

RESOLUTION NO. 2003- 090

AMENDING RESOLUTION NO. 2003-55 APPROVED BY THE BOARD OF TRUSTEES APRIL 15, 2003 TO AUTHORIZE AN INCREASE IN CHANGE ORDER NO. 2 FOR DESIGN SERVICES UNDER CONTRACT 2001-118 WITH WILBUR SMITH ASSOCIATES, INC., OF OHIO FOR FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT TO AN AMOUNT NOT TO EXCEED \$684,248.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT BUDGET)

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority by Resolution No. 2002-024 authorized a contract with Wilbur Smith Associates, Inc. Ohio to provide final design services for the Euclid Corridor Transportation Project at a cost not to exceed \$9,072,202 00; and

WHEREAS, the General Manager has authorized one change order in an amount not to exceed \$39,188.00 under his delegated authority, increasing the contract price not to exceed \$9,111,390.00; and

WHEREAS, the Board of Trustees in Resolution No. 2003-55 authorized Change Order No. 2 to the contract and increased the contract price not to exceed \$454,278.00 increasing the total amount to a not to exceed price of (\$9,565,668.00); and

WHEREAS, \$302,000.00 of the not to exceed amount included in Change Order No. 2 was determined based upon available internal independent estimates for that portion of the work; and

WHEREAS, a subsequent complete independent evaluation of that portion of the work in Change Order No. 2 determined that the value of that portion of the work was \$568,453.95.00; and

WHEREAS, through negotiations with Wilbur Smith Associates, Inc., the price for that portion of the work was established at \$531,970.00; and

WHEREAS, the Board of Trustees deems acceptance of the negotiated price and increasing the \$302,000.00 previously authorized by \$229,970 to be fair and reasonable and in the best interest of the Authority.

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

Section 1. That the amount of Change Order No. 2 s increased from \$454,278.00 to a price not to exceed \$684,248.00.

Section 2. That the price of Contract No. 2001-118 is hereby increased by \$229, 970 to a total cost not to exceed \$9,795,638.00.

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Section 3. That said amendment shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to 100% Local funds, in an amount not to exceed six hundred eighty four thousand two hundred forty eight & 00/100 dollars (\$684,248).

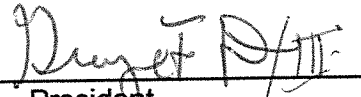
Section 4. That the General Manager of the Authority be and he is hereby authorized to amend Contract No. 2001-118 with Wilbur Smith Associates, Inc. Ohio to include said additional cost.

Section 5. That all other terms and conditions of the original contract shall remain unchanged.

Section 6. That the General Manager be and is hereby re-authorized to exercise his full change order authority under the Authority's Procurement Policy, Section 9.0, as applied to Contract 2001-118.

Section 7. That this resolution shall become effective immediately upon its adoption.

Adopted: June 17, 2003

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
STAFF SUMMARY AND COMMENTS

<b>TITLE/DESCRIPTION:</b> AMENDING RESOLUTION NO. 2003-55 APPROVED BY THE BOARD OF TRUSTEES APRIL 15, 2003 TO AUTHORIZE AN INCREASE IN CHANGE ORDER NO. 2 FOR DESIGN SERVICES UNDER CONTRACT 2001-118 WITH WILBUR SMITH ASSOCIATES, INC., OF OHIO FOR FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT TO AN AMOUNT NOT TO EXCEED \$684,248.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT BUDGET)	<b>Resolution No.:</b> 2003- 090
	<b>Date:</b> June 12, 2003
	<b>Initiator:</b> Euclid Corridor Transportation Project
<b>ACTION REQUEST:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE:** This action will amend the previous action as authorized in Resolution 2003-055, of additional design services for final design of the Euclid Corridor Transportation Project, and increase the value of Change Order No. 2 from \$454,278.00 to \$684,248.00, as negotiated.

2.0 **DESCRIPTION/JUSTIFICATION:** This action arises from the Board of Trustees action on April 15, 2003, regarding three developments since the final design contract was awarded in February 2002:

- (1) The value engineering study at the 30% design point identified approximately \$8.0 million in project cost savings which were accepted by the Authority, and an additional \$10.6 million in potential savings which require further study before being accepted or rejected.
- (2) Stakeholders, including the City of Cleveland, have revised their positions on design issues, partly to conform with other redevelopment efforts.
- (3) Identification of deficiencies in the work of earlier design consultants require corrective work.

At their meeting on April 15, 2003, the Board of Trustees approved Resolution 2003-055, in the amount of \$454,278.00 (\$302,000.00 for work performed in proposed change order (PCO) No. 2, based upon preliminary engineering estimates, and \$152,278.00, for work performed in PCO No. 4, as negotiated).

