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Memorandum of Understanding
Connecting Communities Grant
SUM – CR 17 Cleveland Massillon Road Sidewalk

Background:

In 2019 Bath Township, with the assistance of the Summit County Engineer's (SCE) office, applied for a federal Transportation Alternative Set Aside Program (TASA) grant to design and construct a sidewalk along the west side of County Highway 17 a.k.a Cleveland Massillon Road. The project starts at the where the SUM – SR 18 – 2.10 Sidewalk project ended near the Taco Bell driveway onto SR 18 and extends eastward to the intersection then northward along the west side of Cleveland Massillon Road to the intersection of Springside Drive, including a pedestrian ramp on the northwest corner of the Springside Drive at Cleveland Massillon Road intersection. The grant of \$520,000 is funded through the Federal Highway Administration, (FHWA), the Ohio Department of Transportation, (ODOT), and the Akron Metropolitan Area Transportation Study, (AMATS). The federal funds are to be matched with local government funds at a rate of 80% federal funds to 20% local funds. Summit County and Bath Township were notified in 2020 that the application for the funds was approved and would be available for design and construction in the 2023 through 2025 state fiscal years. As part of the approval, ODOT and FHWA requires the County to act as project manager for the project to ensure all federal and state regulations are satisfied.

Memorandum of Understanding:

1. The SCE will prepare all documentation to enter into the ODOT LPA Agreement, when fully executed the LPA Agreement will become part of this Memorandum of Understanding (MOU).
2. A summary of the major tasks required to develop this project is attached to this MOU and is entitled "Attachment A". Attachment A lists the major tasks, and the agency or agencies responsible for the completion of the task.
3. All tasks will be completed in accordance with FHWA, ODOT and County of Summit rules and regulations. If there is a conflict between ODOT and Summit County rules and regulations, the requirements of ODOT will be followed to ensure the receipt of federal funds.
4. An ODOT pre-qualified consultant will be selected using the ODOT Qualifications Based Selection process to prepare detailed plans, specifications and documents to satisfy the state and federal requirements. The County of Summit will enter into a contract with said consultant. Bath Township will be responsible for paying the consultant.
5. After the detail design is complete, the SCE will follow the ODOT process to certify the right of way is free of encroachments and all necessary rights of way have been acquired in accordance with state laws. Any additional right of way that may be required to construct the project will be eligible for federal funding at the previously noted 80%/20% rate.

6. Following ODOT authorization to advertise, the SCE will seek bids from ODOT pre-qualified contractors to construct the project in accordance with the plans, details and specifications.

7. All "Local" funding for this project shall be provided by Bath Township.

8. No Summit County Engineer funds will be utilized for the design, review, construction, testing, inspection or construction administration of this project. Any expenses incurred by the Summit County Engineer's office in the design, review, construction, testing, inspection or construction administration of this project will be reimbursed by Bath Township.

9. The Summit County Engineer's office reserves the right to sub-contract the review, inspection and testing services to complete this project. All sub-contracted services shall be reimbursed by Bath Township.

10. All work performed by the SCE or their sub-contract services shall be eligible for federal participation at the previously noted 80%/20% rate; however once the allotted federal monies have been spent, Bath Township will be responsible for the entire remaining expense.

11. Any specialty item that does not meet ODOT requirements and is mandated by Bath Township shall be funded entirely by Bath Township and will not be eligible for federal participation.

12. An ODOT pre-qualified contractor will be selected using the Summit County of Summit's Public Purchase website to construct the project. The County of Summit will enter into a contract with said contractor to build the project. The Summit County Engineer's Office will be the contracting agent for Bath Township on this project. Bath Township will be responsible for paying the contractor. The Summit County Engineer's Office will review and approve all invoices before submitting them to Bath Township for payment. Bath Township shall pay their portion of the invoice and then submit the remainder of the invoice to ODOT for their payment to the contractor.

13. Bath Township will not be a direct party to the ODOT LPA Agreement; however, the ODOT LPA Agreement for this project will be binding upon both Bath Township and the County of Summit.

14. The Summit County Engineer's Office will be responsible for project inspection, review, testing, approval and acceptance of materials and construction.

15. Bath Township agrees to enter into any additional agreements necessary to execute the terms of this Memorandum of Understanding, including an agreement regarding the maintenance of sidewalks within Bath Township.

2021-328 EX B

THE COUNTY OF SUMMIT

Recommended By:

Approved as to Legal Form
and Correctness:

Alan Brubaker, P.E., P.S.
Summit County Engineer

Marvin Evans
for Prosecuting Attorney
County of Summit

Authorized By:

Approved as to Legal Form
and Correctness:

Ilene Shapiro
County of Summit Executive

Date

Deborah S. Matz
Department of Law, County of Summit

BATH TOWNSHIP TRUSTEES

Approved By:

Approved By:

James N. Nelson
Trustee

Becky Corbett
Trustee

Approved By:

Approved as to Legal Form
and Correctness:

Elaina E. Goodrich
Trustee

Bath Township Legal Counsel

**Memorandum of Understanding - Connecting Communities Grant
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ATTACHMENT A

X = Primary Responsible Agency (Review, Approval, Acceptance or Rejection)

XX = Jointly Responsible Agency

R = Review and comment

TASK	RESPONSIBLE AGENCY		
	ODOT	SCE	BATH
LPA Project Scope of Services	XX	XX	
County Legislation to enter into an LPA Agreement with ODOT		X	
LPA Agreement	XX	XX	
County Legislation to enter into an LPA Agreement with ODOT		X	
Bath Legislation/Resolution to enter into an agreement with the County			X
Agreement between Bath and the Executive to enter into an agreement to construct the sidewalk		XX	XX
Field Review with ODOT	XX	XX	XX
Detailed Scope of Services		X	R
Consultant Selection – QBS Process		X	R
County Legislation to enter into an Agreement to hire a consultant		X	
Statement of Qualifications		X	
Request Letters of Interest		X	
Receive LOI		X	
Evaluate LOI		X	R
Request Fee Proposal		X	
Accept or Negotiate Fee		X	R
Submit to County BOC		X	
Submit to County Council		X	
Executive Signs Contract		X	
Issue Authorization to Proceed to Consultant	XX	X	
Receive, Review & Approve Consultant Invoices		X	
Pay Local Share of Invoice & Forward Remaining Invoice to ODOT			X
Pay Federal Share of Invoice	X		
Stage 1 Plans Prepared		Consultant	
Stage 1 Plans Reviewed	XX	X	XX
Environmental Clearance		Consultant	
Stage 3 Plans Prepared		Consultant	
Stage 3 Plans Reviewed	XX	X	XX
R/W Plans approved or not required		X	
Utilities Cleared		X	
Final Plans to SCE		Consultant	
Authorization to Bid Legislation		X	
Bid Documents Prepared		X	
Bid Documents Submitted to District		X	
Plan Package Submitted to Central Office	X		
Authorization to Advertise	X	XX	
Three weeks of advertisement		X	
Sale Date		X	
Award Date		X	
Pre-construction meeting		X	
Start of Construction		X	
Inspect, Test & Approve Materials and Construction		X	
Receive, Review, Prepare, Approve Contractor/Inspector & Testing Invoices		X	
Pay Local Share of Invoices & Forward Remaining Invoice to ODOT			X
Pay Federal Share of Invoice	X		
If Needed, Approve change orders	XX	XX	XX
End of Construction		X	
Final Contract Closing	XX	X	

