stops providing developer with on-going, required services, developer shall promptly notify the City Engineer and retain a replacement. Under such circumstances, the City may, at its sole discretion, order work in progress to stop. As a condition to the resumption of work, the replacement engineer, engineering firm or design professional shall attend a project orientation meeting with the City and

may be required to submit documentation and other relevant information as deemed necessary by the City Engineer.

ARTICLE III. Scope of Professional Services

Developer agrees that the scope of work provided by any engineer, engineering firm, or other design professional hired by developer to work on the project shall include, at a minimum, the following items and responsibilities as applicable:

1. The design professional shall prepare construction plans and drawings, specifications, reports, test results, and cost estimates, professionally sealed in accordance with the requirements of the City Engineer, City standards, specifications and any special conditions imposed by a hearing body, agency or other jurisdiction with authority over the proposed work. Reference City Engineering Design Manual and Standard Drawings (Ordinance 4060).
2. The design professional shall stamp/seal every plan sheet the design professional is responsible for preparing and submitting to the City for official review.
3. For documents and individual plan sheets that incorporate the work of more than one design professional, each design professional shall clearly delineate the elements for which each is responsible, professionally sealed as required.
4. If the overall project plan set contains individual plan sheets from more than one design professional for submittal to the City (e.g., architect, traffic engineer, structural engineer, lighting professional, landscape architect), the developer shall appoint a Coordinating Design Professional who shall prepare a plan set cover sheet and shall be responsible for compiling all plan set contents and resolving any plan conflicts among the various contributing disciplines.
5. If other professional disciplines must be consulted only (in other words, not producing separate plan sheets) to prepare a plan set submitted to the City, the design professional shall receive the consultant's calculations, reports, and recommendations and shall provide them to the City with the plan submittal. The City may ask consultants to a design professional to confirm in writing that the plans submitted by the design professional to the City sufficiently incorporate the consultants' recommendations.
6. The Coordinating Design Professional shall participate in the arrangements for and observation of all site surveying, grading and construction staking relating to the required improvements. The design professional shall provide the City Engineer with copies of survey field notes, if requested.
7. Unless otherwise approved by the City Engineer, the developer/owner and all involved design professionals shall attend a pre-construction conference with the City and the contractor(s). Design professionals shall attend other inspection or oversight visits that may be required by the City or other regulatory entities and government agencies. Each design professional that prepares and seals a plan sheet must make a post-construction site visit and sign the City Completion Certification Letter.
8. The Coordinating Design Professional shall provide engineering and inspection services during the construction of all public improvements and oversee professional design and construction observation services for regulated private im-

provements per Chapter 1 of the City of Beaverton Engineering Design Manual (Ordinance 4060). The Coordinating Design Professional shall perform all primary inspection duties for the public improvements construction, monitor site grading and site paving, and shall provide the City with copies of the inspection notes of public improvement construction on a weekly basis. Frequency and duration of inspection and construction observation visits shall be sufficient to permit the design professional(s) to: 1) seal/stamp the plans "As-Built" for the public improvements and; 2) provide record drawings for the site grading, site paving, and other required private improvements and; 3) provide the City with a City Standard Completion Certification letter.

9. The Coordinating Design Professional shall be responsible for obtaining the information and signatures needed from all involved design professionals to complete the City Standard Certification letter. Following completion of construction, and prior to the City's releasing the performance bond, the "As-Built"/record drawings and data shall be provided to the City, per City standard. Each sheet of the drawings shall be stamped "As-built"/record drawing as appropriate, signed, and dated by the applicable design professional(s).
10. The Coordinating Design Professional shall request and obtain written authorization from the City Engineer or his designee before construction either deviates from the approved plans or uses any materials or products not specified in the plans. Requests to deviate from approved plans or to use unauthorized materials must be prepared and submitted by the appropriate design professional with a written explanation of the circumstances requiring the change.

ARTICLE IV. Completion of Project.

The Developer acknowledges that a "complete project" is one in which:

1. All public and site development improvements have been completed, have passed a final inspection, and all "punch list" items have been corrected.
2. All special conditions imposed by the City Planning Director, a hearing body, other agencies, and jurisdictions have been satisfied with improvements completed and acceptable by each applicable authority, agency, and jurisdiction. Any outstanding fees, easements, financial securities, and construction maintenance guarantees have been paid, submitted, and provided, as applicable, in a form acceptable to the City and other authorities, agencies, and jurisdictions.
3. "As-Built" of public improvements and record drawings of privately-owned and maintained improvements have been submitted per City standards.
4. Except for single-family subdivisions, the design professional has provided certified impervious surface analysis of site with "As-Built"/record drawings as required by the City Engineer and City Finance Department staff.
5. A City Completion Certification Letter has been completed and signed by the design professional(s) that prepared and sealed a plan sheet, that certifies that the public improvements were appropriately inspected, private improvements observed, and all improvements are finished in substantial conformance with the design intent, approved plans, applicable specifications, and land-use order(s) conditions of approval.

ARTICLE V. Enforcement

The developer acknowledges that failure to adhere to the terms and provisions stated in this agreement may, in addition to other possible remedies, result in the revocation of the site development permit, the issuance of a stop work order and/or commencement of civil proceedings for violation of City ordinances. This agreement is not transferable.

Signature of Developer

Date

Printed name: _____

The undersigned Coordinating Design Professional acknowledges that he or she has been retained by developer to perform professional services that include, at a minimum, those services listed above in Article III in the required scope of services.

Signature of Coordinating Design Professional

Date

Professional Engineer: Civil Environmental Traffic Structural

Licensed Architect Licensed Landscape Architect (privately maintained improvements only)

Printed name: _____ Oregon Reg./License # _____

Received by: _____
For the City of Beaverton

Date

The undersigned design professional(s) acknowledge(s) that he or she has been retained by developer to perform professional services that include, at a minimum, those services listed above in Article III in the required scope of services as appropriate: (Attach additional copies of this page as needed for all design professionals involved, signed in live-ink by the developer, coordinating design professional, and additional design professionals with the project.)

Signature of Design Professional

Date

Professional Engineer: Civil Environmental Traffic Structural

Licensed Architect Licensed Landscape Architect (privately maintained improvements only)

OTHER DISCIPLINE/SPECIALTY _____

Printed name: _____ Oregon Reg./License # _____