3.0 **PROCUREMENT BACKGROUND:** At the conclusion of the value engineering study in June 2002, Wilbur Smith Associates (WSA), the final design consultant, advised the Authority that implementing the accepted recommendations would involve a significant design effort. WSA could not quantify the cost involved until the proposed changes went through the City's design review process in November. In the interim, additional design changes were proposed as the result of stakeholder meetings. While this proposed change order was in evaluation and negotiation, WSA notified the Authority of inaccuracies in the vertical profile work done by a previous consultant, which required correction. A price of \$531,970 was negotiated with WSA for the additional work performed in PCO No. 2.

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Independent cost estimates were submitted by a consulting firm for PCO No. 2 on May 16, 2003, and for PCO No. 4 on April 11, 2003. After review of the independent cost estimate, a cost/price analysis was performed by the Procurement Department, and a comparison was made of the labor rates in the proposal and those in the base contract. Based upon this analysis, the Procurement Department has determined that the prices for PCO No. 2 and PCO No. 4 as proposed by Wilbur Smith Associates, Inc., of Ohio, as negotiated, were fair and reasonable to the Authority. This conclusion has been reviewed and concurred with by the Internal Audit Department.

4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 20% DBE goal was established for this procurement that was awarded in February 2002 (Resolution No. 2002-024). The change order will increase this contract amount to \$9,795,638.00. For the entire contract period, Wilbur Smith Associates has committed to achieve the goal through the utilization of the following DBE firm(s):

DBE(s) Name/Address	DBE Category	Scope of Work	Amount	Percent
The Outside In, Inc.	African American Male	Streetscape & Urban Design; Public Art Coordination	\$330,676**	3.38%
Gray & Pape, Inc.	White Female	Environmental Documentation; Construction Support	\$112,020	1.14%
Central Engineering, Inc.	Asian Pacific Male	Traffic Engineering & Controls	\$201,507**	2.06%***
KS Associates, Inc.	White Female	Roadway Design; Base Map & Surveys	\$600,661*	6.13%
Columbus Engineering d/b/a UTILOCATE	Asian Pacific Male	Roadway Design; Utility Design	\$407,252	4.16%
City Blue Printing	White Female	Reproduction & Mailing	\$350,000	3.57%
DAR Associates	African American Female	Public Involvement	\$50,728	.52%
Kapp & Associates, Inc.	White Female	Signage Design	\$30,500	.31%
		<b>Total DBE Participation:</b>	<b>\$2,083,344</b>	<b>21.27%</b>

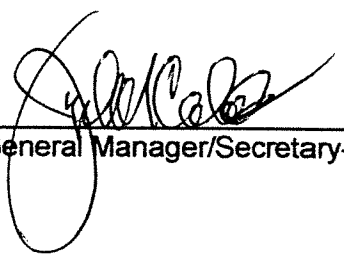
\* KS Associates' subcontract amount includes an additional \$39,188 from Change Order #1.

\*\* Central Engineering and The Outside In, Inc.'s subcontract amounts reflect an additional \$52,735 and \$48,596, respectively, anticipated from potential change order No. 2.

\*\*\* Central Engineering's subcontract amount reflects an additional \$54,613 anticipated from potential change order No. 4.

- 5.0 POLICY IMPACT: This action will exceed the General Manager's delegated change order authority and requires Board approval.
- 6.0 ECONOMIC IMPACT: This amendment shall be funded through the RTA Development Fund, Euclid Corridor Transportation Project budget, including but not limited to 100% Local Funds, in an amount not to exceed six hundred eighty four thousand two hundred forty eight & 00/100 dollars (\$684,248). To the extent feasible, the Authority will seek recovery from the preliminary engineering consultant for the defective work it performed and was paid for in PCO No. 4 only.
- 7.0 ALTERNATIVES: Rejection of this amendment will prevent payment for services already performed, risking legal action against the Authority, and adversely affecting the Euclid Corridor Transportation Project schedule.
- 8.0 RECOMMENDATION: This action was presented to the Board of Trustees Planning and Development Committee on June 3, 2003, which recommended its submittal to the entire Board. It is recommended that the resolution be passed ratifying the actions of the GCRTA Board of Trustees and authorizing the General Manager to amend the contract.
- 9.0 ATTACHMENTS: Attachment A –Change Order Log.

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

  
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CEO, General Manager/Secretary-Treasurer

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**ATTACHMENT A  
CHANGE ORDER LOG  
CONTRACT NO. 2001-118  
FINAL DESIGN OF EUCLID CORRIDOR TRANSPORTATION PROJECT**

<b>DESCRIPTION</b>	<b>PRICE</b>	<b>DATE APP.</b>	<b>APP. BY</b>	<b>TOTAL PRICE</b>	<b>G.M. BALANCE</b>
<b>INITIAL CONTRACT PRICE</b>			<b>2002-024</b>	<b>\$9,072,202.00</b>	<b>\$ 500,000.00</b>
Additional Survey Work	\$ 39,188.00	12/27/02	GM	\$9,111,390.00	\$ 460,812.00
VE Modifications & Vertical Profile	\$ 454,278.00	5/20/03	<b>2003-055</b>	<b>\$9,565,668.00</b>	<b>\$ 500,000.00</b>
Remainder of PCO No. 2 costs, as negotiated	\$ 229,970.00				