

**RESOLUTION NO. 6 of 2022**

**A resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore**

WHEREAS, a Project: TAP/CMAQ Western Avenue Pedestrian Safety Improvements, in the Town of Guilderland, County of Albany, P.I.N. 1760.79 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Guilderland desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design, Right of Way ("ROW") Incidentals, ROW Acquisitions, and Construction;

NOW, THEREFORE, the Town Board duly convened does hereby;

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board previously authorized the Town of Guilderland to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals/Acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the Town Board hereby authorizes the Town of Guilderland to pay in the first instance 100% of the federal and non-federal share of the cost of Construction for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$152,600.00 has previously been appropriated from the Town of Guilderland General Fund, Part B and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$1,307,044.00 is hereby appropriated from the Town of Guilderland General Fund, Part B and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share cost of the project exceeds the amount appropriated above, the Town Board of the Town of Guilderland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Guilderland be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Guilderland with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK            }  
  }  
COUNTY OF ALBANY         }    ss.:

I, the undersigned, DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted April 19, 2022 with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Guilderland, this 20<sup>th</sup> day of April, 2022.

---

Lynne Buchanan  
Clerk



# Department of Transportation

**KATHY HOCHUL**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**PATRICK S. BARNES, P.E.**  
Regional Director

April 11, 2022

Ms. Jessica Olszowy, CPA  
Fiscal Officer  
Town of Guilderland  
P.O. Box 339  
Guilderland, New York 12084

**RE: Supplemental Agreement No. 2  
PIN 1760.79, D035726 TAP/CMAQ  
Western Avenue Pedestrian Safety Improvements  
Town of Guilderland, Albany County**

Dear Ms. Olszowy:

Enclosed is the proposed Supplemental Agreement #2 and Resolution required for the above subject project. These documents need to be enacted by the Town in order for NYSDOT to provide approved Federal funding reimbursements to the Town for work performed on the construction phase of the project.

Instructions:

- (A) We have provided you with a single copy of the standardized Federal Local Agreement language, relevant Schedule A, and Schedule B. Please **keep** these documents for your records.
- (B) We have provided you with a single copy of a draft resolution. The Town should complete, enact and certify the resolution. You may redraft your own resolutions, but they must contain all the necessary clauses of the enclosed version. **Please do not change the wording of the resolution in any way without checking with this office first. Remember the resolution must identify the source of the funding appropriation.** Please return 3 (three) originals with the required certificates. Also, as with the agreement, please keep an additional copy for your records as you will not get a copy of the resolution returned to you.
- (C) Because you are receiving this via email, we have provided you with 1 (one) copy of the necessary signature page. Please print 5 (five) copies, sign & return all 5 (five) original signature pages to this office with the above resolutions. You will get a single original of this page returned to you once the contract is executed by the necessary State officials.

If you have any questions concerning the procedures, please call me at 518-402-6692.

Sincerely,

Stephanie Long  
Senior Capital Program Analyst  
Region 1 Program Management  
NYSDOT

Sponsor:

Town of Guilderland

PIN: 1760.79 BIN:

Comptroller's Contract No. D035726

Supplemental Agreement No. 2

Date Prepared: 04/11/2022 By: SDL

Press F1 for instructions in the blank fields:

Initials

SUPPLEMENTAL AGREEMENT No. 2 to D035726 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and

Town of Guilderland (the Sponsor)

Acting by and through the Supervisor

with its office at P.O. Box 339, Guilderland, NY 12084.

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

Amends a previously adopted Schedule A by (check as applicable):

- amending a project description
amending the contract end date
amending the scheduled funding by:
adding additional funding (check and enter the # phase(s) as applicable):
adding phase construction which covers eligible costs incurred on/after
adding phase which covers eligible costs incurred on/after
increasing funding for a project phase(s)
adding a pin extension
change from Non-Marchiselli to Marchiselli
deleting/reducing funding for a project phase(s)
other

Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

Amends the text of the Agreement as follows (insert text below):

[Empty text box]

Town of Guilderland

Sponsor:

PIN: 1760.79 BIN:

Comptroller's Contract No. D035726

Supplemental Agreement No. 2

Date Prepared: 04/11/2022 By: SDL

Press F1 for instructions in the blank fields:
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written. Initials

