

ORDINANCE NO. 24-25

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE LOCAL PUBLIC AGENCY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO CONSTRUCT THE STATE ROUTE 83 & STATE ROUTE 254 INTERSECTION IMPROVEMENT PROJECT, KNOWN AS PID 111283 LOR SR 0254 05.66 AND DECLARING AN EMERGENCY

WHEREAS, the City of Avon entered into a Local Public Agency (LPA) Agreement for the State Route 83 & State Route 254 Intersection Improvement Project otherwise known as PID 111283, LOR SR 0254 05.66 via the passage of Ordinance No. 77-24 on July 8, 2024; and

WHEREAS, the LPA Agreement attached to Ordinance No. 77-24 stipulated the provision of (1) federal funding in the total amount of **Six Million One Hundred Sixteen Thousand Dollars and 00/100 Cents (\$6,116,000.00)**, toward an estimated project construction cost of **Nine Million Thirty-Two Thousand Two Hundred Fifty-Five Dollars and 95/100 Cents (\$9,032,255.95)**; (2) federal funding being provided through the Ohio Department of Transportation (ODOT) Safety Program of **Four Million Six Hundred Sixteen Thousand Dollars and 00/100 Cents (\$4,616,000.00)** and (3) a U.S. Congress Direct Appropriation of **One Million Five Hundred Thousand Dollars and 00/100 Cents (\$1,500,000.00)**; and

WHEREAS, on March 28, 2025, the City Administration was notified that additional ODOT Safety Program funds had become available to increase the total amount of federal funding to **Six Million Five Hundred Seventy-Six Thousand Eight Hundred Seventy-Three Dollars and 00/100 Cents (\$6,576,873.00)** towards the now estimated project construction cost of **Nine Million Four Hundred Forty-Seven Thousand Nine Hundred Eighty-Five Dollars and 65/100 Cents (\$9,447,985.65)**; and

WHEREAS, ODOT is requesting that an amendment to the original LPA Agreement be executed in order for the City of Avon to officially accept the \$460,873 increase in federal funds for the project; and

WHEREAS, the amendment to the LPA Federal Local-Let Project Agreement, is attached hereto as EXHIBIT A; and

WHEREAS, Council finds it to be in the best interests of the health, safety, and welfare of the citizens of Avon to authorize the Mayor to execute the attached amendment to the LPA Federal Local-Let Project Agreement and proceed with the construction of the State Route 83 & State Route 254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) within the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 – That Council hereby agrees to and authorizes the Mayor to execute the amendment to the LPA Federal Local-Let Project Agreement, attached hereto and incorporated herein as EXHIBIT A, and to proceed with the construction of the State Route 83 & State Route

Ordinance No. 24-25 (Con't)

254 Intersection Improvement Project (PID No. 111283, LOR SR 0254 05.66) in accordance with applicable state and federal laws and procedures as defined in the said Project Agreement and amendment thereto.

Section 2 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those 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 preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend the LPA Federal Local-Let Project Agreement (PID No. 111283, LOR SR 0254 05.66) so that the project can proceed to construction during the 2025 construction season, therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: April 14, 2025 DATE SIGNED: April 14, 2025

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: April 15, 2025

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Barbara Brooks, Clerk of Council

Posted: April 16, 2025
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 24-25, passed by the Council of said City on April 14, 2025.

IN WITNESS WHEREOF, I have on this 15th day of April 2025, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A to Ordinance No. 24-25

CFDA 20.205

LPA FEDERAL LOCAL-LET PROJECT AGREEMENT

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, (ODOT), 1980 West Broad Street, Columbus, Ohio 43223 and the City of Avon, with an address at 36080 Chester Rd, Avon, Ohio 44011, hereinafter referred to as the LPA.

1. PURPOSE

- 1.1 The National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs.
- 1.2 Section 5501.03 (D) of the **Ohio Revised Code** (ORC) provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.
- 1.3 The **widening of intersection of State Routes 254 and 83 by way of adding an SB through lane, NB right turn lane, and additional through lanes to improve lane continuity** (PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.
- 1.4 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities for the local administration of the PROJECT.

2. LEGAL REFERENCES AND COMPLIANCE

- 2.1 This Agreement is authorized and/or governed by the following statutes and/or policies, which are incorporated, by reference, in their entirety:

A. FEDERAL

- 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 23 CFR 1.33 – Conflicts of Interest
- 23 CFR Part 172 – Procurement, Management and "Administration of Engineering and Design Related Service"
- 23 CFR 630.106 – Authorization to Proceed
- 23 CFR 636.116 – What Organizational Conflict of Interest Requirements Apply to Design-Build Projects?
- 23 CFR Part 645 –Utilities
- 48 CFR Part 31 – Contract Cost Principles and Procedures
- 49 CFR Part 26 –Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs
- 23 USC § 112 – Letting of Contracts
- 40 USC §§ 1101-1104 – "Selection of Architects and Engineers"
- Federal Funding Accountability and Transparency Act (FFATA)

EXHIBIT A

B. STATE

- ORC 102.03
- ORC 153.65 -153.71
- ORC 5501.03(D)
- ORC 2921.42 and 2921.43
- Ohio Administrative Code 4733-35-05

C. ODOT

- ODOT's Manual for Administration of Contracts for Professional Services
- ODOT's Specifications for Consulting Services – 2016 Edition
- ODOT's Consultant Prequalification Requirements and Procedures
- ODOT's Construction and Material Specifications Manual
- ODOT's Construction Administration Manual of Procedures
- ODOT's Local-let Manual of Procedures

2.2 The LPA shall comply with all applicable Federal and State laws, regulations, executive orders, and applicable ODOT manuals and guidelines. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

2.3 The LPA shall have on file a completed and approved Local-let Participation Requirement Review Form (FORM) before the first required submission of the Project's Stage Plan Set. Failure to comply will result in the delay of the Federal Authorization for Construction, until the FORM has been completed and approved. Failure to submit a completed FORM will result in the PROJECT reverting to ODOT-let and the LPA will be prohibited from participating in the Local-let Program until the Form is completed and approved by ODOT.

3. FUNDING

3.1 The total cost for the PROJECT is estimated to be \$9,447,985.65 as set forth in Attachment 1. ODOT shall provide to the LPA 90 percent of the eligible costs, up to a maximum of \$6,576,873 in Federal funds. This maximum amount reflects the funding limit for the PROJECT set by the applicable Program Manager. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual construction of the improvements and construction engineering/inspection activities of the PROJECT.

3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100% Locally funded work, and all cost overruns and contractor claims in excess of the maximum(s) indicated in 3.1 above.

The parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: City of Avon, Ohio	STATE OF OHIO OHIO DEPARTMENT OF TRANSPORTATION
By: 	By:
Title: Mayor Bryan K. Jensen	Title: Pamela Boratyn Director
Date: April 15, 2025	Date: