

RESOLUTION NO. 2006-88

AUTHORIZING CONTRACTS 2006-062 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 \$330,411.00 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-C04 (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-C04 (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, engineering and preconstruction costs and expenses for the adjustments, relocation, replacement, or betterment of Utilities affected facilities, including design and engineering costs within Contract 38-C04; 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, the costs and expenses of and related to the design, engineering and pre-construction services of the utility adjustments and relocations, including design and engineering and inspection shall be three hundred thirty thousand four hundred eleven & 00/100 dollars (\$330,411.00).

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 thirty two thousand and 00/100 dollars (\$132,000.00) East Ohio Gas Co. dba Dominion East Ohio in the amount of one hundred ninety eight thousand four hundred eleven & 00/100 dollars (\$198,411.00) for GCRTA to pay design, engineering and preconstruction services 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-C04.

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-90-X530-01 for a total contract amount not to exceed \$330,411.00 (\$264,328.80 in Federal funds which represents 80% of the total cost). These contracts are contingent upon FTA approval and release of Federal funds.

Section 3. That the General Manager/Secretary-Treasurer 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, engineering and preconstruction costs and expenses of the adjustments and relocations of the facilities of that utility.

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 2006-077, 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.

Adopted: May 16, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AUTHORIZING CONTRACTS 2006-062 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 \$330,411.00.00 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-C04 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution N 2006-88
	Date: May 11,200
	Initiator: Euclid Corri Transportati Project
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 two public utilities.
- 2.0 DESCRIPTION/JUSTIFICATION: This contract will allow for payment to utilities for design, engineering and preconstruction costs and expenses to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project - Contract 38-C04, the East 79th to Windermere (Stokes Station) 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-CO4, East 79th to Windermere.

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: A DBE goal will not be established for this procurement because GCRTA entered into a master agreement with the UTILITIES whereas the nature of the contract is to reimburse the UTILITIES for costs incurred to support and facilitate construction of the ECTP.
- 5.0 POLICY IMPACT: Does not apply.

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- 5.0 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-90-X530-01 for a total contract amount of \$330,411.00 (\$264,328.80 in Federal funds which represents 80% of the total cost). These contracts are contingent upon FTA approval and release of Federal funds.
- 6.0 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 ECTP Project
- 7.0 RECOMMENDATION: These utility contracts related to Contract C-04 were reviewed by the Board of Trustees Planning & Development Committee at their May 2, 2006 meeting and recommended to the Board for approval. Staff recommends that the Board of Trustees approve the resolution to contract with the UTILITIES to perform design, engineering and preconstruction services.
- 8.0 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