

RESOLUTION NO. 2003- 067

AUTHORIZING CONTRACT NO. 2002-097 WITH BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP. FOR THE FURNISHING OF LEGAL SERVICES FOR THE ACQUISITION OF REAL ESTATE INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1,074,400.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT AND PROGRAMMING AND PLANNING DEPARTMENT BUDGETS)

WHEREAS, the Greater Cleveland Regional Transit Authority intends to construct certain transit improvements as part of the New Starts funded portion of the Euclid Corridor Transportation Project; and

WHEREAS, said construction will require the Authority to acquire rights in real property generally in the form of total acquisition of real estate parcels; partial acquisition of real estate parcels; and permanent or temporary easements; and

WHEREAS, the said acquisitions will require the assistance of licensed professionals in the area of Legal Services; and

WHEREAS, the Authority has solicited such services through a competitive negotiated procurement process; and

WHEREAS, the proposal of Benesch, Friedlander, Coplan & Aronoff LLP for the furnishing of said Legal Services was received on August 16, 2002; and

WHEREAS, the General Manager deems the proposal of Benesch, Friedlander, Coplan & Aronoff LLP, as negotiated, to be most favorable to the Authority, cost and all other factors considered, and recommends acceptance thereof by the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the proposal of Benesch, Friedlander, Coplan & Aronoff LLP, as negotiated, be and the same is hereby accepted.

Section 2. That the General Manager of the Authority be and he is hereby authorized to enter into a contract with Benesch, Friedlander, Coplan & Aronoff LLP for the provision of Legal Services for the acquisition of interests in real property for the New Starts funded portion of the Euclid Corridor Transportation Project.

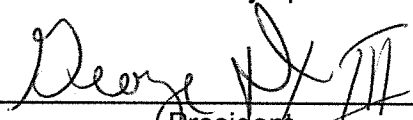
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Section 3. That said contract shall be payable from the RTA Development Fund, including but not limited to 100% local funds, in an amount not to exceed one million, seventy-four thousand, four hundred & 00/100 dollars (\$1,074,400.00). The contract will consist of a separate notice to proceed for each element of the Euclid Corridor Transportation Project and legal services provided shall be charged at a blended rate for partners, associates, and paralegals which rate shall not exceed \$185.00 per hour. The Bus Rapid Transit element costs (estimated at \$705,075.00) will be from the Euclid Corridor Transportation Project Department Budget and the East Side Transit Center costs (estimated at \$369,325.00) will be funded from the Programming and Planning Department Budget.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2002-120, bonding and insurance requirements, future years funding and all applicable laws relating to contractual obligations of the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: May 20, 2003



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING CONTRACT NO. 2002-097 WITH BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP FOR THE FURNISHING OF LEGAL SERVICES FOR THE ACQUISITION OF REAL ESTATE INTERESTS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1,074,400.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT AND PROGRAMMING AND PLANNING DEPARTMENT BUDGETS).	Resolution No.: 2002- 067
	Date: May 15, 2003
	Initiator: Engineering & Project Management Division
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into a contract for Legal Services necessary to acquire real estate interests for construction of the New Starts funded portion of the Euclid Corridor Transportation Project.

2.0 **DESCRIPTION/JUSTIFICATION:** Two components of the Euclid Corridor Transportation Project are funded under the Federal Transit Administration's New Starts program: the Bus Rapid Transit project elements and the East Side Transit Center. The Bus Rapid Transit portion of the Euclid Corridor Transportation Project has received FTA approval of the environmental assessment and is currently in Final Design, with construction expected to begin in 2004. The East Side Transit Center is currently in the environmental phase, with FTA approval of the environmental assessment expected in early 2003. The real estate acquisition process for the East Side Transit Center will not begin until FTA approval is obtained at the end of the environmental phase. In order to secure the necessary right-of-way, we will need to acquire real estate interests in properties in the work areas of these projects. These will involve the permanent acquisition of real estate parcels and portions of parcels, and both permanent and temporary easements.

To accomplish this within the time constraints of the project, the assistance of five types of professional services are required: a general real estate consultant to perform the necessary research, appraisals and negotiations with property owners; a review appraiser as required by the federal Uniform Relocation Act; a title and escrow agent; an environmental consultant to determine whether properties contain hazardous materials; and legal counsel to supplement the Authority's Legal Department staff by providing legal services for real estate acquisitions, including eminent domain litigation as necessary and as directed by the Legal Department staff.

3.0 **PROCUREMENT BACKGROUND:** Requests for Proposals were sent to prospective proposers. After evaluation by a panel of Authority employees in accordance with established Procurement Department Policies and Procedures, and negotiations, the proposal of Benesch, Friedlander, Coplan & Aronoff LLP was determined to be the most favorable to the Authority, price and all other factors considered.

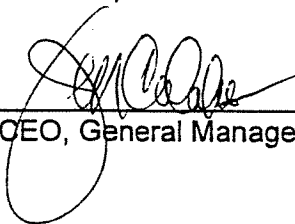
The law firm of Benesch, Friedlander, Coplan & Aronoff LLP (BFCA) has been involved in several major projects in recent years, including the renovation and redevelopment of the Euclid and Colonial Arcades. The firm previously represented the Authority in the acquisition of the Root-McBride Building and the sale of our interest in the State Office Building. The team for this project will be headed by a senior partner of the firm.

BFCA has teamed with the firm of Mansour, Gavin, Gerlack & Manos Co., L.P.A., which will handle eminent domain activities. This firm has extensive experience in public real estate activities and eminent domain actions for projects including the Gateway Sports Complex, the Ohio Turnpike, the Midtown Corridor and previous GCRTA projects.

A cost analysis has been performed and the rates and estimated price have been determined to be fair and reasonable to the Authority.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 0% DBE goal was established for this procurement due to the lack of DBE availability.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This procurement will be funded through the RTA Development Fund, including but not limited to 100% local funds in an amount not to exceed one million, seventy-four thousand, four hundred & 00/100 dollars (\$1,074,400.00). The contract will consist of a separate notice to proceed for each element of the Euclid Corridor Transportation Project. The Bus Rapid Transit element costs (estimated at \$705,075.00) will be funded from the Euclid Corridor Transportation Project Development Budget, and the East Side Transit Center costs (estimated at \$369,325.00) will be funded from the Programming and Planning Department Budget.
- 7.0 ALTERNATIVES: Reject this award. Rejection of this award would delay the acquisition of property needed for construction of the Bus Rapid Transit and East Side Transit Center projects and risk delaying the construction schedules.
- 8.0 RECOMMENDATION: It is recommended that the proposal of Benesch, Friedlander, Coplan & Aronoff LLP, as negotiated, be accepted and the resolution passed authorizing the General Manager to enter into a contract.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer