

RESOLUTION 2005- 53

AUTHORIZING CONTRACTS 2005-052 A & B WITH TWO PUBLIC UTILITIES ("UTILITIES") CLEVELAND ELECTRIC ILLUMINATING COMPANY AND EAST OHIO GAS CO. dba DOMINION EAST OHIO IN A TOTAL SUM NOT TO EXCEED \$252,422.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH DESIGN AND ENGINEERING THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY BY THE UTILITIES, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-C03 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) proposes to construct the Euclid Corridor Transportation Project – Contract 38-C03 (hereinafter "ECTP") in the public right-of-way of Cleveland and East Cleveland; and

WHEREAS, Utilities own, operate and maintain facilities within the existing public right-of-way and within areas that may be utilized by the ECTP; and

WHEREAS, the construction of the ECTP and the performance of the construction contracts therefore may require certain facilities owned and operated in the public right-of-way by the Utilities to be adjusted and/or relocated; and

WHEREAS, both Utilities and the GCRTA desire to enter into agreements to set forth their mutual understanding and agreement concerning design and engineering costs and expenses for the adjustments, relocation, replacement, or betterment of Utilities affected facilities, including design and engineering costs within Contract 38-C03; and

WHEREAS, the GCRTA has negotiated master utility agreements with each utility involved in the ECTP which outlines the parameters of the Utilities and GCRTA responsibility; and

WHEREAS, the costs GCRTA will be required to pay for the adjustments and relocations of Utilities' affected facilities are being investigated and will be negotiated; and

WHEREAS, GCRTA's internal cost estimates for all of the costs and expenses of and related to the design and engineering of the utility adjustments and relocations, including design and engineering and inspection is two hundred fifty two thousand four hundred twenty two & 00/100 dollars (\$252,422.00); and

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/Secretary-Treasurer of the Authority be and he is hereby authorized to negotiate and enter into two contracts with Utilities including The Cleveland Electric Illuminating Co., in the amount of one hundred fourteen thousand one hundred and eight & 00/100 dollars (\$114,180.00) East Ohio Gas Co. dba Dominion East Ohio in the amount of one hundred thirty eight two hundred fifty two & 00/100 dollars (\$138,252.00) for GCRTA to pay design and engineering costs and expenses of the adjustments and relocations of the facilities the Utilities own, operate and maintain, where the facilities are within or without the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-C03;

Resolution No. 2005 – 53

Page 2

Section 1. That the General Manager of the Authority be and he is hereby authorized to negotiate and enter into two contracts with Utilities including The Cleveland Electric Illuminating Co., East Ohio Gas Co. dba Dominion East Ohio for GCRTA to pay design and engineering costs and expenses of the adjustments and relocations of the facilities the UTILITIES own, operate and maintain, where the facilities are within or without the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-C03;

Section 2. That said contracts shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0228 for a total contract amount not to exceed two hundred fifty two thousand four hundred twenty two & 00/100 dollars (\$252,422.00), two hundred one thousand nine hundred thirty seven and 60/100 dollars (\$201,937.60) in Federal funds which represents 80% of the total.

Section 3. That the General Manager shall report to the GCRTA Board of Trustees monthly regarding contracts entered into that month, and the reports shall include each utility's name, scope of adjustments and relocations, and total amount GCRTA agreed to pay for design and engineering costs and expenses of the adjustments and relocations of the facilities of that utility, including design and engineering and inspection costs;

Section 4. That each contract shall be binding upon and an obligation of the Authority contingent upon FTA approval of grant budget revision, appropriation of funds for the current and future contract years and upon compliance by the utility or contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2004-112, bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

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

Attachment A – Summary of Utility Agreements

Adopted: April 19, 2005

  
\_\_\_\_\_  
President

Attest:

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

**ATTACHMENT A**

**UTILITY COST**

**ECTP 38 – C03**

Cleveland Electric Illuminating Company	\$114,180.00
Dominion East Ohio Gas	<u>\$138,252.00</u>
<b>TOTAL:</b>	<b>\$252,422.00</b>



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

L-4

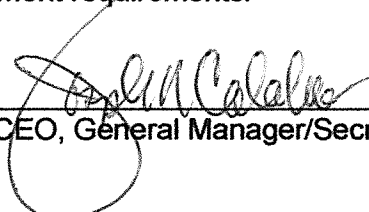
<b>TITLE/DESCRIPTION:</b> AUTHORIZING CONTRACTS 2005-052 A & B WITH TWO PUBLIC UTILITIES ("UTILITIES") CLEVELAND ELECTRIC ILLUMINTING COMPANY AND EAST OHIO GAS CO. dba DOMINION EAST OHIO IN A TOTAL SUM NOT TO EXCEED \$252,422.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH DESIGN AND ENGINEERING THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY BY THE UTILITIES, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-C03 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	<b>Resolution No.:</b> 2005- 53
	<b>Date:</b> April 14, 2005
	<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/SCOPE:** This action will allow the Authority to enter into contracts with the two public utilities outlined in Attachment A of the resolution to facilitate the ECTP.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract will allow for payment to utilities for design and engineering costs and expenses to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project - Contract 38-C03, the Euclid Avenue - Innerbelt to East 79<sup>th</sup> street portion of the Euclid Corridor Transportation Project.
- 3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(H)(8) excludes competitive bidding when "The purchase consists of the product or services of a public utility."  
  
 Based upon the above referenced section of the Ohio Revised Code negotiations, were undertaken with the various Utilities affected by the Euclid Corridor Transportation Project - Contract 38-CO3, Innerbelt to East 79<sup>th</sup> Street.  
  
 Other utility contracts will be brought to the Board of Trustees as the remaining ECTP construction projects are designed and bid.  
  
 A cost analysis was performed and the negotiated price schedule was determined to be fair and reasonable to the Authority.
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Does not apply.

Staff Summary & Comments  
ECTP – Public Utilities  
Page 2

- 6.0 **ECONOMIC IMPACT:** This contract will be funded through the RTA Development Fund, Euclid Corridor Transportation Project budget, including but not limited to Capital Grant OH-03-0228, line item 13.71.02 in the amount of \$252,422.00, (\$201,937.60 in Federal funds which represents 80% of the total cost).
- 7.0 **ALTERNATIVES:** Reject all offers. Reject the offers of the utilities for design and engineering to adjust and/or relocate the facilities needed to complete the ECTP project. Rejection of these offers would cause a significant delay in the Federal Transit Administration providing grant funding for the Euclid Corridor Transportation Project.
- 8.0 **RECOMMENDATION:** It is recommended that the offers of the utilities outlined in Attachment A of the resolution be accepted and the resolution passed.
- 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