

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-8

By Dale F. Lange Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

**AUTHORIZING AND DIRECTING THE CITY ENGINEER TO EXECUTE A LOCAL PUBLIC AUTHORITY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE WEST CENTER STREET BRIDGE REPLACEMENT OVER THE EAST BRANCH OF THE ROCKY RIVER PROJECT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Section 501.03 (C) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

**WHEREAS**, the West Center Street Bridge Replacement over East Branch of Rocky River project in the City of Berea is a transportation activity eligible to receive federal and/or state funding; and

**WHEREAS**, the City of Berea is a Local Public Authority and has received funding approval for the project identified as the West Center Street Bridge Replacement over East Branch of Rocky River project from the program manager having responsibility for the federal/state funds involved; and

**WHEREAS**, it is the mutual desire of both ODOT and the City of Berea, as a Local Public Authority, to have the City of Berea (the LPA) serve as the responsible lead agency for the administration of the project; and

**WHEREAS**, The Ohio Department of Transportation (ODOT) has presented the City Engineer with an agreement titled LPA Local-let Participation Requirements Review Form which is a requirement in order for the City of Berea, as the Local Public Authority (LPA) to serve as the responsible lead agency for the administration of the project.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That the City Engineer, after approval of the Board of Control, be and he is hereby authorized and directed to enter into an agreement with the Ohio Department of Transportation (ODOT) pursuant to Ohio Revised Code Section 5501.03(C) for the project identified as the West Center Street Bridge Replacement over East Branch of Rocky River project in the form of the "LPA Local-let Participation Requirements Review Form" which the City of Berea recognizes as an agreement or contract and which is attached hereto and incorporated herein as Exhibit "A".

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to enter into this project management agreement in order to proceed with design and planning for this project and maintain the timeline necessary for construction to take place as scheduled in 2016. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its

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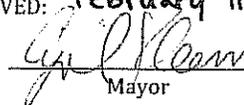
By Lange \_\_\_\_\_ Sponsored By Mayor Kileem \_\_\_\_\_

passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

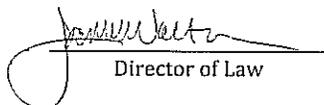
PASSED: February 10, 2014

  
\_\_\_\_\_  
President of Council

ATTEST: Xhyw Esom  
Clerk of Council

APPROVED: February 11, 2014  
  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Director of Law

## LPA Local-let Participation Requirement Review Form

City of Berea

West Center St. Bridge over the Rocky River (PID 93827)

Local Public Agency (LPA)

Project Name

Upon receipt of an LPA's initial request to use the Local-let process, the LPA will be required to complete and submit this LPA Local-let Participation Requirements Review Form. The District Office shall thoroughly review and evaluate the contents of this submittal as evidence of the LPA's qualifications and ability to administer the project. Failure by the LPA to demonstrate a satisfactory status for any of these prerequisites shall result in the District denying the LPA the privilege of administering the delivery of a Local-let project.

1. The LPA agrees to adhere to the Ohio Department of Transportation (ODOT) Locally Administered Transportation Projects Manual of Procedures.
2. The LPA's Person in Responsible Charge accepts the following responsibilities:
  - a. Ensure that all applicable Federal and State regulations are followed on the project and have the responsibility, authority and resources to manage it effectively.
  - b. Serve as agency contact for issues or inquiries concerning the project.
  - c. Be familiar with project progress, involved in decisions that require change orders, and visit the project on a frequency that is commensurate with the magnitude and complexity of the project.

Person in Responsible Charge:

Antonio (Tony) C. Armagno, P.E.

Current Roles and Responsibilities within LPA:

Berea City Engineer

Statement of Qualifications:

Professional Engineer  
Master of Science in Civil Engineering, Cleveland State University, 2005

3. Identify the LPA Designee to serve as the Construction Project Engineer (CPE), or if the CPE will be provided through contracted consultant services:
 

City Engineer with Consultant Services Support
4. The LPA must have previously delivered and maintained successful capital improvement projects of a similar size, nature and complexity.

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
West Bridge St. Bridge over the Valley Parkway	N/A	City of Berea	\$1,400,000	Ohio Public Works Commission Ohio Water Development Authority
Scope: Total replacement of single span bridge with concrete box beams on integral wall-type abutments. Included prefabricated utility truss bridge installation for relocation of existing Berea Water trunk main and Columbia Gas gas line.				
Issues / Comments: Completed in 2012, Land and Water Conservation Fund (6f) mitigation required for easement need on Cleveland Metroparks property.				

Project Name:	ODOT PID:	Letting Agency	Amount::	Funding Sources:
Beech Street Reconstruction	N/A	City of Berea	\$1,200,000	Ohio Public Works Commission Ohio Water Development Authority Baldwin Wallace University
Scope: Reconstruction of existing infrastructure including sanitary sewer replacement, Berea waterline replacement, storm sewer rehabilitation and replacement, and the installation of new concrete pavement with on street parking. The project also included curbs, sidewalks, aprons, signing, and tree installation.				
Issues / Comments: Completed in 2011, accelerated construction due to Baldwin Wallace's schedule				

Project Name:	ODOT PID:	Letting Agency	Amount:	Funding Sources:	Complete Date:
Front Street Grade Separation	21272	ODOT	\$17,891,502	OPWC NOACA CSX Norfolk Southern ORDC	7/31/2011
Scope: Construction of a grade separation including three bridges to carry Front Street over CSX & NS Railroads and an access road. Project also included new pavement, curb, sidewalk, MSE walls, storm sewer, sanitary sewer, watermain, one traffic signal, signing, and pavement marking.					
Issues / Comments:					

5. Indicate for what project phases the LPA expects to contract consultant services. If function is performed by LPA staff, indicate the LPA Designee(s) responsible and date of applicable qualifications:

Environmental:	Prequalified Consultant
Design:	Prequalified Consultant
PS&E (Including Bid Document)	Prequalified Consultant
Right-of-Way	Prequalified Consultant
Construction Administration & Inspection	Prequalified Consultant
Sampling and Testing	Prequalified Consultant

Note: Prequalification does not ensure that the LPA will be permitted by the ODOT District to perform the task on its' own behalf.

6. The LPA has established and documented practices for each of the following project administration responsibilities, even if provided through consultant services. The LPA must indicate LPA support staff responsible for the management of these processes. Written processes should be attached separately to this form, or documented in the space provided (field will expand).

a. Consultant Services Evaluation and Selection (If Federal / State funds involved):

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Sandra Vozar, P.E., Director of Public Service
<u>Process Description / Designee Responsibilities:</u> Follow Ohio's Qualification-Based Selection Law (ORC 153.65-.73)

b. Consultant Services Management:

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Sandra Vozar, P.E., Director of Public Service
<u>Process Description / Designee Responsibilities:</u>

c. Right-of-Way Design and Acquisition

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Jim Walters, Law Director
<u>Process Description / Designee Responsibilities:</u> Will be provided through consultant services.

d. Environmental:

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer
<u>Process Description / Designee Responsibilities:</u> Will be provided through consultant services.

e. Change Order Process:

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Sandra Vozar, P.E., Director of Public Service
<u>Process Description / Designee Responsibilities:</u> See attached City of Berea Contract General Conditions.

f. Dispute Resolution / Claims Management Process

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Sandra Vozar, P.E., Director of Public Service Jim Walters, Law Director
<u>Process Description / Designee Responsibilities:</u>

g. Finance, Accounting and Record Keeping:

<u>LPA Designee(s):</u> Dana Kavander, Finance Director
<u>Process Description / Designee Responsibilities:</u>

h. Disadvantaged Business Enterprise (DBE) compliance:

