

RESOLUTION NO. 14-2012

**TITLE: ENTER INTO CONTRACT – ODOT
I-76 HERBICIDAL SPRAYING**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON
AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH
HERBICIDAL SPRAYING ON I-76 WITHIN THE CITY OF BARBERTON, AND
DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Barberton, Summit County, Ohio that:

SECTION 1. Project Description.

The State has identified the need for the described project:

PID NO. 92597 D04 – Herbicidal Spraying

Herbicidal spraying on IR76 within the City of Barberton.

SECTION 2. Consent Statement.

Being in the public interest, the City of Barberton gives consent to the Director of
Transportation to complete the above described project.

SECTION 3. Cooperation Statement.

The City of Barberton shall cooperate with the Director of Transportation in the above
described project as follows:

The City of Barberton agrees to pay One Hundred Percent (100%) of the cost of those
features requested by the City of Barberton which are determined by the State and Federal
Highway Administration to be unnecessary for the Project.

SECTION 4. Consultants and Authority to Sign.

The Mayor of said City of Barberton is hereby empowered on behalf of the City of
Barberton to enter into contracts with ODOT pre-qualified consultants for the preliminary
engineering phase of the Project and to enter into contracts with the Director of
Transportation necessary to complete the above described Project.

Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, and
interests of the City of Barberton to ODOT arising from any agreement with its consultant
in order to allow ODOT to direct additional or corrective work, recover damages due to
errors or omissions, and to exercise all other contractual rights and remedies afforded by
law or equity.

The City of Barberton agrees that if Federal Funds are used to pay the cost of any
consultant contract, the City of Barberton shall comply with 23 CFR 172 in the selection
of its consultant and the administration of the consultant contract. Further, the City of

Barberton agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The City of Barberton agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The City of Barberton agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

SECTION 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 6. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to expedite the highway project and to promote highway safety, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2012

_____	_____
Clerk of Council	President of Council

Approved _____ 2012

Mayor