SPONSOR:

SPONSOR ATTORNEY:

By:

By:

Print Name:

Print Name:

Title:

STATE OF NEW YORK

)ss.:

COUNTY OF Albany Albany

On this \_\_\_ day of \_\_\_, 20\_\_\_ before me personally came \_\_\_ to me known, who, being by me duly sworn did depose and say that he/she resides at \_\_\_; that he/she is the \_\_\_ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the \_\_\_ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on \_\_\_ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

APPROVED FOR NYSDOT:

Notary Public
APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

BY:
For Commissioner of Transportation

By:
Assistant Attorney General

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

Date:

COMPTROLLER'S APPROVAL:

By:
For the New York State Comptroller
Pursuant to State Finance Law, 112

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements**  
**NYSDOT/ State-Local Agreement - Schedule A for PIN 1760**

|  |  |   |  |                    |
|--|--|---|--|--------------------|
| <b>OSC Municipal Contract #:</b><br>D035726  | Contract Start Date: 4/27/2018<br><small>(mm/dd/yyyy)</small>    | Contract End Date: 4/27/2023<br><small>(mm/dd/yyyy)</small> | <input type="checkbox"/> Check, if date changed from the last Schedule A |                    |
| <b>Purpose:</b> <input type="checkbox"/> Original Standard Agreement <input checked="" type="checkbox"/> Supplemental Schedule A No. 2   |  |   |  |                    |
| <b>Agreement Type:</b> <input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): Town of Guilderland<br><input type="checkbox"/> State Administered Other Municipality/Sponsor (if applicable):<br><small>List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.</small> |  |   |  |                    |
| <input type="checkbox"/> Municipality: _____ % of Cost share<br><input type="checkbox"/> Municipality: _____ % of Cost share<br><input type="checkbox"/> Municipality: _____ % of Cost share   |  |   |  |                    |
| <b>Authorized Project Phase(s) to which this Schedule applies:</b> <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals<br><input checked="" type="checkbox"/> ROW Acquisition <input checked="" type="checkbox"/> Construction/CI/CS   |  |   |  |                    |
| <b>Work Type:</b><br>BIKE/PED./FACILITIES  | <b>County (if different from Municipality):</b> County of Albany |   |  |                    |
| <b>Marchiselli Eligible:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(Check, if Project Description has changed from last Schedule A):</small> <input type="checkbox"/>   |  |   |  |                    |
| <b>Project Description:</b> TAP/CMAQ Western Aver  |  |   |  |                    |
| <b>Marchiselli Allocations Approved FOR ALL PHASES</b> <small>All totals will calculate automatically.</small>   |  |   |  |                    |
| Check box to indicate change from last Schedule A  | State Fiscal Year(s)   | Project Phase   |  | TOTAL              |
| <input type="checkbox"/>   | Cumulative total for all prior SFYs                              | PE/Design   | ROW (RI & RA)  | Construction/CI/CS |
| <input type="checkbox"/>   | Current SFY  | \$ 0.00   | \$ 0.00  | \$ 0.00            |
|  |  | \$ 0.00   | \$ 0.00  | \$ 0.00            |
|  | Authorized Allocations to Date                                   | \$ 0.00   | \$ 0.00  | \$ 0.00            |

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

| PIN Fiscal Share            | "Current" or "Old" entry indicator | Federal Funding | Total Costs | FEDERAL Participating Share | STATE MARCHISELLI Match | LOCAL Matching Share | LOC. AMOL or Ad |
|-----------------------------|------------------------------------|-----------------|-------------|-----------------------------|-------------------------|----------------------|-----------------|
|                             | Current                            | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Old                                | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Current                            | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Old                                | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Current                            | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Old                                | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Current                            | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Old                                | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Current                            | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
|                             | Old                                | \$ 0.00         | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              | \$ 0.00         |
| <b>TOTAL CURRENT COSTS:</b> |                                    |                 | \$ 0.00     | \$ 0.00                     | \$ 0.00                 | \$ 0.00              |                 |

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." All totals will calculate automatically.