<u>LPA Designee(s):</u> Heather Toth, Engineering Secretary/Prevailing Wage Rate Coordinator
<u>Process Description / Designee Responsibilities:</u>

i. Davis-Bacon and/or State Prevailing Wages Compliance:

<u>LPA Designee(s):</u> Heather Toth, Engineering Secretary/Prevailing Wage Rate Coordinator
<u>Process Description / Designee Responsibilities:</u>

j. Maintenance of Project Files:

<u>LPA Designee(s):</u> Antonio C. Armagno, P.E, City Engineer Heather Toth, Engineering Secretary/Prevailing Wage Rate Coordinator
<u>Process Description / Designee Responsibilities:</u>

7. Fringe and Overhead / Direct Labor Cost Recovery: Timekeeping practices must comply with Federal OMB Circular A-87 if the LPA wishes to recover costs associated with fringes, overhead, and direct labor utilized on a project. Timesheets must be maintained by ALL employees, and must record ALL hours worked. Additionally, timesheets must be prepared at least monthly, and be signed by the employee. Please answer the questions below, and describe your current timekeeping process.

Does the LPA intend to recover any Direct Labor Costs associated with this project?	Yes		No	✓
Does the LPA intend to recover any Fringe and Overhead Costs associated with this project?	Yes		No	✓
<p>If the LPA does intend to recover Fringe and Overhead Costs, by what method do they intend to recover those costs?</p> <p><input type="checkbox"/> Safe Harbor Rates (30% Fringe, 38% Overhead)</p> <p><input type="checkbox"/> Actual Costs (Fringe only)</p> <p><input type="checkbox"/> Current Cost Allocation Plan rate approved by ODOT Office of Audits</p> <p><input type="checkbox"/> LPA will not seek recovery of costs associated with Fringe and Overhead</p>				

Does the LPA currently have a timekeeping system in place?	Yes		No	✓
<p>Federal OMB Circular A-87 requires that payroll support documentation meet the following standards:</p> <p>(1.) They must reflect an after the fact distribution of the actual activity of each employee,</p> <p>(2.) They must account for the total activity for which each employee is compensated,</p> <p>(3.) They must be prepared at least monthly and must coincide with one or more pay periods, and</p> <p>(4.) They must be signed by the employee.</p> <p>** Please attach an example timesheet for review by the Department</p>				
For employees working on multiple projects or activities, does the LPA track daily time by activity/project on the time sheets? <i>(Eligible employees must document 100% time allocation per pay period, this includes a specific accounting of all non-reimbursable work activities as well)</i>	Yes		No	✓

8. The LPA must not be under fiscal watch or fiscal emergency for its most recently completed fiscal year. In the event the entity is emerging from fiscal watch or fiscal emergency, the entity must be able to clearly demonstrate that it has adequate financial resources to fund matching and/or cost overruns on the project. The LPA must submit a copy of its most recently completed audit and management letter. Both documents must support the entity's ability to fiscally handle and administer the project. There should be no material or significant issues related to prior or current ODOT projects, by the entity as a whole, which would provide doubt regarding the LPA's ability to administer an LPA project
  
9. The LPA has established authority in place for executing the project, and must be willing to provide a copy of approved legislation that provides the mayor, county engineer or other designated local official with clear authority to enter into a project agreement with ODOT.

Signature:

\_\_\_\_\_ (LPA Person in Responsible Charge)

\_\_\_\_\_ Date

**ODOT District Use Only:**

The District LPA review team has evaluated the completed statement of qualifications provided by the requesting LPA and recommends the following:

	Approval of full administration of all project work types by the LPA, subject to satisfactory performance and no change in stated qualifications.  Comment:
	Approval of limited LPA administration on a project-by-project basis.  Comment:

	<p>Approval / Denial pending the provision of supplemental information.  The LPA qualification package was lacking the following information necessary to make a determination:</p> <p>Comment:</p>
	<p>Denial of LPA administration request.</p> <p>Comment:</p>

District Review Team:

Name / Title:
Name / Title:
Name / Title:
Name / Title: