

Town of Ulysses
Town Hall Parking Lot Renovation
Engineer Services for Conceptual Design, Final
Design, Construction Administration and Observation

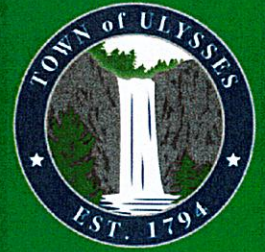


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Barton & Loguidice

June 28, 2024

Michelle Wright
Second Deputy Supervisor and Budget Officer
Town of Ulysses
10 Elm Street
Trumansburg, New York 14886

RE: Town Hall Parking Lot Renovation
File #: 710.2450

Dear Ms. Wright:

Thank you for the opportunity to present our proposal to the Town of Ulysses for the Town Hall Parking Lot Renovation. Funded in part by State and Local Fiscal Recovery Funds (SLFRF), the project will enhance the aesthetic of the Town Hall and include a new pavement structure, drainage improvements, lighting/electrical infrastructure improvements, and striping layout. Key to the project's success will be coordination with adjacent parcel owners to capture parking lot improvement areas beyond the boundary limits of town-owned lands.

Barton & Loguidice, D.P.C. (B&L) is a fully-staffed, locally-based engineering and landscape architectural firm that specializes in planning, design, and construction phase services for a variety of projects including retrofitting streetscapes, site planning/layout, utility infrastructure improvements projects, and urban design. Our proposed key team members have the experience and knowledge needed to complete the improvements envisioned by the Town. We propose to investigate the existing site conditions and provide the Town with a comprehensive plan to reconstruct the lot, pursuant to the Town's objectives, and ensure the longevity of the proposed improvements given our past experience with similar projects.

Ashlyn A. Maurer, P.E., will lead the project team and is excited to be part of the transformation of the Town of Ulysses Town Hall parking lot. If you have any questions regarding our proposal or would like any additional information, please contact me or Ashlyn at 315-457-5200 or email amaurer@bartonandloguidice.com.

Sincerely,

Barton & Loguidice, D.P.C.

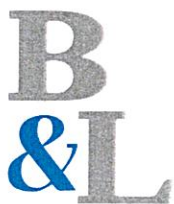


Charles A. White, P.E., LEED AP®
Senior Associate



Section 1

Executive Overview and B&L Profile



Town of Ulysses
Town Hall Parking Lot Renovation



Site Photo 1: Town Hall parking lot viewed looking north from Elm Street

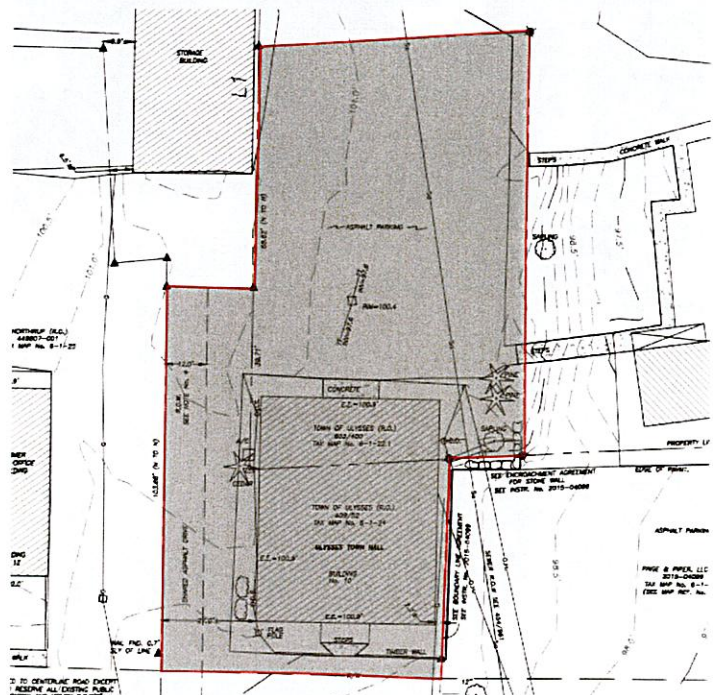
Project Approach and Understanding

Project Understanding

The Town of Ulysses is soliciting design and professional services pursuant to reconstruction of the municipal parking lot located at the Town Hall within the Village of Trumansburg. The parking lot services multiple commercial/residential properties with shared access. The scope of improvements include a new pavement structure, parking lot stall striping/layout, drainage considerations, lighting provisions, and coordination with adjacent property owners.

Project Background:

Access to the Town Hall parking lot is provided by a shared driveway which fronts Elm Street in the Village of Trumansburg. In addition to providing parking accommodations for the Town Hall, several private businesses use the lot including the Post Office Square (Lowe's Soft Water Service, Inc.) and Elm Street Barber. A topographic and boundary map of the project site was previously surveyed by T.G. Miller P.C. (dated 2/24/2017). A summary figure highlighting the Town's surveyed parcel limits is shown on the right.



The Town-owned parking lot consists of approximately 9,260 square feet of paved area. The total limits of the existing paved parking lot, however, extends on to adjacent private parcels. Coordination with these adjacent parcel owners is a critical element to this project's success. The Town has

identified two preferred alternatives for the proposed asphalt pavement improvements; a standard asphalt pavement section (HMA) and a permeable pavement section. Previous cost estimates for either alternative totaled \$130,000 and \$245,000, respectively. In addition to paving improvements,



Site Photo 4: Existing electrical/EV infrastructure

The existing lot lacks defined parking striping. A site-specific parking layout, featuring ADA-compliant stall accommodations to provide/maximize the number of parking stalls will be included in the project scope and developed in preliminary design.

Project Approach/Scope

As defined in the RFP, we proposed a project approach/scope inclusive of concept design, final design, contract document/bidding assistance, and construction inspection/administration services as outlined below.

Barton & Loguidice, D.P.C., proposes to provide engineering services for the Town Hall Parking Lot Renovation Project. State and Local Fiscal Recovery Funds (SLFRF) will be used for this project. It is recognized that the Town is only awarding the conceptual design phase at this time. B&L proposes to complete each of the conceptual and final design phases on a lump sum basis and construction inspection/administration on a time and expense basis.

Hereinafter, Barton & Loguidice, D.P.C., will be referred to as the ENGINEER and the Town of Ulysses as the OWNER.

Phase 1 - Conceptual Design:

- The OWNER will provide available record plans, survey mapping, and any relevant site data pursuant to developing feasible design alternatives to the ENGINEER.

- The ENGINEER will perform one site visit to document existing conditions, drainage conditions/areas, and take field measurements.
- The ENGINEER will attend/administer one virtual project kick-off meeting with the OWNER to review potential alternatives and establish project objectives.
- The ENGINEER will develop conceptual plans/alternatives for full reconstruction of parking lot:
 - Assume the ENGINEER will prepare concept plan/alternatives in accordance with the current NYSDOT standard specifications/details, National Manual on Uniform Traffic Control Devices for Streets and Highways (NMUTCD, 11th edition), and current ADA/PROWAG standards.
 - Assume two pavement structure alternatives will be considered; conventional HMA and porous asphalt.
 - Assume conceptual plans will be developed using orthoimagery and available tax map data procured by the ENGINEER (or provided by the OWNER).
 - Assume concept plans will include a plan layout of proposed parking lot full-depth reconstruction limits identifying site features inclusive of drainage improvements, lighting/electrical improvements, and striping improvements.
 - Assume concept plans will include relevant typical sections and necessary site details in service of developing a comprehensive alternative design and cost estimating purposes.
 - Assume conceptual plans will be developed to a scale of 1 inch = 40 feet.
 - Assume conceptual plans will dictate general site grading and drainage improvements:
 - Assume site contours and drainage improvement features inverts/elevations will not be developed/established until topographic survey is received.
- The ENGINEER will solicit New York State licensed surveyors to perform a full topographic survey of the project site and establish right-of-way and parcel boundaries:
 - Of note, this task is established in the project RFP under the final design phase:
 - Given the accelerated project schedule, B&L advocates to solicit and contract a licensed surveyor under the concept design phase, as having topographic survey is a key component to developing site grading/drainage improvements as well as the necessity to verify parcel boundary limits.

- Assume all conceptual designs developed will incorporate reconstructing areas of the existing parking lot beyond the limits of the Town-owned parking lot limits.
- The ENGINEER will attend one conceptual design review meeting with the OWNER to review conceptual alternatives and associated anticipated construction cost estimates:
 - The ENGINEER will assist the OWNER review the proposed conceptual designs inclusive of conceptual electrical, stormwater, and striping improvements and communicate the design intent of each alternative improvement to the OWNER for consideration of final design.
 - Assume the OWNER will review the proposed conceptual designs presented and provide the ENGINEER with written review comments to be addressed.
 - Assume one round of comments from the OWNER will be received/addressed by the ENGINEER.
 - Assume that following comment resolution, conceptual design will be concluded and the project enter the final design phases.
 - Assume that only one conceptual alternative will be selected for development in the final design phase.

Phase 2 - Final Design:

- The ENGINEER will advance detailed (i.e. final) design for one selected alternative for the final design phase.
- Assume that, if not already completed in conceptual design, a New York State licensed surveyor will be solicited/contracted for topographic survey and right-of-way/parcel boundary establishment.
- The ENGINEER will develop a proposed site grading design featuring 1-foot contours.
- The ENGINEER will develop drainage infrastructure improvements which detail drainage structure location, structure type, and rim/invert elevations for structures and associated piping:
 - Assume the ENGINEER will not be responsible for reviewing/quantifying stormwater flow impacts to adjacent stormwater infrastructure the proposed network will outlet into:
 - Assume treatment or detention of stormwater is not required.
- Assume all final design plans will be developed in accordance with the NYSDOT standard specification/details:
 - Assume final design plans will be developed at a scale of 1 inch = 40 feet.

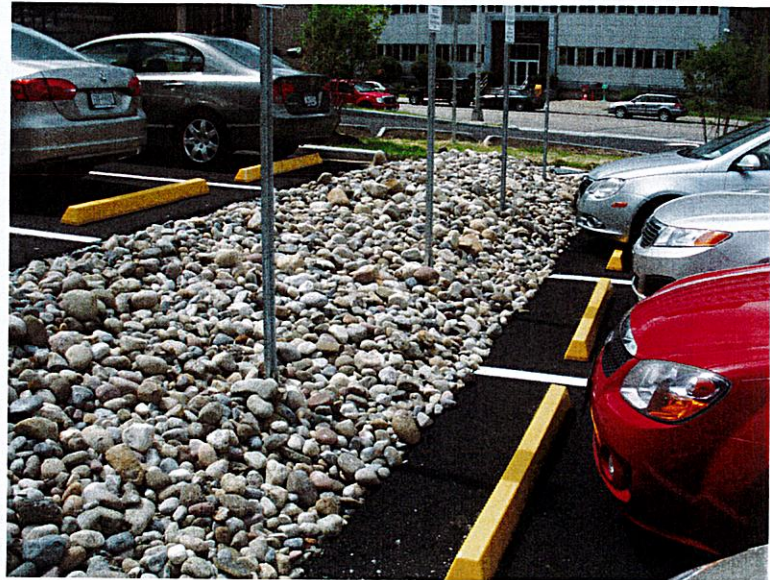


Firm Qualifications

Barton & Loguidice, D.P.C. (B&L) has been engaged in the practice of professional engineering since 1961. B&L is a highly diversified planning, engineering, environmental science, and landscape architecture firm with a broad range of experience and expertise. Since our founding in Syracuse, New York, the firm has opened offices in Rochester, Buffalo, Albany, Somers, Binghamton, Plattsburgh, Watertown, and Utica, New York.

B&L employs a staff of more than 350, about one quarter of which are licensed professional engineers, and includes landscape architects, planners, geologists, green infrastructure specialists, environmental scientists, and construction support personnel.

Throughout our history, B&L has built its business primarily serving public sector clients ranging from the local municipal level (cities, towns, and villages) to county, state, and federal agencies. The firm operates within eight core practice areas as shown in the graphic below.



Site and Civil Planning and Engineering Services

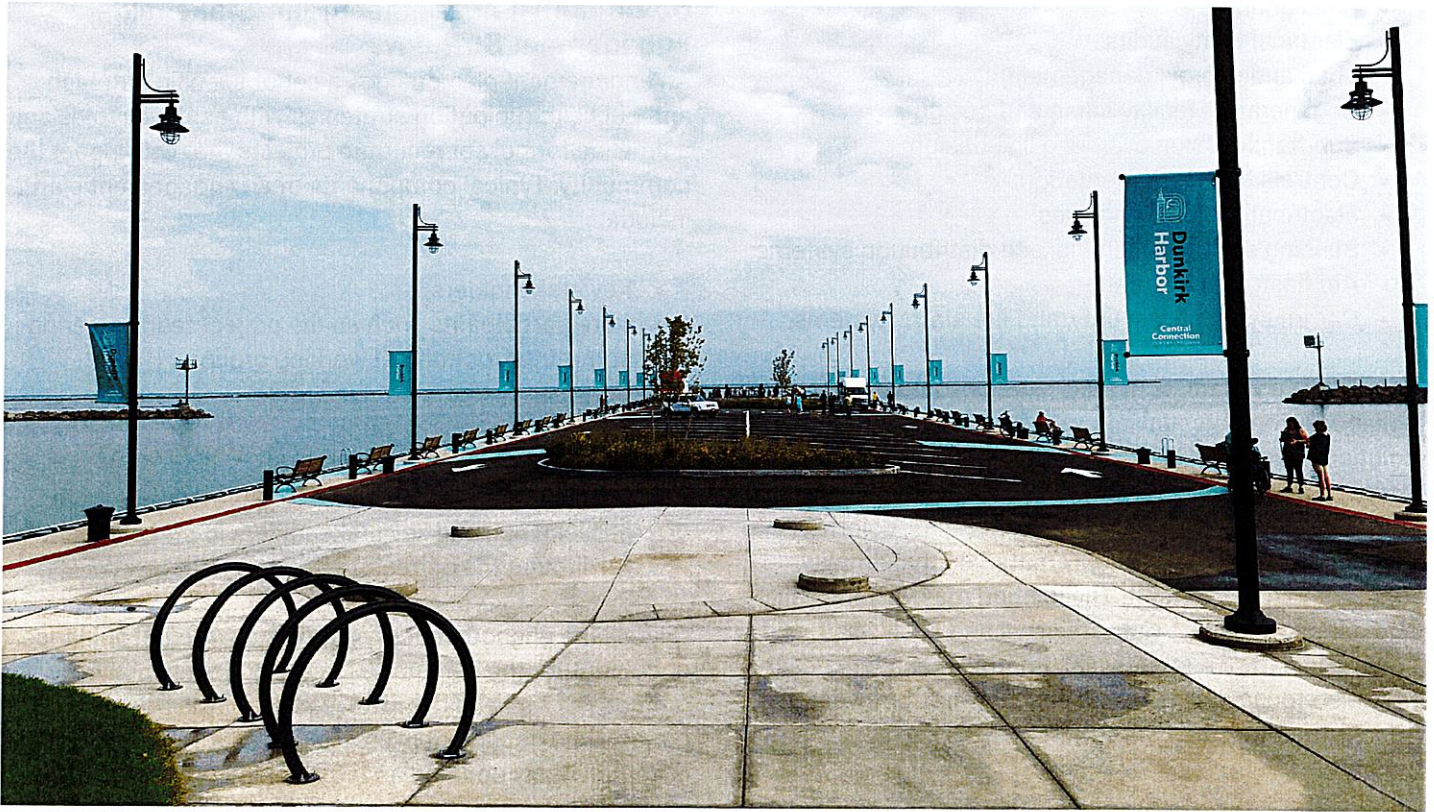
Our site and civil engineers work with our land planners, transportation engineers, and landscape architects to provide technical support for analysis, planning, implementation, and required agency regulation for transportation projects including:

- Access roads,
- Parking lots,
- Sidewalks,
- Bike paths,
- Roadways,
- Bridges,
- Multimodal trails, and
- Greenway corridors.

Pedestrian and Bicycle Accommodations: Complete Streets

Complete streets are roadways planned and designed to promote safe, convenient access and mobility for drivers, pedestrians, cyclists, and public transit users of all ages and abilities. Our transportation experts use these principals to design safe, attractive, and functional multimodal corridors through strategies and features such as:

- Traffic calming;
- Pedestrian, bicycle, and transit accommodations;
- Pedestrian enhancements;
- Landscaping and context sensitive design;



- Assessment and Monitoring
 - Geographic information systems (GIS) mapping and municipal asset management
 - Outfall and storm infrastructure inspections
 - Water quality and performance monitoring
 - Reporting and monitoring services

Environmental Services for Traffic Projects

All traffic projects contain environmental elements, particularly for permitting and compliance. They must comply with National Environmental Policy Act and State Environmental Quality Review Act (SEQRA) standards and regulations. Our environmental team members are certified in environmental regulations and tasks such as wetland delineation and mitigation design, State Pollutant Discharge Elimination System (SPDES) compliance, noise and air quality analyses, visual resource inventories and assessments, hazardous materials investigations, asbestos testing and handling, water quality evaluations, cultural resource screenings, historic American buildings surveys and historic American engineering records documentation, and stormwater pollution prevention planning (SWPPP). With these qualifications and our decades of experience, we have helped hundreds of clients proceed smoothly through the permitting process on a variety of transportation projects.

Electrical Engineering and Lighting Enhancements

B&L provides electrical engineering services for a variety of project types and facilities, including streetscapes, water and wastewater facilities, hospitals, municipal buildings, educational facilities, parks, and more. Our capabilities include:

- Power systems;
- Energy production;
- Primary service;
- Power supply planning;
- Design and engineering of lighting and lighting controls;
- Medium and low voltage power distribution;
- Data distribution and infrastructure;
- Uninterruptible power systems;
- Emergency and critical systems power generation;
- Lifecycle cost analyses of energy efficient lighting and alternative power generation technologies performed by LEED® accredited professionals;
- Supervisory control and data acquisition (SCADA);
- Radio telemetry;
- Solar and wind power;
- Substations and switchgear;
- Energy efficient lighting systems;

Construction Administration and Inspection

Construction administration and construction inspection (CA/CI) help ensure that projects are constructed according to their plans and specifications and in compliance with applicable building codes, regulations, and best practices. We have provided construction phase services for a wide variety of projects, including highways, bridges, subdivisions, water and wastewater facilities, new buildings, and building renovations. Our CA/CI services include:

- Attending and preparing documentation for preconstruction meetings,
- On site construction observation,
- Providing documentation of all activities,
- Reviewing submittals to determine compliance with plans and specifications,
- Collaborating with department heads,
- Preparing and reviewing change orders,
- Final reviews for release of funds on letters of credit,
- Punch lists, and
- Final certifications of project completion.

