

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 269

Approved May 10, 2002

WHEREAS, the State of Rhode Island proposes to undertake roadway reconstruction, rehabilitation and/or improvement on certain roads in the City; and

WHEREAS, said improvements will alleviate congestion and facilitate pedestrian and vehicular traffic,

NOW, THEREFORE, BE IT RESOLVED THAT, His Honor, the Mayor, is authorized to execute a Statewide Construction and Maintenance Agreement to the State of Rhode Island with respect to Bike to Work and College: Bike Lane and Bike Route Component Congestion Mitigation and Air Quality Program Design, Construction and Maintenance Agreement. Said Agreement shall be substantially in the form as exhibited in attachment "A" subject to such modifications as may be recommended by the Mayor and/or the Department of Law.

IN CITY COUNCIL
MAY 2 2002
READ AND PASSED

PRES.

CLERK

APPROVED

MAY 10 2002

MAYOR

IN CITY COUNCIL
MAR 7 2002
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Ginn
Michael R. Clement

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Resolution
Ann M. Stetsu
9-22-02 Clk.

Councilman Lombardi & Councilwoman Young (By request)

MAR 29 2002

**BIKE TO WORK AND COLLEGE
BIKE LANE AND BIKE ROUTE COMPONENT
CONGESTION MITIGATION AND AIR QUALITY PROGRAM
DESIGN, CONSTRUCTION AND MAINTENANCE AGREEMENT**

by and among

THE DEPARTMENT OF TRANSPORTATION

the

CITY OF PROVIDENCE

And

THE PROVIDENCE FOUNDATION

~~_____~~
~~_____~~
~~_____~~

AGREEMENT made and entered into by and between the **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS** through its' Department of Transportation (hereinafter referred to as the **STATE**), the City of Providence (hereinafter referred to as the **CITY**) and the Providence Foundation (hereinafter referred to as the **FOUNDATION**).

WHEREAS, the **STATE** has programmed funding at an amount not to exceed \$50,000, comprised of \$40,000 in **FEDERAL** funds and \$10,000 in **STATE** funds for striping, signage, drainage grate adjustments and related work for bike lanes/routes in the City of Providence (hereinafter referred to as the **PROJECT**); and,

WHEREAS, the **FOUNDATION** was the recipient of these funds; and,

WHEREAS, the **STATE**, **CITY** and the **FOUNDATION** agree that an economy of scale can be reached through implementation of the **PROJECT** by the **CITY** as part of the City's Downtown Circulation Project;

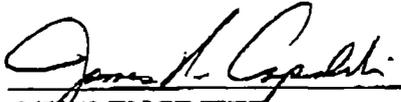
NOW, THEREFORE, the **STATE**, the **CITY** and the **FOUNDATION** hereby agree as follows:

1. The **PROJECT** will include but not be limited to design and installation of bicycle lane and bicycle route signage, modification to existing roadway striping and installation of bicycle safe drainage grates routes on selected roadways in to the City of Providence. All routes must fall within a logical network consistent with the Statewide Bicycle Network, subject to prior approval of the **STATE**.

2. The **CITY** will design the **PROJECT** using **CITY** funds.
 - A. Such design will be developed cooperatively by the **CITY** with the **FOUNDATION** and the **STATE**.
 - B. The **STATE** will review and approve all draft and final reports and all design submissions. Such review will include but not be limited to final review of all engineering, landscaping and architectural drawings and documents and providing technical information on related or affected **STATE** projects.
 - C. The **PROJECT** will conform to all **STATE** and Federal Highway Administration (FHWA) design standards and policies and the 1999 AASHTO Guide to the Development of Bicycle Facilities.
 - D. The **STATE** will respond to the submissions within sixty (60) days of their receipt.
3. The **CITY** will construct the **PROJECT** using the design provided by the **CITY** and approved by the **STATE**.
 - A. In awarding the contract to the low bidder the **CITY** will use competitive bidding for the **PROJECT** in conformance with 23 CFR Part 635.104.
 - B. The **CITY** will certify to the **STATE** the project was constructed in accordance with the approved plans and specifications.
 - C. Work done by the contractor on the **PROJECT** and cost of materials supplied by the contractor to the **PROJECT** will be invoiced in accordance with State requirements and procedures.
 - D. The **STATE** will reimburse the **CITY** for actual costs of construction, up to \$50,000, in accordance with Rhode Island General Laws, Chapter 42-11.1.
 - E. All costs for construction over \$50,000 are the responsibility of the **CITY**.
4. Upon completion, the **CITY** will be responsible for maintaining all aspects of the **PROJECT** at its own cost and expense.
5. This Agreement between the **STATE** and the **CITY** will be recorded in the Land Evidence Records or other appropriate office of the **CITY**.
6. This Agreement may only be amended through prior written agreement of all signatories.

IN WITNESS THEREOF, the STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS and the CITY OF PROVIDENCE have caused this Agreement to be executed by duly authorized officials on the _____ day of _____ 2000.

RECOMMENDED FOR APPROVAL:



CHIEF ENGINEER
DEPARTMENT OF TRANSPORTATION

APPROVED:



DIRECTOR OF TRANSPORTATION

MAYOR, CITY OF PROVIDENCE

APPROVED AS TO FORM:

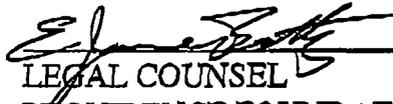


CHIEF LEGAL COUNSEL,
DEPARTMENT OF TRANSPORTATION

CHIEF LEGAL COUNSEL,
CITY OF PROVIDENCE



EXECUTIVE DIRECTOR
PROVIDENCE FOUNDATION
EXAMINED AND APPROVED:



LEGAL COUNSEL
PROVIDENCE FOUNDATION



DIVISION ADMINISTRATOR,
U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



Department of Law

February 22, 2002

The Honorable John J. Lombardi
City Council Office
City Hall
Providence, RI 02903

The Honorable Balbina Young
City Council Office
City Hall
Providence, RI 02903

Dear Councilman Lombardi and Councilman Young:

I have forwarded a resolution to the City Clerk. John Ozbek of Planning has indicated that you have agreed to sponsor this resolution. The resolution concerns the state expenditures on the bike path.

If you have any questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink that reads "John T. D'Amico, Jr." with a large, stylized flourish at the end.

John T. D'Amico, Jr.
Senior Assistant City Solicitor