

RESOLUTION NO. 2006-73

AUTHORIZING CONTRACT NOS. 2006-047 A-N WITH 14 PRIVATE AND PUBLIC UTILITIES ("UTILITIES") IN A TOTAL SUM NOT TO EXCEED \$1,711,131.45 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH 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-CO2 (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-C02 (hereinafter "ECTP") in the public right-of-way of Cleveland and East Cleveland; and

WHEREAS, UTILITIES own, operate and maintain 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 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 costs and expenses of the adjustments, relocation, replacement, or betterment of UTILITIES' affected facilities, including design and engineering costs associated with Contract 38-C02; and

WHEREAS, the costs GCRTA will be required to pay for the adjustments and relocations of UTILITIES' affected facilities have been determined and negotiated; and

WHEREAS, the sum of all the costs and expenses of and related to construction of the utility adjustments and relocations, and inspection at a total price not to exceed one million seven hundred eleven thousand one hundred thirty-one and 45/100 dollars (\$1,711,131.45).

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 of the Authority be and he is hereby authorized to negotiate and enter into fourteen (14) contracts with UTILITIES including AboveNet, Adelphia, Adesta LLC, Amerifibers, Broadwing Communications LLC, Cavalier/Elantic, Cleveland Thermal, Dominion East Ohio, Forest City, The Illuminating Co., AT&T (SBC), McLeod USA, Verizon (MCI), and XO Communications, Inc. for GCRTA to pay costs and expenses of the adjustments and relocations of the facilities the UTILITIES own, operate and maintain, including design and engineering costs and inspecting, where the facilities are within the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-CO2.

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-03-0247-01 for a total contract amount not to exceed \$1,711,131.45 (\$1,368,905.16 in Federal funds which represents 80% of the total). These contracts are contingent upon FTA approval and release of Federal funds.

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 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 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 2005-051, 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 18, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AUTHORIZING CONTRACT NOS. 2006-047 A-N WITH FOURTEEN (14) PRIVATE AND PUBLIC UTILITIES (“UTILITIES”) IN A TOTAL SUM NOT TO EXCEED \$1,711,131.45 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH 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-CO2 (RTA DEVELOPMENT FUND – EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2006-73
	Date: April 13, 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 enter into contracts with the fourteen (14) private utilities outlined in Attachment A of the resolution to facilitate ECTP.

2.0 DESCRIPTION/JUSTIFICATION: This contract will allow for payment for UTILITIES to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project - Contract 38-CO2 Euclid Avenue - Public Square to the Innerbelt and Public Square and East 17th Street Extension portions 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-CO2 (Public Square to the Innerbelt) portion of the Euclid Corridor Transportation Project.

Dominion East Ohio work included in the resolution is only for work to be completed in 2006. Another resolution for Dominion East Ohio’s 2007 work will be brought to the Board of Trustees later when it is bid. That work is estimated at approximately \$250,000 and is included in the project budget.

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

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- 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-03-0247-01, line item 13.23.01 in the amount of \$1,711,131.45 (\$1,368,905.16 in Federal Funds which represents 80% of the total). These contracts are contingent upon FTA approval and release of Federal funds.
- 7.0 ALTERNATIVES: Reject all offers. Reject the offers of the utilities to adjust and/or relocate the facilities needed to complete the ECTP project would cause delays and additional design costs.
- 8.0 RECOMMENDATION: The utility work authorizations related to the ECTP Contract C-02 was reviewed by the Board of Trustees Planning and Development Committee at their April 4, 2006 meeting and recommended to the Board for approval. Staff recommends that the Board of Trustees approve the resolution to authorize work authorizations for 14 private and public utilities for ECTP Contract C-02.
- 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

TO: Joseph A Calabrese, CEO
General Manager/Secretary-Treasurer

FROM: Frank Polivka
Director of Procurement

DATE: April 13, 2006

SUBJECT: AUTHORIZING CONTRACT NOs. 2006-047 A-N WITH 14 PRIVATE AND PUBLIC UTILITIES ("UTILITIES") IN A TOTAL SUM NOT TO EXCEED \$1,711,131.45 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH 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 – 38-CO2 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

This resolution has been prepared under my supervision.

FRANK POLIVKA
Director of Procurement

Reviewed and approved as to legal form.

SHERYL KING BENFORD, General Counsel
Deputy General Manager for Legal Affairs

Approved as to scope and compliance.

LORETTA KIRK
Deputy General Manager - Finance & Administration

Approved as to availability of funds.

HB

GRACE GALLUCCI
Executive Director, Office of Management and Budget

This resolution is approved for submission to the Board of Trustees.

JOSEPH A. CALABRESE
CEO, General Manager/Secretary-Treasurer

ATTACHMENT A

EUCLID CORRIDOR TRANSPORTATION PROJECT CONSTRUCTION WORK AUTHORIZATION FOR CONTRACT UNIT C-02

CONTRACT	UTILITY	AMOUNT
A	AboveNet	\$ 2,500.00
B	Adelphia	\$ 660.00
C	Adesta LLC	\$ 6,300.00
D	AmeriFibers	\$ 7,244.00
E	Broadwing Communications LLC	\$ 4,608.00
F	Cavalier/Elantic	\$ 1,280.00
G	Cleveland Thermal *	\$ 94,393.00
H	Dominion East Ohio *	\$ 231,288.00
I	First Energy dba The Illuminating Company *	\$ 1,217,632.87
J	Forest City	\$ 13,850.00
K	AT&T (SBC) *	\$ 102,230.00
L	McLeod USA, Inc.	\$ 6,600.00
M	Verizon (MCI)	\$ 14,000.00
N	XO Communications, Inc.	\$ 8,545.58
Total Contract Nos. 2006-047 A-N		\$ 1,711,131.45