We pride ourselves on our ability to understand both the owner's objectives and the contractor's construction methods. This understanding helps us anticipate potential

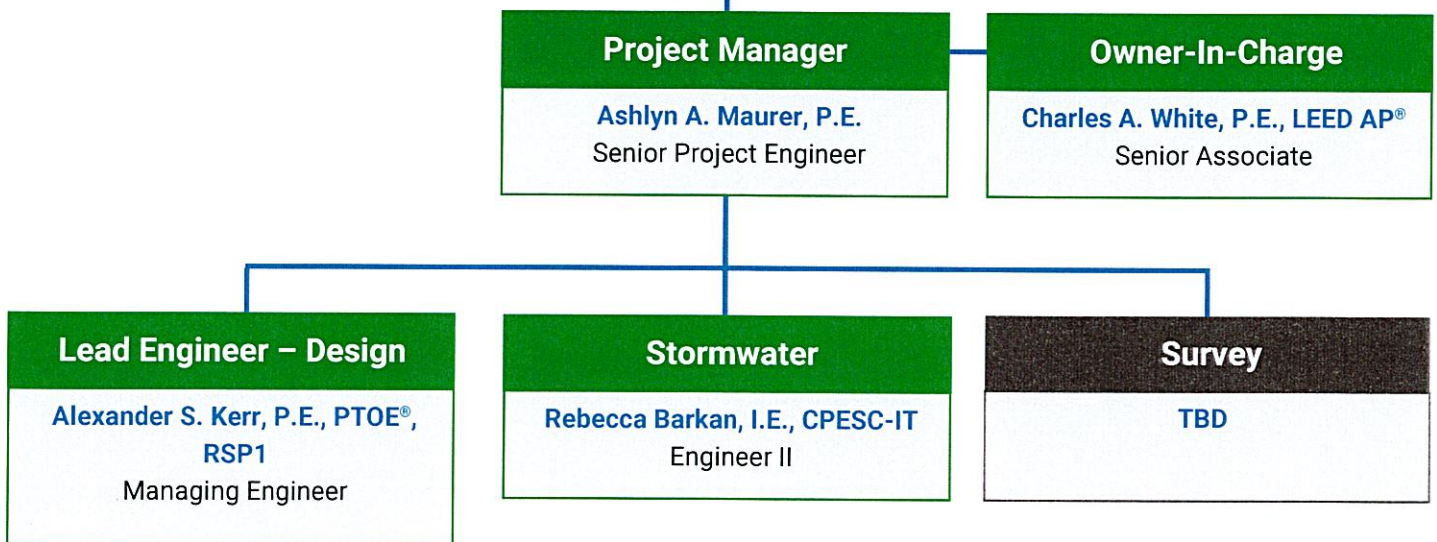
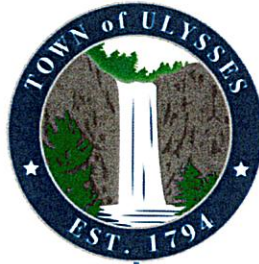


misinterpretations and unforeseen field conditions. By maintaining open communication with the owner and the contractor, we can limit misinterpretations and brainstorm solutions to project obstacles while minimizing or eliminating costly project overruns. With this approach, we can also respond to issues in a timely manner and save our clients' money by sending the nearest inspector to the project site. Our inspectors are well versed in relevant agency requirements and provide inspection services on a wide variety of transportation, building and structure, site, utility, stormwater and drainage, and solid waste projects.



Project Team

Organizational Chart



Charles A. White, P.E., LEED AP®

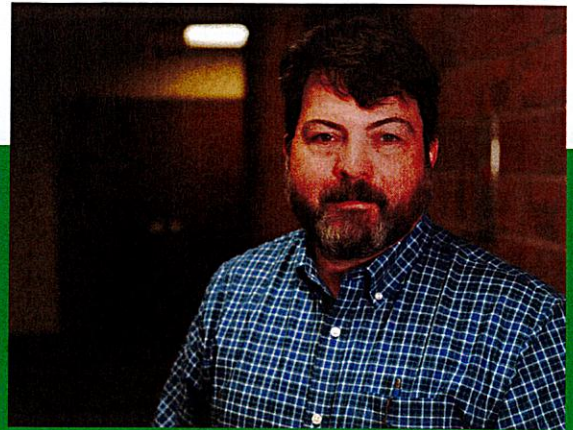
Senior Associate

cwhite@bartonandloguidice.com

Years of Experience: 28

Education: B.S., Civil Engineering, University of Kentucky, 1994

Professional Registrations: Registered Professional Engineer – New York, 2004; Leadership in Energy and Environmental Design (LEED®) Accredited Professional



Summary

Mr. White has significant experience in the planning, design and construction of transportation and civil engineering projects. He has played a key role on many design projects including, roadway design, site designs, stormwater and drainage projects, utility projects, and recreational trail projects, as well as many other related construction projects. His experience includes all project phases such as project development and planning, budgeting and grant application, design and permitting, bidding, oversight and construction administration, and project closeout. Mr. White has served as town/village designated engineer in

numerous local communities. His municipal background also provides significant additional experience in infrastructure planning, development, and management.

Relevant Experience

- Black Diamond Trail Concept Study, Town of Ulysses
- Black Diamond Trail Parking Area Improvements
- Town of Salina - Electronics Park Parking Area
- TIBA Parking Lot Improvements
- Taconic State Park Entrance

Ashlyn A. Maurer, P.E.

Senior Project Engineer

amaurer@bartonandloguidice.com

Years of Experience: 8

Education: B.S., Environmental Resources Engineering, SUNY College of Environmental Science and Forestry, 2016

Professional Registrations: Professional Engineer - New York, 2021



Summary

Ms. Maurer is a senior project engineer in B&L's Sustainable Planning and Design Practice Area. She is experienced in civil and site design for a wide range of projects from recreational trail and park design to downtown streetscape projects. Specific areas of technical design experience include green infrastructure (GI) initiatives, stormwater management, drainage systems, as well as preparation of stormwater pollution prevention plans (SWPPPs). Her responsibilities have included various phases of the design and construction process; site inventory and analysis, preparing design reports and feasibility studies, cost

estimating, the development of constructions drawings and specifications, and construction administration.

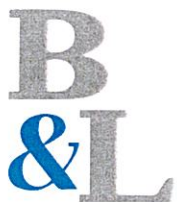
Relevant Experience

- Town of Salina - Electronics Park Parking Area
- TIBA Parking Lot Improvements
- Willow Bay Beach Feasibility Study and Final Design, Onondaga County, New York
- Black Diamond Trail Parking Area and Trail Formalization, NYS OPRHP, Trumansburg, New York



Section 2

References and Similar Projects



Town of Ulysses
Town Hall Parking Lot Renovation

References

Below are three client references that B&L has provided similar parking lot renovation design and construction administration and observation services for in the last five years. The following pages feature project descriptions that represent work we have provided that has similar elements to the Town Hall parking lot renovation. References are also included with each description that you may contact should you wish to do so.

Town of Ithaca

Daniel Thaete, P.E.
Director of Engineering
215 North Tioga Street
Ithaca, New York 14850
607-273-1747
dthaete@townithacany.gov

City of Ithaca

Michael Thorne, P.E.
Superintendent of Public Works
108 East Green Street
Ithaca, New York 14850
607-274-6535
mthorne@cityofithaca.org

Tompkins County

Jeffrey Smith
Director, Highway Division
Department of Public Works
170 Bostwick Road
Ithaca, New York 14850
607-274-0309
jsmith@tomppkins-co.org

Relevant Projects



Town of Salina

Electronics Park Parking Lot Improvements

Liverpool, New York

B&L provided the Town of Salina with design and bidding services for the reconstruction of an asphalt parking lot at one of their Town parks. Our team also performed construction administration services and part-time, on-site construction observation for key items of work. The primary goals of the project were to improve ADA accessibility and address drainage concerns. The existing parking lot surface exhibited significant distress and the pavement section had reached the end of its useful and safe service life.

The project design included full-depth reconstruction of the parking lot, improvements to ADA parking and signage, reduced driveway widths, and the elimination of a redundant driveway entrance to simplify traffic circulation and improve safety within the parking lot. B&L's efforts also included the incorporation of sustainable design features

Client Contact: Jason Hoy Town Engineer Town of Salina 201 School Road Liverpool, New York 13088 315-457-6661 jhoy@salina.ny.us	Project Cost: \$180,000
	Completion Date: July 2024 est.

such as an ADA-compliant flexi-pave surface walkway and bicycle parking area, as well as a linear green infrastructure swale to capture and treat stormwater runoff from the adjacent parking lot.



Thousand Islands Bridge Authority Facility Parking Lot Improvements

Alexandria Bay, New York

B&L has been retained by the Thousand Islands Bridge Authority (TIBA) for engineering design services at their Duty Free Americas Facility on Wellesley Island and at the TIBA facility in Collins Landing. TIBA is looking to improve the condition of three of their parking lots at these facilities, as the existing asphalt surfaces exhibit stress and the pavement sections are in need of restoration. There are also several areas of poor drainage that result in ponding water after large storm events.

B&L's efforts began with an existing condition assessment in order to identify appropriate improvements that will address pavement failures and drainage issues. As part of this assessment, B&L subcontracted with a geotechnical firm to obtain full depth pavement cores. From evaluation of the existing pavement depths, we were able to determine recommendations for the proposed pavement sections that

Client Contact: Timothy Sturick Executive Director Thousand Islands Bridge Authority P.O. Box 428, 43530 Interstate 81 Alexandria Bay, New York 13607 315-482-2501 timsturick@tibridge.com	Project Cost: \$900,000 est.	Completion Date: August 2024 est.
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incorporate a combination of milling and resurfacing along with select areas of full depth reconstruction. The design will also include signage and striping improvements, as well as installation of additional drainage structures in low areas of the parking lots. Final design is currently underway with completion estimated late summer.



NYS Office of Parks, Recreation, and Historic Preservation

Taughannock Falls State Park Parking Lot Improvements

Trumansburg, New York

The New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP), with the assistance of B&L, is developing plans to replace the existing trailhead parking area for the Black Diamond Trail, located along Jacksonville Road with a new trailhead parking lot off of Gorge Road. This project will increase the parking lot size to 66 spaces and increase accessibility of the public to the Black Diamond Trail. The project site, approximately 7.5 acres in area, is located between Gorge Road and Jacksonville Road, at the existing western trailhead of the Black Diamond Trail in the Town of Ulysses, Tompkins County, New York.

The Black Diamond Trailhead Improvements at Taughannock Falls State Park project consists of bridge rehabilitation for the pedestrian bridge overlook off the Black Diamond Trail, addition of an information kiosk, the restoration of the existing gravel parking area to pervious cover, the construction of a new asphalt parking area with full amenity comfort facility/restroom and associated

Client Contact:

Brian J. Burnett, P.E.
Assistant District Manager
Mid State Capital District –
Central Region NYS OPRHP
6105 East Seneca Turnpike
Jamesville, New York 13078
315-479-3252
brian.burnett@parks.ny.gov

Project Cost:
\$3.8 million

Completion Date: 2025
(Construction is starting next month)

utilities, including new water main, septic fields, electric, and internet connections, and ADA-accessible trail connections and improvements. This project is classified as a redevelopment project with an increase in impervious area. To account for the increase in impervious area, three bioretention areas are provided with ultimate drainage point at the Taughannock Creek. The restroom facility was architecturally modeled after a railroad station to fit the context of the site.



Section 3 Response Form



**Town of Ulysses
Town Hall Parking Lot Renovation**

Section 11. RFQ Response Form

Respondent legal business name: Barton & Loguidice, D.P.C.

Respondent designated contact name: Charles A. White

Respondent designated contact phone: 315-457-5200

Respondent designated contact email: cwhite@bartonandloguidice.com

Legal business entity status: Design Professional Corporation

Provide a Proposed Schedule for Completion of Each Phase:

Phase	Proposed Date
Conceptual Design completed	August 30, 2024 (estimated)
Final Design completed	October 31, 2024 (estimated)
Construction RFQ released	November 1, 2024 (estimated)
Construction bid due	November 15, 2024 (estimated)

Complete the following table:

Phase	Dollar Figure Not to Exceed Quote
1. Conceptual Design	\$22,500 (Lump Sum)
2. Final Design	\$25,000 (Lump Sum)
3. Construction RFQ Development	\$ 2,500 (Lump Sum)
4. Construction Competitive Bid Administration *	\$ 9,500 (Lump Sum)
5. Construction Observation	\$13,000 (Time and Expense)

Relevant notes regarding the above figures:

* and "Project Closeout Administration" as noted in the RFP Scope of Work

Please also include a current contracted hourly rate schedule (for reference only).

Barton & Loguidice
Billing Rates for Calendar Year 2024

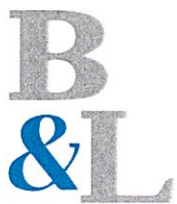
Travel by passenger vehicle	IRS standard mileage rate (exclusive of operator time)
Overnight travel & subsistence	At cost
Telephone, postage, delivery, etc.	At cost
In-house printing	Unit rate schedule for printed material
Field equipment & expendables	Unit rate schedule
Unmanned Aircraft Systems (UAS) equipment	\$300/day (exclusive of operator time)
Outside services including lab services & printing	Cost plus 15%

Billing Title	Billing Code	2024 Billing Rate
Executive Manager	P12	295.00
Manager V	P11	260.00
Manager IV	P10	230.00
Manager III	P9	215.00
Manager II	P8	205.00
Manager I	P7	195.00
Professional VI	P6	180.00
Professional V	P5	162.00
Professional IV	P4	146.00
Professional III	P3	134.00
Professional II	P2	120.00
Professional I	P1	104.00
Technician VII	T7	160.00
Technician VI	T6	152.00
Technician V	T5	136.00
Technician IV	T4	124.00
Technician III	T3	111.00
Technician II	T2	95.00
Technician I	T1	83.00
Construction V	C5	152.00
Construction IV	C4	140.00
Construction III	C3	128.00
Construction II	C2	120.00
Construction I	C1	114.00
Technical Assistant III	TA3	112.00
Technical Assistant II	TA2	95.00
Technical Assistant I	TA1	80.00



Section 4

Exception Letter



Town of Ulysses
Town Hall Parking Lot Renovation

Exception Letter

B&L respectfully submits the attached document illustrating exceptions to the Town of Ulysses Example Contract Terms and requests the opportunity to discuss this topic further if selected. The requested changes are intended to ensure a comprehensive professional services agreement and proper protection for the Town and B&L. Further, B&L proposes to not use the included Master Subconsultant Agreement (Short Form). Rather, we would propose to use B&L's Standard Subconsultant Agreement for any subconsultants we engage. Through our subconsultant agreement we would convey any necessary provisions of our prime agreement with the Town to our subconsultant.

