

RESOLUTION NO. 2003- 158

**AUTHORIZING SOLE SOURCE CONTRACT 2003-100 WITH PANDROL USA, LP. FOR 100,000 TIE PLATE SETS FOR THE TRACK REHABILITATION OVERHAUL PROJECT AT A PRICE OF \$1,296,000.00 (RTA DEVELOPMENT FUND, RAIL DISTRICT DEPARTMENT BUDGET).**

WHEREAS, the Authority requires tie plate sets for the track rehabilitation overhaul program; and

WHEREAS, the offer of Pandrol USA, LP located at 501 Sharpton Road, Bridgeport, NJ 08014, to furnish 100,000 tie plate sets for the Authority's track rehabilitation project was received on October 2, 2003; and

WHEREAS, after negotiations, Pandrol USA, LP, agreed to provide the tie sets for a total price of \$1,296,000.00; and

WHEREAS, Section 306.43(H)(2) of the Ohio Revised Code provides that competitive bidding is not required when a regional transit authority, after reasonable inquiry, determines that only one source of supply is reasonably available; and

WHEREAS, Pandrol USA, LP has proprietary rights to the Pandrol Tie Plate System currently in use on the Authority's rail system; and

WHEREAS, the General Manager deems the offer of Pandrol USA, LP as negotiated, to be fair and reasonable 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 General Manager of the Authority be and he is hereby authorized to enter into a contract with Pandrol USA, LP for the furnishing of 100,000 tie sets for the Authority's track overhaul project, as specified.

Section 2. That said contract shall be payable from the RTA Development Fund, Rail District Department budget, including but not limited to 100% Local Funds (\$1,000,000) and Capital Grant OH-90-X387 (\$296,000) for a total amount of \$1,296,000 (\$236,800 in Federal Funds which represents 18% of the total cost).

Section 3. That the terms of such contract shall be consistent with the offer of Pandrol USA, LP as negotiated.

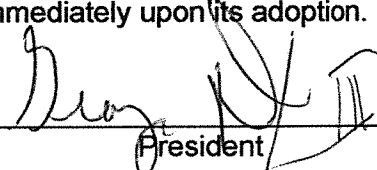
Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specification and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2003-107; bonding and insurance requirements and all applicable laws relating to the contractual obligations of the Authority.

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Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Pandrol USA, LP will attempt to exceed the zero percent (0%) DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: November 24, 2003

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer



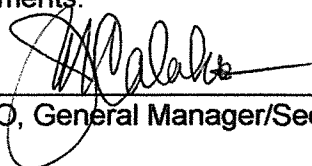
Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

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<b>TITLE/DESCRIPTION:</b> AUTHORIZING SOLE SOURCE CONTRACT 2003-100 WITH PANDROL USA, LP FOR 100,000 TIE PLATE SETS FOR THE TRACK REHABILITATION OVERHAUL PROJECT AT A PRICE OF \$1,296,000.00 (RTA DEVELOPMENT FUND, RAIL DISTRICT DEPARTMENT BUDGET.)	<b>Resolution No.:</b> 2003 -
	<b>Date:</b> November 19, 2003
	<b>Initiator:</b> Rail District Department
<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/SCOPE:** This action will allow the Authority to enter into a contract with Pandrol USA, LP for 100,000 tie plate systems.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The tie plates are used on the Authority's rail system to secure and provide stability of the rail to the cross-ties and will be utilized on the Shaker Blue and Green Lines Rehabilitation. This system is a safety sensitive part because failure of one of these units may result in the derailment of the vehicle.
- 3.0 **PROCUREMENT BACKGROUND:** This is a sole source procurement as authorized by Section 306.43(H)(2) of the Ohio Revised Code. Pandrol USA, LP holds the exclusive rights to this product. An industry survey showed that no other manufacturer provides a comparable product. The Procurement Department requested a proposal from Pandrol USA, LP. After negotiations, the price of \$1,296,000.00 was agreed upon. A cost and price analysis was performed and the Procurement Department has determined the negotiated price to be fair and reasonable to the Authority.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE goal was established for this procurement due to the lack of subcontracting opportunities.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** This procurement will be payable from the RTA Development Fund, Rail District Department budget, including but not limited to 100% Local Funds (\$1,000,000) and Capital Grant OH-90-X387, Line Item 12.7A.00 (\$296,000) for a total amount of \$1,296,000 (\$236,800 in Federal Funds which represents 18% of the total cost).
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer may potentially cause the unsafe operation of the rail system and adversely affect the safety of riders and operators.
- 8.0 **RECOMMENDATION:** It is recommended that the offer of Pandrol USA, LP 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.

  
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 CEO, General Manager/Secretary-Treasurer