

RESOLUTION NO. 2006-34

AUTHORIZING CONTRACT NO. 2005-044D WITH EAST OHIO GAS CO. dba DOMINION EAST OHIO, A PUBLIC UTILITY, IN A TOTAL SUM NOT TO EXCEED \$320,000.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF CONSTRUCTION COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY, 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, the East Ohio Gas Co. dba Dominion East Ohio owns, operates and maintains facilities both 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 therefore require certain facilities owned and operated in the public right-of-way from I-90 to East 55th Streets, on the south side of Euclid Avenue, by the East Ohio Gas Co. dba Dominion East Ohio to be adjusted and/or relocated; and

WHEREAS, both the East Ohio Gas Co. dba Dominion East Ohio and the GCRTA desire to enter into an agreement to set forth their mutual understanding and agreement concerning construction costs and expenses of the adjustments, relocation, replacement, or betterment of affected facilities associated with Contract 38-C03 between I-90 and East 55th Streets, on the south side of Euclid Avenue; and

WHEREAS, the cost estimates for all of the construction costs and expenses of and related to the utility adjustments and relocations is in an amount not to exceed three hundred twenty thousand & 00/100 dollars (\$320,000.00); and

WHEREAS, the General Manager/Secretary-Treasurer deems the negotiated offer of East Ohio Gas Co. dba Dominion East Ohio 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 offer of East Ohio Gas Co. dba Dominion East Ohio, as negotiated, for GCRTA to pay construction costs and expenses for the adjustments and relocations of the facilities owned, operated and maintained, from I-90 to East 55th Streets, on the south side of Euclid Avenue, where the facilities are within the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-CO3 be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with East Ohio Gas Co. dba Dominion East Ohio, for GCRTA to pay construction costs and expenses of the adjustments and relocations of the facilities owned, operated and maintained, from I-90 to East 55th Streets, on the south side of Euclid Avenue, where the facilities are within the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-CO3.

Section 3. 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-03-0001 for a total contract amount not to exceed \$320,000.00 (\$256,000.00 in Federal funds which represents 80% of the total). This award is contingent upon FTA approval and release of Federal funds for this contract.

Section 4. That this contract shall be binding upon and an obligation of the Authority contingent upon availability of Federal funds, 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 2005-051, bonding and insurance requirements and all applicable laws including federal regulations and requirements relating to contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transportation Authority's Board of Trustees expects that East Ohio Gas Co. dba Dominion East Ohio will attempt to exceed the 0% minimum DBE goal assigned to this project.

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

Adopted: _____, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING CONTRACT NO. 2005-044D WITH EAST OHIO GAS CO. dba DOMINION EAST OHIO, A PUBLIC UTILITY, IN A TOTAL SUM NOT TO EXCEED \$320,000.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF CONSTRUCTION COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY, AS NECESSARY, FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-C03 (RTA DEVELOPMENT FUND- EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2006-34
	Date: February 16, 2006
	Initiator: Euclid Corridor Transportation Project Department

ACTION REQUEST:

Approval Review/Comment Information Only Other _____

- 1.0 PURPOSE/SCOPE: This action will allow the Authority to enter into a contract with East Ohio Gas Co. dba Dominion East Ohio for the construction costs associated with the Authority’s Euclid Corridor Transportation Project.
- 2.0 DESCRIPTION/JUSTIFICATION: This contract will allow for payment for the East Ohio Gas Co. dba Dominion East Ohio to adjust, relocate and replace utility facilities affected by the construction between I-90 and East 55th Streets, on the south side of Euclid Avenue, of the Euclid Corridor Transportation Project - Contract 38-CO3.
- 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 East Ohio Gas Co. dba Dominion East Ohio for utility facilities affected by the Euclid Corridor Transportation Project -Contract 38-CO3. Other utility contracts will be brought to the Board of Trustees as the remaining ECTP construction projects are 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.

- 6.0 ECONOMIC IMPACT: This contract will be funded through the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0001, Line Item 13.23.01 in the amount of \$320,000.00 (\$256,000.00 in Federal funds which represents 80% of the total). This award is contingent upon FTA approval and release of Federal funds for this contract.
- 7.0 ALTERNATIVES: Reject this offer. Rejection of the offer would cause a delay in the Euclid Corridor Transportation Project.
- 8.0 RECOMMENDATION: It is recommended that the offer of East Ohio Gas Co. dba Dominion East Ohio be accepted and a resolution passed authorizing the General/Manager-Secretary-Treasurer 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.

CEO, General Manager/Secretary-Treasurer

