

VILLAGE OF NEWCOMERSTOWN

Resolution No. 16-2026

PASSED: September 28, 2026

Agreement Number: 41559

PID Number: 118634

County-Route-Section: TUS Neighbor Street Bridge

SAM Unique Entity ID: LSJRQBKUXCQ6

LPA FEDERAL ODOT-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 Village of Newcomerstown (LPA), 308 South College Street, Newcomerstown, Ohio 43832.

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 TUS Neighbor Street Bridge (PID 118634) (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 of ODOT and the LPA for 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 in Department of Transportation Financial Assistance Programs
 - 23 USC § 112 Letting of Contracts

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- 40 USC §§ 1101-1104, – "Selection of Architects and Engineers"
- Federal Funding Accountability and Transparency Act (FFATA)

B. STATE

- ORC 102.03
- ORC 153.65 -153.71

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- 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

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.

3. FUNDING AND PAYMENT

3.1 The total cost for the PROJECT associated with Federal funds is estimated to be \$1,662,518.86.

ODOT shall provide to the LPA 80 percent of the eligible costs, utilizing Spending Authority Code (SAC) 4R47 LOCAL GOVT HIGH PRIORITY (Assistance Listing Number: 20.205 Highway Planning and Construction,) up to a maximum of \$420,000 in Federal funds in the All phase(s)/subphase(s). The funding does not include Toll Revenue Credit or Credit Bridge. This maximum amount reflects the funding limit for the PROJECT set by the applicable SAC Program Manager.

ODOT shall provide to the LPA 95 percent of the eligible costs, utilizing Spending Authority Code (SAC) 4R87 CITY LOCAL BRIDGE (Assistance Listing Number: 20.287 Surface Transportation Block Grant Program,) up to a maximum of \$951,503 in Federal funds in the Construction Contract/Construction Inspection phase(s)/subphase(s). The funding does include Toll Revenue Credit at 15 percent, up to a maximum of \$150,237.32. This maximum amount reflects the funding limit for the PROJECT set by the applicable SAC Program Manager.

3.2 If after execution of this Agreement, FHWA notifies ODOT that the ALN for the PROJECT is different than the ALN listed in 3.1 above, ODOT shall change the ALN to comply with the requirements of 2 CFR 200.332 and provide notice in writing or by email of the new ALN pursuant to 15.1 of this Agreement.

3.3 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.

3.4 The LPA is administering the Federally funded Preliminary Engineering/Environmental phase(s)/subphase(s) of the PROJECT and is therefore considered a subrecipient of Federal funds and is responsible for reporting the applicable Federal expenditures (including any Toll Revenue Credit or Credit Bridge) on their Schedule of Expenditures of Federal Award.

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The LPA is administering the Federally funded Detail Design phase(s)/subphase(s) of the PROJECT and is therefore considered a subrecipient of Federal funds and is responsible for reporting the applicable Federal expenditures (including any Toll Revenue Credit or Credit Bridge) on their Schedule of Expenditures of Federal Award.

The LPA is administering the Federally funded Right-of-Way phase(s)/subphase(s) of the PROJECT and is therefore considered a subrecipient of Federal funds and is responsible for reporting the

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applicable Federal expenditures (including any Toll Revenue Credit or Credit Bridge) on their Schedule of Expenditures of Federal Award.

The LPA is not administering the Federally funded Construction Contract/Construction Inspection phase(s)/subphase(s) of the PROJECT and is therefore considered a beneficiary of Federal funds and is not responsible for reporting the applicable Federal expenditures on their Schedule of Expenditures of Federal Award.

3.5 The LPA shall be responsible for the cost of all change orders or extra work contracts that it is notified of in 9.2 below. The LPA shall remit payment within thirty (30) days of receipt of an invoice regardless of any balance the LPA has on deposit with ODOT.

3.6 Payment or reimbursement to the LPA shall be submitted to: Village of Newcomerstown
308 South College Street
Newcomerstown, OH 43832

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were conducted in meetings open to the public in compliance with all legal requirements.

This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2026.

Pat Cadle, Mayor