

RESOLUTION NO. 2006-15

AUTHORIZING AN INCREASE TO CONTRACT NO. 2003-083 WITH UTILITY LAND COMPANY, INC. TO ADJUST WORK EFFORT DUE TO INCREASED NUMBER OF REAL ESTATE NEGOTIATIONS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT AND TO EXTEND THE CONTRACT TERM FOR AN ADDITIONAL ONE YEAR PERIOD, IN AN AMOUNT NOT TO EXCEED \$534,456.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,600,214.79 (RTA DEVELOPMENT FUND – EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Authority requires the services of a program manager to oversee acquisition of interests in real property for the Euclid Corridor Transportation Project; and

WHEREAS, by Resolution No. 2003-169, the Board of Trustees authorized Contract No. 2003-083 in the amount of \$999,603.00 with Utility Land Company, Inc. located at 6900 South Edgerton Road, Suite 108 Brecksville, Ohio 44141 for the furnishing of said Program Management Services; and

WHEREAS, the General Manager/Secretary-Treasurer's approval of change orders for a not to exceed amount of \$66,155.79.00 has increased said contract to an amount not to exceed \$1,065,758.79; and

WHEREAS, as right of way plans are completed, GCRTA is better able to determine the number of real estate negotiations needed for the Euclid Corridor project; and

WHEREAS, program management work needs to continue for an additional year due to project delays; and

WHEREAS, Utility Land Company has gained project specific information over the course of its contract that makes it advantageous to GCRTA to continue services with this contractor; and

WHEREAS, Utility Land Company, Inc. has offered to provide these revised program management and real estate negotiation services at a negotiated amount not to exceed \$534,456.00; and

WHEREAS, acceptance of said offer will cause the total amount of change orders to exceed the General Manager/Secretary Treasurer's delegated authority; and

WHEREAS, the General Manager/Secretary-Treasurer deems acceptance of the offer of Utility Land Company, Inc., as negotiated, to be in the best interest of the Authority and recommends acceptance thereof.

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

Section 1. That the offer of Utility Land Company, Inc. to provide program management services is hereby accepted as being in the best interest of the Authority.

Section 2. That the General Manager/Secretary-Treasurer be and he hereby is authorized to amend Contract No. 2003-083 with Utility Land Company, Inc. to include the revised program management services.

Section 3. That said amendment shall be payable out of the RTA Development Fund, Euclid Corridor Transportation Project Department budget including but not limited to Capital Grant OH-03-0228, in an amount not to exceed \$534,456.00 for a new total contract amount not to exceed \$1,600,214.79 (\$427,565.00 in Federal funds which represents 80% of the amendment cost).

Section 4. That the total number of real estate negotiations that Utility Land Company will undertake is approximately 234 and all other terms and conditions of said contract shall remain unchanged.

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

Adopted: _____, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AUTHORIZING AN INCREASE TO CONTRACT NO. 2003-083 WITH UTILITY LAND COMPANY, INC. TO ADJUST WORK EFFORT DUE TO INCREASED NUMBER OF REAL ESTATE NEGOTIATIONS FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT AND TO EXTEND THE CONTRACT TERM FOR AN ADDITIONAL ONE YEAR PERIOD, IN AN AMOUNT NOT TO EXCEED \$534,456.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,600,214.79 (RTA DEVELOPMENT FUND – EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2006-15
	Date: January 19, 2006
	Initiator: Euclid Corridor Transportation Project 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 increase Contract No. 2003-083 with Utility Land Company, Inc. to initiate and complete an additional 134 real estate negotiations, continue project management duties for an additional year (including oversight of 6 real estate consultants, management of real estate acquisition budget and property management), and compensate property owners for disturbed business signs through real estate negotiations in the C-04 bid package. Barring any unforeseen events or project/plan changes, the change order amount includes sufficient compensation to complete these tasks.

2.0 DESCRIPTION/JUSTIFICATION: The Euclid Corridor Transportation Project (ECTP) has advanced to the point that specific real estate acquisition data has been finalized. One hundred percent right of way drawings are complete for the C-03 bid package; ninety percent right of way drawings are complete for the C-02 and C-04 bid packages. No plans were available when Utility Land Company bid on the contract. The scope was negotiated based upon the preliminary right of way report prepared during Preliminary Engineering. Because right of way plans are more complete, the Authority is better able to determine the number of real estate negotiations that are necessary for the project. This change order will align Utility Land Company, Inc.'s contract with the current project information and extend the term for one year.

Additional funding will increase only the BRT portion of the contract.

3.0 PROCUREMENT BACKGROUND: In November, 2003, the Authority was authorized by Resolution No. 2003-169 to enter into a contract with Utility Land Company, Inc. to perform program management services for the Euclid Corridor Transportation Project. The contract included both the BRT and the ESTC portions of the project. As a result of current design specifications, additional negotiations must be initiated and completed. Furthermore, project delays required that we continue Utility Land Company's project management duties for an additional year. This negotiated increase requires Board authorization, as it will exceed the General Manager/Secretary-Treasurer's change order authority. The change order committee which is comprised of Authority employees from Internal Audit, Grants Management, Office of Management and Budget, Procurement, Legal and the Euclid Corridor Transportation Project departments reviewed and recommended that the General Manager/Secretary-Treasurer forward to the Board of Trustees for approval.

A cost analysis has been performed and the Procurement Department has determined the negotiated change order is fair and reasonable to the Authority.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 7% DBE goal was established for this procurement in Resolution #2003-169. The change order/contract modification will increase this contract amount to \$1,600,214.79 for the contract period. The change order/contract modification has no impact on the DBE participation.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This amendment shall be funded from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0228, Line Item 13.76.91, in an amount not to exceed \$534,456.82 for a new total contract amount not to exceed \$1,600,214.79 (\$427,565.00 in Federal funds which represents 80% of the amendment cost). The negotiated change order amount is 30% higher than the independent cost estimate, but 34% less than the original proposed amount.
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this amendment will negatively impact the ability of the Authority to complete the ECTP real estate acquisition. Negotiations, project management, and property management duties would have to be carried out by RTA staff. These in-house resources are not currently available.
- 8.0 RECOMMENDATION: It is recommended that the offer of Utility Land Company, Inc. be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify this contract.
- 9.0 ATTACHMENTS: Approved Change Order Log.

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

CEO, General Manager/Secretary-Treasurer

APPROVED CHANGE ORDERS

Real Estate Program Management Services for ECTP CONTRACT NO. 2003-083

Contract # 2003-083
Inc.

Contractor: Utility Land Company,

Original Contract Amount \$ 999,603.00

Total G.M. C.O. Authority remaining \$ 33,844.21

Total Change Order Amount To Date \$ 66,155.79

% Change to Date 7%

<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>
Initial Contract Award		November 2003		Board Resolution 2003-169	\$999,603.00
Change Order No. 1	1	April 2005	\$36,084.79	General Manager	\$1,035,687.79
Change Order No. 2	2	November 15, 2005	\$30,071.00	General Manager	\$1,065,758.79

NOTES/CHANGE ORDER DESCRIPTION:

- 1. **Addition of part-time person to assist James DeRosa**
- 2. **Additional time for part-time person to assist James DeRosa - also shifts lines within the budget to better align ULC contract with current project needs.**