| Other PIN Fiscal Shares     | 'Current' or 'Old' entry indicator | Funding Source       | TOTAL                 | Other FEDERAL       | Other STATE         | Other LOCAL         |
|-----------------------------|------------------------------------|----------------------|-----------------------|---------------------|---------------------|---------------------|
| 1760<br>79<br>121           | Current                            | CMAQ                 | \$102,000.00          | \$ 81,600.00        | \$ 0.00             | \$ 20,400.00        |
|                             | Old                                | CMAQ                 | \$102,000.00          | \$ 81,600.00        | \$ 0.00             | \$ 20,400.00        |
| 1760<br>79<br>221           | Current                            | CMAQ                 | \$50,600.00           | \$ 40,480.00        | \$ 0.00             | \$ 10,120.00        |
|                             | Old                                | CMAQ                 | \$50,600.00           | \$ 40,480.00        | \$ 0.00             | \$ 10,120.00        |
| 1760<br>79<br>321           | Current                            | CMAQ                 | \$923,209.00          | \$ 738,567.00       | \$ 0.00             | \$ 184,642.00       |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
| 1760<br>79<br>301           | Current                            | Other (see footnote) | \$279,809.00          | \$ 0.00             | \$ 279,809.00       | \$ 0.00             |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
| 1760<br>79<br>NPS           | Current                            | 100% Local           | \$104,026.00          | \$ 0.00             | \$ 0.00             | \$ 104,026.00       |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Current                            |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Current                            |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Current                            |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
|                             | Old                                |                      | \$ 0.00               | \$ 0.00             | \$ 0.00             | \$ 0.00             |
| <b>TOTAL CURRENT COSTS:</b> |                                    |                      | <b>\$1,459,644.00</b> | <b>\$860,647.00</b> | <b>\$279,809.00</b> | <b>\$319,188.00</b> |

|  |         |
|--|---------|
| <b>C. Local Deposit(s) from Section A:</b> | \$ 0.00 |
| <b>Additional Local Deposit(s)</b>         | \$      |
| <b>Total Local Deposit(s)</b>              | \$ 0.00 |

| <b>D. Total Project Costs</b> All totals will calculate automatically. |                              |                        |                  |                        |
|--|------------------------------|------------------------|------------------|------------------------|
| Total FEDERAL Cost   | Total STATE MARCHISELLI Cost | Total OTHER STATE Cost | Total LOCAL Cost | Total ALL SOURCES Cost |
| \$860,647.00   | \$ 0.00                      | \$279,809.00           | \$319,188.00     | \$1,459,644.00         |

|  |                      |
|--|----------------------|
| <b>E. Point of Contact for Questions Regarding this Schedule A (Must be completed)</b> | Name: Stephanie Long |
|  | Phone No: 518        |
|  | 402 6692             |

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

**NYS DOT/State-Local Agreement – Schedule A**

**Footnotes:** (See LPE's website for link to sample footnotes)

- SA#2 also includes a revi
- SA#1 added ROW Acquis
- The master SLA added D
- This is a TAP/CMAQ proj
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**SCHEDULE B: Phases, Sub-phase/Tasks, and Allocation of Responsibility**

**Instructions:** Identify the responsibility for each applicable Sub-phase task by entering *X* in either the *NYSDOT* column to allocate the task to State labor forces or a State Contract, or in the *Sponsor* column indicating non-State labor forces or a locally administered contract.

