

RESOLUTION NO. 2006-134

AUTHORIZING CONTRACT NOs. 2006-134 A-D WITH 4 PRIVATE UTILITIES ("UTILITIES") IN A TOTAL SUM NOT TO EXCEED \$408,568.30 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-CO4 (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 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-C04; 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, total price not to exceed four hundred eight thousand five hundred sixty-eight & 30/100 dollars.

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 four (4) contracts with UTILITIES including Adesta LLC, Dominion East Ohio, Verizon (MCI), and SBC Ameritech 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-CO4.

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 \$408,568.30 in Federal funds which represents 100% of the total. Federal funds under Capital Grant OH-90-X530-01 are made available through the Ohio Department of Transportation.

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 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 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.

Attachment A – Summary of Utility Agreements

Adopted: July 18, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer

ATTACHMENT A

**EUCLID CORRIDOR TRANSPORTATION PROJECT
CONSTRUCTION WORK AUTHORIZATION FOR CONTRACT UNIT C-04**

CONTRACT	UTILITY	AMOUNT
A	AT&T fka SBC Ameritech	\$220,669.30
B	Adesta LLC	\$6,300.00
C	Dominion East Ohio *	\$175,999.00
D	Verizon (MCI)	\$5,600.00
	Total	\$408,568.30

* Segment 1 only (E. 81st To E. 93rd)



TITLE/DESCRIPTION: AUTHORIZING CONTRACT NOS. 2006- A-D WITH FOUR PRIVATE UTILITIES ("UTILITIES") IN A TOTAL SUM NOT TO EXCEED \$408,568.30 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-CO4 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	Resolution No.: 2006-134
	Date: July 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 enter into contracts with the four (4) 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-CO4 Euclid Avenue – East 79th to Windermere 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 Street to Windermere) portion of the Euclid Corridor Transportation Project.

Dominion East Ohio work included in the resolution is only for segment one (East 81st to E. 93rd Street). Another resolution for Dominion East Ohio's C04 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.

First Energy dba The Illuminating Company work is not included in this Resolution. Another resolution for First Energy dba The Illuminating Company C04 work will be brought the Board of Trustees in August. This work is estimated at approximately \$1,600,000 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 **DBE/AFFIRMATIVE ACTION BACKGROUND:** A DBE goal has not been established on this procurement because GCRTA entered into a master agreement with the UTILITIES whereas the

nature of this contract is to reimburse the UTILITIES for work and costs incurred to support and facilitate construction of the ECTP.

STAFF SUMMARY & COMMENTS

ECTP – Private Utilities

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- 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-90-X530-01 line item 13.23.01 in the amount of \$408,568.30 in Federal Funds, which represents 100% of the total. Federal funds under Capital Grant OH-90-X530-01 are made available through the Ohio Department of Transportation.
- 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-04 were reviewed by the Board of Trustees Planning and Development Committee at their July 11, 2006 meeting and recommended to the Board for approval. Staff recommends that the Board of Trustees approve the resolution to authorize work authorizations for 4 of the 5 private utilities for ECTP Contract C-04.
- 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