

RESOLUTION NO. 2004- 165

AUTHORIZING A CHANGE ORDER TO CONTRACT NO. 2001-118 WITH WILBUR SMITH & ASSOCIATES FOR THE FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1, 604,399.47 (RTA DEVELOPMENT FUND - EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT 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 for final design services for the Euclid Corridor Transportation Project in the amount of nine million seventy-two thousand two hundred two & 00/100 dollars (\$9,072,202.00); and

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority has ratified and authorized additional changes in the scope of work in the amount of one million thirty five thousand five hundred thirty four and 00/100 dollars (\$1,035,534.00), for a total current contract price of ten million one hundred seven thousand seven hundred thirty six & 00/100 dollars (\$10,107,736.00); and

WHEREAS, modification to the streetscape design, roadway design, vacuum extraction, and overhead adjustment are necessary to keep the design and resulting project on schedule; and

WHEREAS, after negotiations, an amount not to exceed one million six hundred four thousand three hundred ninety nine & 47/100 dollars (\$1,604,399.47) to provide additional final design services was agreed upon; and

WHEREAS, the General Manager/Secretary-Treasurer deems the agreed upon price of Wilbur Smith & Associates as negotiated, to be 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 amount of Contract No. 2001-118 with Wilbur Smith & Associates is hereby recognized as ten million one hundred seven thousand seven hundred thirty six & 00/100 dollars (\$10,107,736.00).

Section 2. That the offer of Wilbur Smith and Associates as negotiated, to provide additional services, be and is hereby accepted in an amount not to exceed one million six hundred four thousand three hundred ninety nine & 47/100 dollars (\$1,604,399.47).

Section 3. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to amend said contract in an amount not to exceed one million six hundred four thousand three hundred ninety nine & 47/100 dollars (\$1,604,399.47) for a new, total contract amount not to exceed eleven million seven hundred twelve thousand one hundred thirty-five & 47/100 dollars (\$11,712,135.47).

Section 4. That this change order shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0211 and Capital Grant OH-03-0228 in the amount of \$1,347,910.47 and ratification of 100% Local Match Funds in the amount of \$256,489.00 for a total amount of \$1,604,399.47. (\$1,078,328.38 in Federal Funds which represents 67.2% of the total) for a new total contract price not to exceed eleven million seven hundred twelve thousand one hundred thirty-five & 47/100 dollars (\$11,712,135.47).

Section 5. That said change order shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to all other terms and conditions of the original contract.

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

Adopted: December 21, 2004



\_\_\_\_\_  
President

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



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TITLE/DESCRIPTION: AUTHORIZING A CHANGE ORDER TO CONTRACT NO. 2001-118 WITH WILBUR SMITH & ASSOCIATES FOR THE FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1,604,399.47 (RTA DEVELOPMENT FUND - EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	Resolution No.: 2004- 165
	Date: December 16, 2004
	Initiator: Euclid Corridor Transportation Project

**ACTION REQUEST:**

- Approval     Review/Comment     Information Only     Other \_\_\_\_\_

- 1.0 PURPOSE/SCOPE: This action will allow the Authority to increase Contract No. 2001-118 with Wilbur Smith & Associates (WSA) for the Final Design of the Euclid Corridor Transportation Project.
- 2.0 DESCRIPTION/JUSTIFICATION: Wilbur Smith & Associates was originally contracted to provide final design services for the Euclid Corridor Transportation Project. This change order has four components.

Component	100% Local	Grant Eligible	Amount
Streetscape	\$ 78,841.00	\$318,657.00	\$ 397,498.00
Roadway Design	\$177,648.00	\$844,339.00	\$1,021,987.00
Vacuum Extraction		\$ 83,749.79	\$ 83,749.79
Overhead Adjustment		\$101,164.68	\$ 101,164.68
<b>Total</b>	<b>\$256,489.00</b>	<b>\$1,347,910.47</b>	<b>\$1,604,399.47</b>

- 3.0 PROCUREMENT BACKGROUND: This contract was originally awarded to Wilbur Smith & Associates through the use of the competitive RFP process as required by FTA

It was determined that a change order was necessary to complete the design in a satisfactory manner.

A scope of work was agreed upon by the Authority and Wilbur Smith & Associates for design to cost clause deduction, revised project schedule dates, conformance to FFGA, station design refinement, coordination and approvals from the community, city and ODOT; and FAR overhead rate adjustments. The Authority prepared an independent cost estimate utilizing the services of Resource International. Negotiations were conducted and a price of \$1,604,399.47 was agreed upon.


The change order also modifies the design to cost clause from \$107,000,000.00 to \$94,500,000.00. It also revises completion of the design phase to June 30, 2004 and completion of the Construction Phase to December 31, 2008.

This change order has been made a not to exceed amount pending the consultant submitting supporting documentation for approximately \$60,000 in overhead adjustment.

A cost/price analysis has been performed and the Procurement Department has determined the pricing to be fair and reasonable.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** DBE participation on the change order contract will be 20%. An overall 20% DBE goal also was established for this project based upon the availability of certified DBE's in areas identified by staff where subcontracting opportunities existed. The Prime Contractor was on track to achieve the established goal. However, the ownership of a DBE subcontractor changed to majority ownership during the course of the contract and its participation cannot be considered from that point. The attainment of DBE participation currently stands at 18.93%. Efforts will continue to attempt to move the overall DBE participation to the 20% goal.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** This change order shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project budget, including but not limited to Capital Grants OH-03-0211 and OH-03-0228, Line Item 13.71.02 in the amount of \$1,347,910.47 and ratification of 100% Local Match Funds in the amount of \$256,489.00 for a total of \$1,604,399.47 (\$1,078,328.38 in Federal Funds which represents 67.2% of the total) for a new, total contract amount not to exceed \$11,712,135.47.
- 7.0 **ALTERNATIVES:** Reject this change order. Rejection of this change order will delay the final design of the Euclid Corridor Transportation Project and negatively impact the construction schedule.
- 8.0 **RECOMMENDATION:** This change order was reviewed by the ECTP Ad Hoc Committee and the Planning and Development Committee at their December 7, 2004 meeting . It is recommended that the change order be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify 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

### APPROVED CHANGE ORDERS

#### FINAL DESIGN OF EUCLID CORRIDOR TRANSPORTATION PROJECT

Contract # 2001-118

Contractor: Wilbur Smith

Original Contract Amount \$9,072,202

Total G.M. C.O. Authority remaining \$500,000

Total Change Order Amount To Date \$1,035,534

Change to Date:

<i>ITEM NO.</i>	<i>NOTE No.</i>	<i>Approval Date</i>	<i>CHANGE ORDER AMOUNT</i>	<i>APPROVAL AUTHORITY</i>	<i>NEW CONTRACT AMOUNT</i>
1	1	12/27/02	\$ 39,188.00	\$460,812.00	\$9,111,390.00
2	2	05/20/03	\$454,278.00	\$500,000.00	\$ 9,565,668.00
2-A	3	06/17/03	\$229,970.00	\$500,000.00	\$ 9,795,638.00
3	3	01/29/04	N/A	\$500,000.00	\$ 9,795,638.00
4	4	02/25/04	\$ 3,610.00	\$496,390.00	\$ 9,799,248.00
5	5	04/20/04	\$127,132.00	\$500,000.00	\$ 9,926,380.00
6	6	07/23/04	(-\$3,201.00)	\$500,000.00	\$ 9,923,179.00
7	7	09/01/04	\$49,871.00	\$450,129.00	\$ 9,973,050.00
8	8	09/27/04	N/A	\$450,129.00	\$ 9,973,050.00
9	9	10/19/04	\$134,686.00	\$500,000.00	\$10,107,736.00

NOTES/CHANGE ORDER DESCRIPTION: