

RESOLUTION NO. 2006-74

AMENDING RESOLUTION 2005-112 TO REVISE CONTRACT NOS. 2005-112 A-H, FOR AN ADDITIONAL AMOUNT OF \$450,156.06 FOR A TOTAL CONTRACT AMOUNT OF \$2,609,050.16 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-CO3 (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 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 Contract 38-C03; 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, on August 23, 2005, the GCRTA Board of Trustees approved Resolution No. 2005-112, for utility work authorizations related to ECTP Contract C-03; and

WHEREAS, due to the re-bidding of ECTP Contract C-03 the construction was delayed and the utility costs increased; and

WHEREAS, the sum for all of the costs and expenses of and related to construction of the utility adjustments and relocations, and inspection are now at a price not to exceed two million six hundred nine thousand fifty 16/100 dollars (\$2,609,050.16).

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 approximately eight contracts with Utilities including Adesta LLC, Broadwing Communications LLC., Dominion East Ohio, The Illuminating Co., AT&T fka SBC, Verizon fka MCI Worldcom Network Services, Inc., McLeod USA Telecommunications Service Inc., 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-CO3.

Section 2. That said amendment 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 in an amount not to exceed \$450,156.02 (\$360,124.82 in Federal funds which represents 80% of the total). This amendment is 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



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AMENDING RESOLUTION 2005-112 TO REVISE CONTRACT NOS. 2005-112 A-H FOR AN ADDITIONAL AMOUNT OF \$450,156.06 FOR A TOTAL CONTRACT AMOUNT OF \$2,609,050.16 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-CO3 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2006-74
	Date: April 13, 2006
	Initiator: Euclid Corridor Transportation Project Department Budget
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 amend the contracts with the eight private utilities outlined in Attachment A of the resolution to facilitate ECTP to reflect price increases and company name changes from mergers and acquisitions.

- 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-CO3. This resolution will allow for funding of the Innerbelt to East 79th street portion of 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 79th street portion.

Other utility resolutions will be brought to the Board of Trustees for Dominion East Ohio’s 2007 work when it is bid. That work is estimated at approximately \$400,000 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 amendment 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 \$450,156.01 (\$360,124.82 in Federal Funds, which represents 80% of the total). This amendment is 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 amendment to Resolution 2005-112 for work authorizations related to ECTP Contract C-03 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 this amendment.
- 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

ATTACHMENT A

CONTRACT	UTILITY	ORIGINAL AMOUNT	REVISED AMOUNT	
A	Adesta LLC	\$ 8,400.00	\$ 8,400.00	
B	Broadwing Communications LLC	\$ 4,608.00	\$ 4,608.00	
C	Dominion East Ohio *	\$ 130,000.00	\$ 130,000.00	**
D	First Energy dba The Illuminating Company *	\$ 1,974,290.56	\$ 1,244,242.86	2006
	First Energy dba The Illuminating Company *		\$ 1,180,203.72	2007
E	AT&T fka SBC *	\$ 27,150.00	\$ 27,150.00	
F	Verizon fka MCI Worldcom Network Services, Inc.	\$ 3,920.00	\$ 3,920.00	
G	McLeod USA Telecommunications Services, Inc.	\$ 1,980.00	\$ 1,980.00	
H	XO Communications, Inc.	\$ 8,545.58	\$ 8,545.58	
	Total April 18, 2006	\$ 2,158,894.14	\$ 2,609,050.16	