



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Department of Transportation
ENGINEERING DIVISION

Two Capitol Hill, Rm. 226
Providence, RI 02903-1124
PHONE 401-222-2023
FAX 401-222-3006; TDD 401-222-4971

November 22, 2010

Honorable Mayor David N. Cicilline
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Subject: Dean Street, Cahir Street and Stewart Street Landscaping
West Exchange Street to Point Street
Providence, Rhode Island
Rhode Island Contract No. 2000-EH-006
Federal Aid Project No. STP-DESN(001)
C&M Agreement

Dear Mayor Cicilline:

We are writing in regard to the upcoming advertisement of the Dean Street, Cahir Street and Stewart Street Landscaping project, which as you are aware, is a follow-up to the road improvements that will provide landscaping within the tree pit areas on the sidewalk. The project is at the PS&E Submission stage; the General Plans and Contract Document have been forwarded to the Parks & Recreation Department under separate cover for endorsement.

Attached are two (2) copies of the Construction & Maintenance (C&M) Agreement for execution. This provides documentation that the State will construct the improvements and the City will be responsible for maintenance of the landscaping. We ask that both attached copies be signed, one retained for your records and one returned to the State. For your information, our construction contract requires the contractor to maintain the planting for a 3 year establishment period.

Once we receive the executed Agreement, advertising will proceed. To take full advantage of the Spring planting season, we respectfully request your prompt turnaround. We thank you in advance for executing the attached agreements. Should you have any questions please contact the Project Engineer, David Capalbo at 222-2023 extension 4018.

Very truly yours,

Robert A. Smith, P.E.
Deputy Chief Engineer

DEC/
Attachments

cc: Corrao, Drager, Farhoumand, Hull, Palumbo, Smith; file
Adrienne G. Southgate; City Solicitor
Robert F. McMahon; Superintendent Parks & Recreation
William C. Bombard, P.E.; City Engineer

IN CITY COUNCIL
FEB 17 2011

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

CLERK

DEAN STREET, CAHIR STREET and STEWART STREET LANDSCAPING

West Exchange Street to Point Street

Design R.I. Federal-Aid Project No. STP-RECN(001)

Construction R.I. Federal-Aid Project No.:

CONSTRUCTION & MAINTENANCE AGREEMENT/MUNICIPALITY

FEDERAL FUNDS

by and between the

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

and the

CITY OF PROVIDENCE

AGREEMENT entered into by and between the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS (hereinafter called the STATE), through its Department of Transportation and the CITY OF PROVIDENCE (hereinafter called the MUNICIPALITY).

WHEREAS the STATE , in cooperation with the MUNICIPALITY, has selected the above-referenced Project in the City of Providence, specifically the Dean Street, Cahir Street and Stewart Street Landscaping from West Exchange Street to Point Street (further described in the attached PROJECT DESCRIPTION and hereinafter called the PROJECT), for improvements under the provisions established in the Federal-Aid Policy Guide (FAPG), of the United States Department of Transportation, Federal Highway Administration, and

WHEREAS the STATE will accomplish said improvements with funds apportioned to the STATE under the Federal-Aid Highway Act, as amended and supplemented, and from other sources available for the purpose, subject, however, to various conditions including that the MUNICIPALITY shall provide for the proper maintenance after completion of the improvements.

NOW THEREFORE, the STATE and the MUNICIPALITY hereby agree as follows:

1. The STATE, through its Contractor, will construct the improvements in accordance with the Plans and Specifications for the PROJECT.

2. The MUNICIPALITY will allow the STATE to enter onto its property, where applicable, for purposes of constructing the PROJECT.

3. Upon completion of the PROJECT, the MUNICIPALITY will:

(a) maintain all landscaping installed during construction of this project within the STATE Right-of-Way (Dean Street between West Exchange Street and Atwells Avenue);

(b) maintain all landscaping installed during construction of this project within the MUNICIPALITY Right-of-Way (Dean Street between Atwells Avenue and Westminster Street, the entire limits of Cahir Street and the entire limits of Stewart Street);

(c) regulate the parking, standing, moving and guiding operations of vehicles and pedestrians in conformance with the specifications of the approved plans for the PROJECT and chapters 12 through 27 of Title 31 of the Rhode Island General Laws;

(d) conform to the latest edition of the Manual on Uniform Traffic Control Devices and Standards relative to all traffic control signals, flashing beacons, traffic islands, regulatory or warning signs, pavement markings, or other traffic control devices;

(e) enforce traffic regulations established in accordance with this Agreement and for the traffic devices installed in connection therewith;

(f) enact any further regulations necessary to assure the preferential, safe and efficient movement of traffic in keeping with the through traffic service to be provided by this PROJECT. Dated and attested copies of amendments to the Municipal Ordinance necessary for the enforcement of any specific provisions will be forwarded by the MUNICIPALITY to the STATE. All necessary Municipal Ordinances applicable to this PROJECT shall be in effect prior to completion of construction; and

(g) maintain the portions of the PROJECT listed above in accordance with the Project Plans and Specifications, at its own cost and expense, and will make ample provision each year for such maintenance.

4. All work performed under this Project is subject to the approval and inspection of the STATE and Federal authorities in accordance with the provisions of the Federal-Aid Highway Act and the regulations, including the Federal-Aid Policy Guide (FAPG), as aforementioned, which are hereby made a part of this Agreement by reference.

5. The MUNICIPALITY will use or allow the use of for transportation purposes only the space below a plane sixteen feet, four inches (16' - 4") above the existing grade of the highway or the minimum clearance plus four inches as approved by the STATE, except the space necessary for foundations, vertical support facilities and utility and mechanical systems. Any other space above and below the highway may be used for other than transportation purposes only with the approval of the STATE and Federal authorities and in accordance with the provisions of the Federal-Aid Highway Act and the regulations adopted thereunder.

6. The STATE reserves the right to require the execution of an Agreement between the STATE and the MUNICIPALITY or a third party responsible for developing and operating the air space for any use of the space above and below the highway for other than transportation purposes and said Agreement shall be submitted to the FHWA for approval.

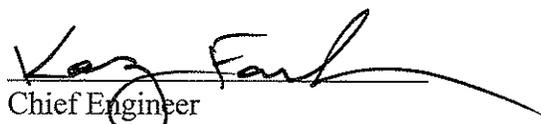
7. The MUNICIPALITY must notify the STATE's Maintenance Division at least 24 hours in advance of entering a traffic signal controller cabinet. The STATE's representative must be on site during maintenance of the Emergency Vehicle Priority Control System.

8. The Mayor will take all necessary steps to receive authority from the City Council to enter into and execute this Agreement including, but not limited to, submission of this Agreement to the City Council for ratification and submission of proof of such authority to the State prior to project advertisement.

IN WITNESS WHEREOF, the STATE and the MUNICIPALITY have caused this AGREEMENT to be executed by their duly authorized officials as of the _____ day of _____, 2010.

Recommended for Approval:

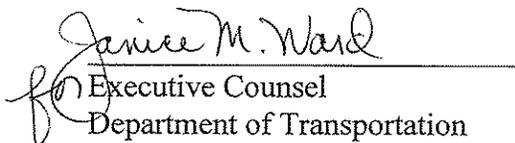
CITY OF PROVIDENCE

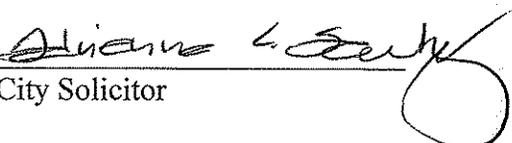

Chief Engineer
Department of Transportation

By: 
Mayor

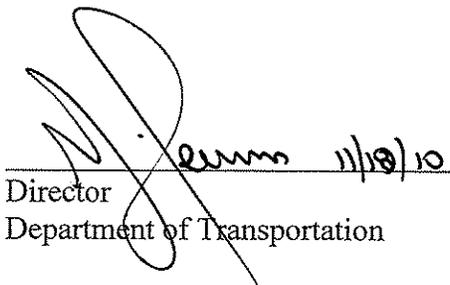
Approved as to form:

Approved as to form:


Executive Counsel
Department of Transportation

By: 
City Solicitor

Approved:


Director
Department of Transportation

N.A.
Division Administrator
U.S. Department of Transportation
Federal Highway Administration

PROJECT DESCRIPTION

This Project, located in the County of Providence, City of Providence, Rhode Island, is from West Exchange Street to Point Street. The work includes the installation of landscaping within existing cutout areas on sidewalks provided under separate contract, within the above Project limits.

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