

1964

**AGREEMENT AND REGULATIONS
BETWEEN**

**THE NATIONAL PARK SERVICE
AND
THE BUREAU OF PUBLIC ROADS**

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of the Secretary
Washington

Agreement and Regulations
between
the National Park Service
and
the Bureau of Public Roads

1. The agreement and regulations as set forth below between the National Park Service, Department of the Interior, and the Bureau of Public Roads, Department of Commerce, are published as a matter of public record and shall be effective on the date of publication in the Federal Register.

2. This agreement and regulations supersede the previous agreement and regulations between the National Park Service, Department of the Interior, and the Public Roads Administration, Federal Works Agency, dated April 29, 1944 which were filed with the Federal Register and made available for public inspection on May 4, 1944.

MEMORANDUM OF AGREEMENT AND REGULATIONS
BETWEEN
THE NATIONAL PARK SERVICE
AND
THE BUREAU OF PUBLIC ROADS
RELATING TO THE SURVEY, CONSTRUCTION, AND IMPROVEMENT OF ROADS
BY THE BUREAU OF PUBLIC ROADS FOR THE NATIONAL PARK SERVICE

Whereas, the Department of the Interior, acting through the National Park Service (hereinafter referred to as "Service"), in fulfillment of its statutory responsibilities under the act of August 25, 1916 (39 Stat. 535), as amended and supplemented, including the acts of April 9, 1924 (43 Stat. 90), January 31, 1931 (46 Stat. 1053), and March 4, 1931 (46 Stat. 1570), as amended, must engage in a continuing program of planning, programming, construction, reconstruction, and improvement of roads, including bridges, tunnels, and appurtenances, in connection with the administration of the National Park System; and

Whereas, section 206 (b) of Title 23, United States Code, provides that "Appropriations for the construction and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary [of Commerce] and the Secretary of the Interior" and a similar provision appears in section 207 (b) of said Title 23 regarding parkways; and

Whereas, the Bureau of Public Roads (hereinafter referred to as "Bureau"), of the Department of Commerce has an engineering organization proficient in the survey, design, and construction of highways; and

Whereas, the Service, in the interest of economy and efficiency, desires to utilize the professional services of the Bureau in accordance with the provisions of Sec. 601 of the Act of June 30, 1932 (47 Stat. 417) and Section 1 of the Act of August 27, 1958 (72 Stat. 914):

Now, therefore, the Service and the Bureau do hereby mutually agree as follows:

1. General Plans for Park Roads

A. The Service will utilize to the fullest extent possible the professional engineering skills of the Bureau in connection with the planning, programming, survey, design and construction of certain Service roads and the Bureau will cooperate with the Service in making its services available for such work, consistent with its other responsibilities and available personnel, to the end that such work may be performed most economically and efficiently, and without duplication of staff efforts. This includes parkways, park approach roads, major or primary roads, and through roads connecting State highway systems.

Trails, campground roads, interpretive roads, and service roads shall be constructed by the Service when it is more efficient and economical.

B. The Service will utilize and incorporate the best practice in the location, design, construction, and improvement of roads in areas administered by it, taking into account the master plan of development and the physical nature of the particular area in which any such road is located and the particular purpose to be served by each such road.

2. Execution of Projects by Bureau

A. After determination has been made as to the road construction or improvement projects that the Service desires the Bureau to handle, the Service will request the Bureau in writing to perform such work and if the Bureau is willing to do so it shall give written notification to that effect. The projects will then be handled in accordance with the procedure outlined herein.

B. Investigations and reconnaissance surveys shall be undertaken by the Bureau with the participation of the Service. Reports shall be furnished by the Bureau to the Service for review and final approval.

C. The Bureau shall undertake the preparation of plans, specifications, and detailed cost estimates, which shall be submitted to the Service for review and approval. In this phase of the work, personnel of the Bureau having engineering responsibilities, and personnel of the Service having landscape architectural and architectural responsibilities shall collaborate and cooperate fully to assure that the plans and specifications conform to the master plan of the particular park or area.

D. Approval of plans, specifications, and estimates by the Service shall be in writing to the Bureau. Thereupon the Bureau shall advertise for bids for the construction of the project. The advertisement shall specify that the bids shall be received at a given time at the Office of the Bureau Engineer or other location and he shall be responsible for opening and tabulating the bids.

E. The Bureau shall transmit to the Service the low bid or the one recommended for contract award if other than the low bid, a tabular statement of all bids received, and a recommendation for award or rejection. The award of contract shall be made by the Service, which agency will have responsibility for execution of the contract documents.

F. A Service official shall be Contracting Officer. However, work under the contract shall be administered by the Bureau, and an appropriate Bureau official shall be designated by the Contracting Officer as his

representative. Any modifications of the specifications which are proposed after award of contract shall have the concurrence of approval of the Service before they are adopted.

G. Vouchers covering progress payments to a contractor shall be processed for payment by the appropriate Bureau office where the formal accounting records for the project will be maintained, based upon monthly progress estimates of completed work recommended by the Bureau official designated as the Contracting Officer's representative.

H. (1) The Superintendent and Landscape Architect of the Service shall participate in the prefinal and final inspection of the project. Before recommending final settlement with the contractor the Contracting Officer's representative shall obtain from the park Superintendent and the Landscape Architect written recommendations for acceptance of the work in which he shall concur in writing.

(2) When the work under the contract has been accepted, the Contracting Officer's representative shall recommend approval and forward the final voucher in favor of the contractor to the appropriate Bureau office for final settlement.

(3) Upon acceptance of the work and final payment, a final completion report and "as constructed plans" shall be furnished to the Service by the Bureau.

I. Representatives of both the Bureau and the Service shall cooperate fully in connection with the prosecution of any appeal from decisions under the contract to the Interior Department Board of Contract Appeals, and of any litigation arising out of the work.

3. Transfer of Funds to Bureau and Programming

A. (1) The Service shall transfer obligational and payment authority to the Bureau for incurrence of obligations and disbursements to cover its cost of surveys; preparation of plans, specifications, and estimates; project supervision and inspection; other services requested of and performed by the Bureau under this agreement; and certain overhead and administrative expenses. The amounts to be transferred to the Bureau from each fiscal year appropriation for these expenses will be determined on the basis of the Bureau's cost of performing similar work during the preceding fiscal year adjusted as may be necessary to meet known changes in cost factors.

(2) The Service shall also transfer payment authority to the Bureau to cover contractors' earnings in such amounts as the Bureau estimates are needed.

(3) The Service, upon execution and award of each construction contract, including changes thereto, shall promptly advise the Bureau of the amount of contract authorization obligated thereby and furnish a

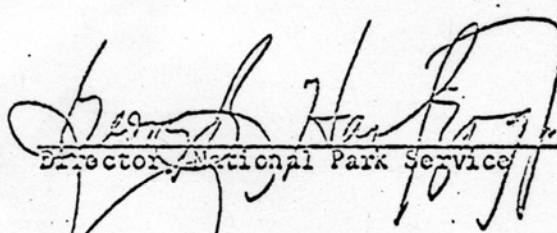

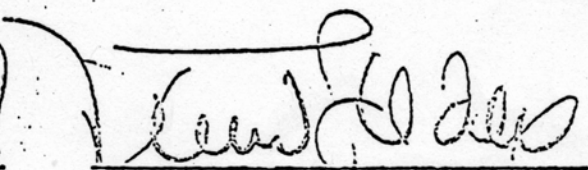
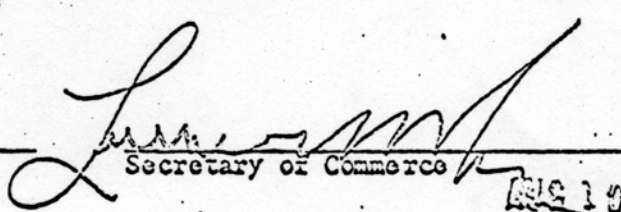
conformed copy of the appropriate contract document. The Bureau, upon completion of each contract and final payment thereon, shall promptly advise the Service of such action and the total payments made under each contract.

(4) The Bureau will furnish the Service with reports at the close of each month to show (a) appropriate entries on SF-133, Report on Budget Status, (b) total expenditures for contract payments, together with supervision and inspection costs for each contract; (c) total obligations and expenditures for each project covering location work, making of surveys and the preparation of plans, specifications and estimates; and amounts charged for overhead and administrative expenses.

B. The Service will make available to the Bureau full information concerning plans and programming of funds. Such information shall include content of programs prepared in support of budget and appropriation requests, as well as priority lists of projects for future programs. Within the limits of program levels approved by higher authority, the Service will endeavor to program work in a manner which will assure a relatively stable workload for the Bureau. The Service will take into account suggestions made by the Bureau with regard to programming and reprogramming as it might affect the Bureau. Service and Bureau officials will meet periodically to discuss program formulation and execution.

4. Assignment of Engineers and Landscape Architects

In the interest of avoiding any duplication of services and costs, it is understood and agreed that, on projects undertaken by the Bureau for the Service, the Service shall be responsible for the performance of all architectural and landscape architectural services, and the Bureau shall be responsible for the performance of all highway engineering services.

<p>Recommended:</p>  <p>Director, National Park Service</p>  <p>Federal Highway Administrator Bureau of Public Roads</p>	<p>Approved:</p>  <p>Secretary of the Interior</p> <p>AUG 10 1964</p>  <p>Secretary of Commerce</p> <p>AUG 10 1964</p>
--	--