

RESOLUTION NO. 2006-172

AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SHAKER HEIGHTS FOR PARTICIPATION IN THE SHAKER HEIGHTS TRAFFIC SIGNAL UPGRADE PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$100,000.00 (RTA DEVELOPMENT FUND, SAFETY DEPARTMENT BUDGET)

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority by Resolution No. 2003-006 authorized an Intergovernmental Agreement with the City of Shaker Heights, a political subdivision of the State of Ohio, for the participation in the Shaker Heights Traffic Signal Upgrade Project in an amount not to exceed seven hundred twenty thousand & 00/100 dollars (\$720,000.00); and

WHEREAS, the General Manager/Secretary-Treasurer authorized through Resolution 2004-105 an increase of \$300,000.00 for construction related change orders; and

WHEREAS, the Authority desires to amend its participation in the project in order to ensure that the upgrades provide revised design and track circuit installation and this will result in an increase of \$100,000.00; and

WHEREAS, Section 306.43(H)(4) of the Ohio Revised Code states that the purchase of goods or services from political subdivisions of the State of Ohio are exempt from the competitive procurement process; and

WHEREAS, the General Manager/Secretary-Treasurer deems the agreed upon increase of \$100,000.00 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 an increase for the Authority's participation in the City of Shaker Heights Traffic Signal Upgrade Project in the amount of \$100,000.00 is hereby authorized.

Section 2. That the General Manager/Secretary-Treasurer is hereby authorized to amend said Intergovernmental Agreement to include revised design and track circuit installation.

Section 3. That said increase shall be payable from the RTA Development Fund, Safety Department Budget, including but not limited to Capital Grant OH-03-0209, in the amount of \$100,000.00 (\$80,000.00 in Federal Funds which represents 80% of the increase amount) for the RTA portion of the project not to exceed \$1,120,000.00. Approval of this increase is contingent upon the FTA approval of pending budget revision. The Ohio Department of Transportation manages this construction project and invoices GCRTA.

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Section 4. That said amendment shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, thereto, 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 the contractual obligations of the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: September 19, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SHAKER HEIGHTS FOR PARTICIPATION IN THE SHAKER HEIGHTS TRAFFIC SIGNAL UPGRADE PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$100,000.00 (RTA DEVELOPMENT FUND, SAFETY DEPARTMENT BUDGET)	Resolution No.: 2006-172
	Date: September 14, 2006
	Initiator: Safety 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 amend the intergovernmental agreement with the City of Shaker Heights for the Authority's participation in the City's Traffic Signal Upgrade Project.

- 2.0 DESCRIPTION/JUSTIFICATION: Shaker Heights has designed a comprehensive upgrade of its traffic signal system. Since the system will affect the at-grade operations of the Green and Blue light rail lines, the Authority desires to amend its participation in the project in order to ensure that the upgrades provide revised design and track circuit installation at Farnsleigh, Lynnfield and Courtland grade crossings. It will also configure 32 bar signals to match the MUTCD (Manual of Uniform Traffic Control Devices), provide additional flagging; and provide new signals for the crosswalk across the westbound lanes of Van Aken at the Warrensville Center Station.

- 3.0 PROCUREMENT BACKGROUND: The original intergovernmental agreement included \$60,000.00 for engineering/design and \$660,000.00 for construction cost for a combined price of \$720,000.00. Due to the Authority's responsibility for any cost overruns relative to its portion (Part 2) of the Project, the Authority amended this agreement to include an increase of \$214,000.00 as an estimate of actual construction cost and \$86,000.00 for an allowance for related construction change orders for a total cost increase of \$300,000.00.

The current total contract amount is \$1,020,000.00 of which \$874,000.00 is construction costs.

Section 306.43(H)(4) of the Ohio Revised Code provides that competitive bidding is not required for purchases of goods and services made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government of as a third-party beneficiary under a state or federal procurement contract. Federal Transit Administration Circular 4220.1D encourages the use of intergovernmental agreements for such purchases, provided that the acquisition conforms to the FTA's procurement standards, as defined.

The Shaker Heights project is funded through the Ohio Department of Transportation (ODOT), which administered the construction bidding process. ODOT is a grantee of the U.S. Department of Transportation through both FTA and the Federal Highway Administration, and has verified that its procurement process conforms to these requirements. The Authority reviews the ODOT process as appropriate to verify compliance.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: OBD does not conduct affirmative action reviews or set goals on Interagency Agreements.
- 5.0 POLICY IMPACT: Does Not Apply.
- 6.0 ECONOMIC IMPACT: This amendment will be funded through the RTA Development Fund, Safety Department budget, including but not limited to Capital Grant OH-03-0209, line item 12.63.01 in the amount of \$100,000.00 (\$80,000.00 in Federal Funds which represents 80% of the increase amount) for the RTA portion of the project not to exceed \$1,120,000.00. Approval of this increase is contingent upon the FTA approval of pending budget revision. The Ohio Department of Transportation manages this construction project and invoices GCRTA.
- 7.0 ALTERNATIVES: Reject this proposal. Rejection of this amendment would prevent the Authority from completing the light rail signal system upgrade to include revised design and track circuit installation and obtaining the benefits of coordinating its system with that of the City.
- 8.0 RECOMMENDATION: It is recommended that the amended offer of the City of Shaker Heights for Authority participation in its Traffic Signal Upgrade project be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to amend the intergovernmental agreement.
- 9.0 ATTACHMENT: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

CEO, General Manager/Secretary-Treasurer