

RESOLUTION NO. 2004-105

AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SHAKER HEIGHTS FOR PARTICIPATION IN THE SHAKER HEIGHTS TRAFFIC SIGNAL UPGRADE PROJECT IN THE AMOUNT OF \$300,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,020,000.00 (RTA DEVELOPMENT FUND-SAFETY DEPARTMENT BUDGET).

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority by Resolution No. 2003-006 authorized an Intergovernmental Agreement with the City of Shaker Heights, a political subdivision of the State of Ohio, for the participation in the Shaker Heights Traffic Signal Upgrade Project in an amount not to exceed seven hundred twenty thousand & 00/100 dollars (\$720,000.00); and

WHEREAS, the Shaker Heights Traffic Signal Upgrade Project will affect the at-grade operations of the Green and Blue Light Rail Lines; and

WHEREAS, the Ohio Department of Transportation will manage the project and has received bids for the Shaker Heights city-wide upgrade to its traffic signal system and estimates that the actual cost to the Authority for its participation in the project is \$214,000.00 more than budgeted; and

WHEREAS, the Authority is responsible for any cost overruns relative to the Authority portion (Part 2) of the Project and therefore has included an allowance of up to \$86,000.00 for construction related change orders of said portion for a total increase of \$300,000.00; and

WHEREAS, pursuant to Section 306.43(H)(4) of the Ohio Revised Code, the purchase of goods or services from political subdivisions of the State of Ohio are exempt from the competitive procurement process; and

WHEREAS, the General Manager/Secretary-Treasurer deems the agreed upon increase of two hundred fourteen thousand & 00/100 dollars (\$214,000.00) and contingency allowance of eighty-six thousand and 00/100 dollars (\$86,000.00) to be advantageous and in the best interest of the Authority 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 increase in the Authority's participation in the City of Shaker Heights Traffic Signal Upgrade Project is hereby accepted.

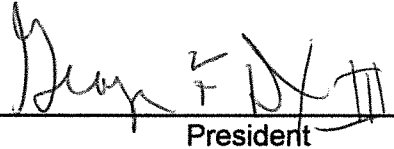
Section 2. That the General Manager/Secretary-Treasurer is hereby authorized to amend said Intergovernmental Agreement to include an additional \$300,000.00, for a total participation cost not to exceed one million twenty & 00/100 dollars (\$1,020,000.00) and authorize payment of GCRTA's share to the Ohio Department of Transportation.

Section 3. That said increase shall be payable from the RTA Development Fund, Safety Department Budget, including but not limited to Capital Grant OH-03-0209 in the amount of three hundred thousand and 00/100 dollars (\$300,000.00) for a total amount not to exceed \$1,020,000.00 (\$768,000.00 in Federal Funds, which represents approximately 75% of the total cost).

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, thereto, 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.

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

Adopted: July 20, 2004


President

Attest: 
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SHAKER HEIGHTS FOR PARTICIPATION IN THE SHAKER HEIGHTS TRAFFIC SIGNAL UPGRADE PROJECT IN THE AMOUNT OF \$300,000.00, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,020,000.00 (RTA DEVELOPMENT FUND -SAFETY DEPARTMENT BUDGET).	Resolution No.: 2004- 105
	Date: July 15, 2004
	Initiator: Safety Department
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 amend the intergovernmental agreement with the City of Shaker Heights for Authority's participation in the City's Traffic Signal Upgrade Project.
- 2.0 **DESCRIPTION/JUSTIFICATION:** Shaker Heights is currently designing a comprehensive upgrade of its traffic signal system. Since the system will affect the at-grade operations of the Green and Blue light rail lines, the Authority desires to amend its participation in the project in order to ensure that the upgrades provide a more sophisticated interface with its rail signal system and to reduce the number of rail car-automotive vehicle collisions that have been experienced (approximately one per month). Among the project initiatives is an extended green light period to allow rail cars to move through intersections more efficiently, and a "no left turn" roadway signal activated when rail cars are approaching intersections. The agreement with the City addresses the design and construction process, and maintenance of the system when completed.
- 3.0 **PROCUREMENT BACKGROUND:** The original intergovernmental agreement amount was \$720,000.00. Of this \$720,000.00, \$60,000.00 was for engineering/design. The remaining \$660,000.00 was allocated for construction. The construction portion of this intergovernmental agreement has increased by \$214,000.00 and GCRTA has included an allowance of up to \$86,000.00 for construction related change orders for GCRTA's portion (Part 2) of the contract, for a total amount of \$1,020,000.00, of which \$874,000.00 are construction costs.

Ohio Revised Code Sec. 306.43(H)(4) exempts purchases of goods and services from the state or federal government, other political subdivisions, or agencies of the state from the requirement for competitive procurement. Federal Transit Administration Circular 4220.1D encourages the use of intergovernmental agreements for such purchases, providing that the acquisition conforms to the FTA's procurement standards as defined in the Circular.

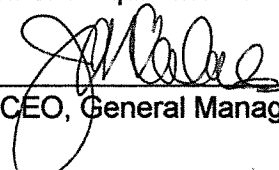
L-4

STAFF SUMMARY & COMMENTS
Shaker Heights Signal Upgrade
Page 2

The Shaker Heights project is funded through the Ohio Department of Transportation (ODOT), which will administer the construction bidding process. ODOT is a grantee of the U.S. Department of Transportation through both FTA and the Federal Highway Administration, and has verified that its procurement process conforms to these requirements. The Authority will review the ODOT process as appropriate to verify compliance.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Since this will be a City of Shaker Heights/ODOT procurement, the Office of Business Development does not establish DBE goals or conduct Affirmative Action reviews. However, the Office of Business Development will assure that DBE participation has been utilized for this solicitation.
- 5.0 POLICY IMPACT: Does Not Apply.
- 6.0 ECONOMIC IMPACT: This agreement will be funded through the RTA Development Fund, Safety Department Budget, including but not limited to Capital Grant OH-03-0209, line item 12.63.01 in the amount of three hundred thousand and 00/100 dollars (\$300,000.00), for a total amount not to exceed \$1,020,000.00 (\$768,000.00 in Federal Funds, which represents approximately 75% of the total cost). The Ohio Department of Transportation will manage this construction project and invoice GCRTA for costs related to GCRTA's portion (Part 2) of the contract.
- 7.0 ALTERNATIVES: Reject this proposal. Rejection of this amendment would prevent the Authority from upgrading its light rail signal system and obtaining the benefits of coordinating its system with that of the City.
- 8.0 RECOMMENDATION: It is recommended that the amended offer of the City of Shaker Heights for Authority participation in its Traffic Signal Upgrade project be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to amend the intergovernmental agreement.
- 9.0 ATTACHMENT: None

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



CEO, General Manager/Secretary-Treasurer