Appendix 2
Town of Ulysses Example Contract Terms
(not intended as final verbiage)

1) INDEMNITY AND SAVE HARMLESS AGREEMENT

- a) The Contractor/Consultant agrees to ~~protect,~~ indemnify, and hold harmless ~~and defend~~ the Town and its officers, employees, representatives, ~~agents,~~ successors and assigns from any and all damages, claims, suits, actions, causes of action, demands, judgments, losses, costs and expenses ~~of any nature whatsoever,~~ including reasonable attorneys' fees ~~resulting from, to the extent caused by~~ any negligent act or omission related to the services provided herein ~~or negligence, active or passive, and for any actions or inactions~~ of the Contractor/Consultant, its employees, representatives, agents, subcontractors, successors and assigns related to this Contract.
- b) ~~Contractor shall assume full responsibility for the protection of all buildings, structures, and utilities (both public and private).~~ All damage, injury, or loss to any public or private property, by the Contractor/Consultant, or any sub-contractor/Consultant, shall be replaced or restored to at least the original condition to the satisfaction of the Town at the Contractor/Consultant's expense.
- c) Nothing in this Contract shall constitute a waiver by the Town of any statutory limits or immunities from liability.
- d) In claims against any person or entity indemnified in this contract by an employee of the Contractor/Consultant, a Subcontractor/Consultant, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the Contractor/Consultant or a Subcontractor/Consultant under workers' compensation acts, disability benefit acts or other employee benefit acts.

2) NYS PROHIBITION OF ASSIGNMENT OF CONTRACTS

- a) In accordance with the provisions of Section 109 of the General Municipal Law of the State of New York, the Contractor/Consultant is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Contract, or of its right, title or interest in this Contract, or its power to execute this Contract, to any other person or corporation without the previous consent in writing of the Town. If the Contractor/Consultant assigns, transfers, conveys, sublets or otherwise disposes of such contract, or his right, title or interest therein, or his power to execute such contract, without previous consent in writing of the Town, then the Contractor/Consultant's action shall revoke and annul the Contract and the Town shall be relieved and discharged from any and all liability and obligations out of the Contract to the Contractor/Consultant.

3) OWNERSHIP OF RECORDS

- a) The Contractor/Consultant will take no action to compromise the Town's legal obligation to maintain records and adequate documentation transactions of public business. The Contractor/Consultant agrees that records and other documentation produced from this work are the property of the Town, and that any reuse of such records or documents, not for their intended purpose, shall be at the sole risk of the Town.-

without limitation, all documents, plans, drawings, tool and items of any nature whatever, supplied to ~~Contractor~~Consultant by the Town.

- d) Production of Documents: All records, documents, data, reports or other material, regardless of form or finish, produced by the ~~Contractor~~Consultant as a result of services provided hereunder, are work for hire, and shall become the property of the Town upon creation. The ~~Contractor~~Consultant may not assert any right, title or interest in any product produced under this Contract.

The Town may request at any time during and/or after the termination of the Contract any records,

Town of Ulysses RFQ Parking Lot Document Date 5/29/24

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documents, data, reports or other materials produced by the ~~Contractor~~Consultant under this Contract.

9) NO PARTNERSHIP OR JOINT VENTURE; ~~CONTRACTOR~~CONSULTANT NOT EMPLOYEE

- a) The parties to this Contract are not partners or joint venturers with each other and nothing herein shall be construed to make them partners or joint venturers or impose any liability as such on either of them.
- b) In performing the Services set forth in this Contract, the ~~Contractor~~Consultant will have neither express or implied power to execute agreements on behalf of Town or in any manner bind the Town as to any matter not within the scope of this Contract.
- c) It is expressly agreed that the relationship between the ~~Contractor~~Consultant and the Town shall not constitute employment by the Town.
- d) The Town shall have no liability under this Contract to ~~Contractor~~Consultant or anyone else beyond funds appropriated and available for this Contract.

10) MISCELLANEOUS

- a) This Contract may be amended or modified only by a written instrument signed by authorized representatives of each of the parties hereto.
- b) This Contract may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. For all purposes, an electronic or facsimile signature shall be deemed the same as an original signature.
- c) The headings of sections in this Contract are for convenience of reference only and are not intended to qualify the meaning of any section. Any reference to a section number shall refer to a section of this Contract, unless otherwise stated.
- d) The parties intend this statement of their Contract to constitute the complete, exclusive, and fully integrated statement of their agreement and is the sole expression of their Contract and supersedes all prior agreements and understandings, either oral or written with respect thereto.
- e) The parties to this Contract agree and covenant that this Contract will be enforceable in the Town of Ulysses, New York. If legal action is necessary to enforce this Contract, exclusive venue will lie in Tompkins County, New York.
- f) This Contract and the rights of the parties hereunder shall be governed by and construed in accordance with the laws of the State of New York including all matters of construction, validity, performance, and enforcement and without giving effect to the principles of conflict of laws.
- g) The parties intend this statement of their Contract to constitute the complete, exclusive, and fully



Section 5 Acknowledgment



Town of Ulysses
Town Hall Parking Lot Renovation

Acknowledgment

B&L acknowledges that we are able to meet the contract requirements as outlined in this document