

RESOLUTION NO. 2006-185

AUTHORIZING AN INCREASE TO CONTRACT NO. 2005-086 WITH OHIO DIVERSIFIED SERVICES INCORPORATED FOR PROJECT 24E- CONSTRUCTION AT THE W. 117<sup>TH</sup> STREET RAPID STATION IN AN AMOUNT NOT TO EXCEED \$330,000.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Board of Trustees by Resolution No. 2005-103 authorized Contract No. 2005-086 in the amount of \$4,690,000.00 with Ohio Diversified Services Incorporated located at 20226 Detroit Avenue, Cleveland, Ohio 44103 to provide construction services for Project 24E- Construction at the W. 117<sup>th</sup> Street Rapid Station; and

WHEREAS, the General Manager/Secretary-Treasurer's approval of change orders for a total of \$219,721.16 has increased said contract price to \$4,909,721.16; and

WHEREAS, the Authority recognizes a need for additional construction services to provide removal of unsuitable soil in Area 2 of the station's parking lot for said Project; and

WHEREAS, this additional work has been determined to be unquantifiable resulting in the need for a Construction Change Directive; and

WHEREAS, the estimated cost to perform this work is \$330,000.00; and

WHEREAS, the actual cost of these additional services will be determined by measuring the actual unsuitable soil to be removed; and

WHEREAS, authorization of this Construction Change Directive will cause the total authorized amount for change orders to exceed the General Manager/Secretary-Treasurer's delegated authority; and

WHEREAS, the General Manager/Secretary-Treasurer deems the approval of this Construction Change Directive, as estimated, to 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 the Construction Change Directive, as estimated, to Ohio Diversified Services Incorporated to provide additional construction services to remove unsuitable soils be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer be and he hereby is authorized to amend Contract No. 2005-086 with Ohio Diversified Services Incorporated to include additional construction services to remove unsuitable soils for Project 24E-Construction at the W. 117<sup>th</sup> Street Rapid Station.

Section 3. That said amendment shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grants OH-03-0209 (\$200,000) and OH-03-0226 (\$130,000) for a total project in an estimated amount not to exceed \$330,000.00 (\$264,000.00 in Federal funds which represents 80% of the total price).

Section 4. That the General Manager/Secretary-Treasurer be and is hereby re-authorized to exercise his full change order authority under the GCRTA Procurement Policy, Section 1-4.2.7.2, as applied to Contract No. 2005-086.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects Ohio Diversified Services Incorporated to exceed the 20% minimum DBE goal assigned to this procurement.

Section 6. That all other terms and conditions of said contract shall remain unchanged.

Section 7. That this resolution shall become effective immediately upon its adoption.

Adopted: October 17, 2006

\_\_\_\_\_  
President

Attest: \_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

<b>TITLE/DESCRIPTION:</b> AUTHORIZING AN INCREASE TO CONTRACT NO. 2005-086 WITH OHIO DIVERSIFIED SERVICES INCORPORATED FOR PROJECT 24E- CONSTRUCTION AT THE W. 117 <sup>TH</sup> STREET RAPID STATION IN AN AMOUNT NOT TO EXCEED \$330,000.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)	Resolution No.: 2006-185
	Date: October 12, 2006
	Initiator: Engineering & Project Development
<b>ACTION REQUEST:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE:** This action will authorize an increase to Contract No. 2005-086 for Project 24E- Construction at the W. 117<sup>th</sup> Street Rapid Station.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Authority requires authorization to issue a Construction Change Directive with Ohio Diversified Services, Incorporated to provide additional construction services for the removal of unsuitable soils at the W. 117<sup>th</sup> Street Rapid Station. The Authority and Bialosky & Partners, the project's Architectural/Engineering (A/E) firm determined the scope of work for the removal and replacement of unsuitable soil as unquantifiable. The uncertainty was due to the unknown composition of the sub-grade material. There have been two Construction Change Directives (CCD) issued to remove the unsuitable soils in Area 1 and part of Area 2 for a total cost of \$49,000.00. Area 1 has been completed and a small part of Area 2 is also finished. This proposed Construction Change Directive is necessary to complete Area 2 and the existing bus loop that is still in operation.
- Dick Corporation performed an estimate of reasonable expected cost to proof-roll the remaining areas. The estimate also covers areas already proof-rolled but determined to still be unsuitable. This estimate is \$202,500.00. Central Engineering, a subcontractor to Dick Corp., was asked to estimate the worst case scenario of sub-grade repair over the same area evaluated by Dick Corp. This estimate assumes entire removal of all poor sub-grade to a depth of four feet. This estimate is \$330,000.00.
- The actual total cost of this CCD will be determined by measuring the actual volume removed as directed by Solar Testing Co., a GEO-Technical Engineer firm. The total amount paid will be based on the price received from the contractor prior to contract award.
- 3.0 **PROCUREMENT BACKGROUND:** In August 2005, the Authority entered into a contract with Ohio Diversified Services Incorporated to provide construction services for Project 24E-West 117<sup>th</sup> Street Rapid Station through the use of the competitive IFB process. During the course of construction, eight change orders and four Construction Change Directives have been authorized under the General Manager/Secretary-Treasurer's delegated change order authority for a total amount of \$219,721.16. Authorization of this additional proposed work will bring the total change order amount over the General Manager/Secretary Treasurer's delegated change order authority and will require Board approval.

- 4.0 AFFIRMATIVE ACTION/DBEBACKGROUND: All Affirmative Action requirements have been met. A 20% DBE goal was established for this procurement in August 2005 when Ohio Diversified Services, Incorporated was awarded the contract. Ohio Diversified is a certified DBE firm and will continue to meet the DBE goal through the utilization of its own workforce.
- 5.0 POLICY IMPACT: Does not apply
- 6.0 ECONOMIC IMPACT: This change order shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grants OH-03-0209 (\$200,000) and OH-03-0226 (\$130,000), Line Item 12.34.02 in an estimated amount not to exceed \$330,000.00 (\$264,000.00 in Federal funds which represents 80% of the total price).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this change order will impact the Authority's ability to continue the necessary construction services at the W. 117<sup>th</sup> Street Rapid Station.
- 8.0 RECOMMENDATION: This change order was reviewed by the Board of Trustees Planning and Development Committee at their October 3, 2006 meeting and recommended for approval to the Board of Trustees. It is recommended that the offer of Ohio Diversified Services, Incorporated be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify the contract.
- 9.0 ATTACHMENTS: Approved Change Order Log.

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

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CEO, General Manager/Secretary-Treasurer

**APPROVED CHANGE ORDERS**

**PROJECT NO. 24E  
CONSTRUCTION AT W. 117<sup>TH</sup> STREET RAPID STATION**

Contract # 2005-086  
Original Contract Amount: \$4,690,000.00  
5% Change to Date from Original Contract Amount

Contractor: Ohio Diversified Services Inc.  
Change Orders & CCD(s) to Date:  
\$219,721.16

Item No.	Note No.	Approval Date	Change Order Amount	Approval Authority	New Contract Amount
1.	1	1/12/06	\$6,578.00	General Manager	\$4,696,578.00
2.	2	1/23/06	\$30,000.00	General Manager	\$4,726,578.00
3.	3	3/13/06	\$20,104.13	General Manager	\$4,746,682.13
4.	4	3/13/06	\$24,500.00	General Manager	\$4,771,182.13
5.	5	4/4/06	\$972.00	General Manager	\$4,772,154.13
6.	6	6/23/06	\$23,803.20	General Manager	\$4,795,957.33
7.	7	8/24/06	\$15,005.77	General Manager	\$4,810,963.10
8.	8	8/24/06	\$19,758.06	General Manager	\$4,830,721.16
**					
CCD(s)					
9.	A (CCD3)	5/26/06	\$30,000.00	General Manager	\$4,860,721.16
10.	B (CCD4)	8/18/06	\$25,000.00	General Manager	\$4,885,721.16
11.	C (CCD4A)	8/29/06	\$24,000.00	General Manager	\$4,909,721.16

**NOTES/CHANGE ORDER DESCRIPTION:**

1. Change Order #1/PCO#3-One Additional Year Lease of Real Property Owned by Norfolk Southern Railroad Company. Funding (PR#10503352).
2. Change Order #2/PCO#6-Repair of Station Entrance Stairs. Funding (PR#10503742). Finalized CCD#2.
3. Change Order #3/PCO#4.1-Removal and/or Filling Underground Structures. Funding (PR#10503348 and PR#10600913).
4. Change Order #4(A)/PCO#7-Revised Foundation for the Retaining Wall Along ROW. Funding (PR#10503348 and PR#10600913). Finalized CCD#1.
5. Change Order #5/PCO#8-Increased Boiler Size for the Radiant Floor System. Funding (PR#10600996).
6. Change Order #6/PCO#23A-Demolition & Partial Construction of Elevator Pit. Funding (PR#10602015).
7. Change Order #7/PCO#23.2-Structural and Window Modifications for the Elevator. Funding (PR#10602015).
8. Change Order #8/PCO#24-Telescopic Hydraulic Holeless Elevator and Elevator Pit Drainage. Funding (PR#10602043).

Attachment  
Approved Change Order Log  
Construction At The W. 117<sup>th</sup> Street Rapid Station

Construction Change Directives (CCD)

9. #3/PCO#20.1-Sealing of Shale in Pavement Areas. Funding (PR#10601811).
10. #4/PCO#27-Excavation of Unsuitable Soils. Funding (PR#10602463).
11. #4(A)/PCO#-Increase to Excavation of Unsuitable Soils. Funding (PR#10602579).