**A1. Preliminary Engineering (“PE”) Phase**

| <u>Phase/Sub-phase/Task</u>  | <u>Responsibility: NYSDOT Sponsor</u> |                                     |
|--|---------------------------------------|-------------------------------------|
| 1. <u>Scoping</u> : Prepare and distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 2. Perform data collection and analysis for design, including traffic counts and forecasts, accident data, Smart Growth checklist, land use and development analysis and forecasts.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 3. Smart Growth Attestation (NYSDOT ONLY).   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 4. <u>Preliminary Design</u> : Prepare and distribute Design Report/Design Approval Document (DAD), including environmental analysis/assessments, and other reports required to demonstrate the completion of specific design sub-phases or tasks and/or to secure the approval/authorization to proceed.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 5. Review and Circulate all project reports, plans, and other project data to obtain the necessary review, approval, and/or other input and actions required of other NYSDOT units and external agencies.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 6. Obtain aerial photography and photogrammetric mapping.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 7. Perform all surveys for mapping and design.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 8. <u>Detailed Design</u> : Perform all project design, including preparation of plan sheets, cross-sections, profiles, detail sheets, specialty items, shop drawings, and other items required in accordance with the Highway Design Manual, including all Highway Design, including pavement evaluations, including taking and analyzing cores; design of Pavement mixes and applications procedures; preparation of bridge site data package, if necessary, and all Structural Design, including hydraulic analyses, if necessary, foundation design, and all design of highway appurtenances and systems [e.g., Signals, Intelligent Transportation System (ITS) facilities], and maintenance protection of traffic plans. Federal Railroad Administration (FRA) criteria will apply to rail work. | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 9. Perform landscape design (including erosion control).   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 10. Design environmental mitigation, where appropriate, in connection with: Noise readings, projections, air quality monitoring, emissions projections, hazardous waste, asbestos, determination of need of cultural resources survey.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 11. Prepare demolition contracts, utility relocation plans/contracts, and any other plans and/or contract documents required to advance, separate, any portions of the project which may be more appropriately progressed separately and independently.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 12. Compile PS&E package, including all plans, proposals, specifications, estimates, notes, special contract requirements, and any other contract documents necessary to advance the project to construction.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 13. Conduct any required soils and other geological investigations.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 14. Obtain utility information, including identifying the locations and types of utilities within the project area, the ownership of these utilities, and prepare utility relocations plans and agreements, including completion of Form HC-140, titled Preliminary Utility Work Agreement.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 15. Determine the need and apply for any required permits, including U.S. Coast Guard, U.S. Army Corps of Engineers, Wetlands (including identification and delineation of wetlands), SPDES, NYSDOT Highway Work Permits, and any permits or other approvals required to comply with local laws, such as zoning ordinances, historic districts, tax assessment and special districts.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 16. Prepare and execute any required agreements, including:<br>- Railroad force account<br>- Maintenance agreements for sidewalks, lighting, signals, betterments<br>- Betterment Agreements<br>- Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 17. Provide overall supervision/oversight of design to assure conformity with Federal and State design standards or conditions, including final approval of PS&E (Contract Bid Documents) by NYSDOT.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |

**A2. Right-of-Way (ROW) Incidentals**

| <u>Phase/Sub-phase/Task</u>  | <u>Responsibility: NYSDOT Sponsor</u> |                                     |
|--|---------------------------------------|-------------------------------------|
| 1. Prepare ARM or other mapping, showing preliminary taking lines. | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 2. ROW mapping and any necessary ROW relocation plans.             | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |

- 3. Obtain abstracts of title and certify those having an interest in ROW to be acquired.
- 4. Secure Appraisals.
- 5. Perform Appraisal Review and establish an amount representing just compensation.
- 6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including *de minimis* determination, as may be applicable. **If NYSDOT is responsible for acquiring the right-of-way, this determination may be performed by NYSDOT only if NYSDOT is responsible for the Preliminary Engineering Phase under Phase A1 of this Schedule B.**
- 7. Conduct any public hearings and/or informational meetings as may be required by the Eminent Domain Procedures Law, including the provision of stenographic services, preparation and distribution of transcripts, and response to issues raised at such meetings.

**B. Right-of-Way (ROW) Acquisition**

- | <u>Phase/Sub-phase/Task</u>   | <u>Responsibility: NYSDOT Sponsor</u> |                                     |
|---|---------------------------------------|-------------------------------------|
| 1. Perform all Right-of-Way (ROW) Acquisition work, including negotiations with property owners, acquisition of properties and accompanying legal work, payments to and/or deposits on behalf of property owners; Prepare, publish, and pay for any required legal notices; and all other actions necessary to secure title to, possession of, and entry to required properties. <b>If NYSDOT is to acquire property, including property described as an uneconomic remainder, on behalf of the Municipality/Sponsor, the Municipality/Sponsor agrees to accept and take title to any and all permanent property rights so acquired which form a part of the completed Project.</b> | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 3. Conduct eminent domain proceedings, court and any other legal actions required to acquire properties.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 4. Monitor all ROW Acquisition work and activities, including review and processing of payments of property owners.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 5. Provide official certification that all right-of-way required for the construction has been acquired in compliance with applicable Federal, State or Local requirements and is available for use and/or making projections of when such property(ies) will be available if such properties are not in hand at the time of contract award.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 6. Conduct any property management activities, including establishment and collecting rents, building maintenance and repairs, and any other activities necessary to sustain properties and/or tenants until the sites are vacated, demolished, or otherwise used for the construction project.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 7. Subsequent to completion of the Project, conduct ongoing property management activities in a manner consistent with applicable Federal, State and Local requirements including, as applicable, the development of any ancillary uses, establishment and collection of rent, property maintenance and any other related activities.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |

**C. Construction, Construction Support (C/S) and Construction Inspection (C/I) Phase**

- | <u>Phase/Sub-phase/Task</u>   | <u>Responsibility: NYSDOT Sponsor</u> |                                     |
|---|---------------------------------------|-------------------------------------|
| 1. Advertise contract lettings and distribute contract documents to prospective bidders.  | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 2. Conduct all contract lettings, including receipt, opening, and analysis of bids, evaluation/certification of bidders, notification of rejected bids/bidders, and awarding of the construction contract(s).   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 3. Receive and process bid deposits and verify any bidder's insurance and bond coverage that may be required.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 4. Compile and submit Contract Award Documentation Package.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 5. Review/approve any proposed subcontractors, vendors, or suppliers.   | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |
| 6. Conduct and control all construction activities in accordance with the plans and proposal for the project. Maintain accurate, up-to-date project records and files, including all diaries and logs, to provide a detailed chronology of project construction activities. Procure or provide all materials, supplies and labor for the performance of the work on the project, and insure that the proper materials, equipment, human resources, methods and procedures are used. | <input type="checkbox"/>              | <input checked="" type="checkbox"/> |

- 7a. For non-NHS or non-State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions.
- 7b. For NHS or State Highway System Projects: Inspection and approval of materials such as bituminous concrete, Portland cement concrete, structural steel, concrete structural elements and/or their components to be used in a federal aid project will be performed by, and according to the requirements of NYSDOT. The Municipality/Sponsor shall make or require provision for such materials inspection in any contract or subcontract that includes materials that are subject to inspection and approval in accordance with the applicable NYSDOT design and construction standards associated with the federal aid project.
- 7c. For projects that fall under both 7a and 7b above, check boxes for each.
8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction.
9. Administer construction contract, including the review and approval of all contractor requests for payment, orders-on-contract, force account work, extensions of time, exceptions to the plans and specifications, substitutions or equivalents, and special specifications.
10. Review and approve all shop drawings, fabrication details, and other details of structural work.
11. Administer all construction contract claims, disputes or litigation.
12. Perform final inspection of the complete work to determine and verify final quantities, prices, and compliance with plans specifications, and such other construction engineering supervision and inspection work necessary to conform to Municipal, State and FHWA requirements, including the final acceptance of the project by NYSDOT.
13. Pursuant to Federal Regulation 49 CFR 18.42(e)(1) The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

**SAMPLE RESOLUTION BY MUNICIPALITY**  
(Locally Administered Project)  
RESOLUTION NUMBER:

**A Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore**

WHEREAS, a Project: TAP/CMAQ-Western Avenue Pedestrian Safety Improvements, Town of Guilderland P.I.N. 1760.79 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80 % Federal funds and 20 % non-federal funds; and

WHEREAS, the Town of Guilderland desires to advance the Project by making a commitment of 100% of the non-federal share of the project costs of Design, ROW Incidentals, ROW Acquisition, and Construction.

NOW, THEREFORE, the Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board previously authorized the Town of Guilderland to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals/Acquisition work for the Project or portions thereof; and it is further

RESOLVED, that the Town Board hereby authorizes the Town of Guilderland to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$152,600.00 was previously appropriated from the \_\_\_\_\_ and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$1,307,044.00 is hereby appropriated from the \_\_\_\_\_ and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Guilderland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that Town Supervisor of the Town of Guilderland be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Guilderland with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

STATE OF NEW YORK                            }  
  } ss.:  
COUNTY OF ALBANY                        }

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted \_\_\_\_\_, 20\_\_ with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said \_\_\_\_\_

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk