

RESOLUTION NO. 2006-191

AUTHORIZING CONTRACT NO. 2006-117 WITH DOMINION EAST OHIO, A PRIVATE UTILITY ("UTILITY"), IN A TOTAL SUM NOT TO EXCEED \$485,799.00 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 UTILITY, 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

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 the 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-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, the Board has previously authorized the sum of all the costs and expenses of and related to construction of the utility adjustments and relocations, and inspection at a price not to exceed \$3,472,184.16 within contract C-03 and these costs included Dominion East Ohio Gas' 2006 work scope; and

WHEREAS, Dominion East Ohio is ready to commence its 2007 work (north and south sides of Euclid Avenue between E. 55th and E. 81st Streets) within Contract C-03; and

WHEREAS, the sum of all costs and expenses of, and related to, construction of the utility adjustments and relocations, and inspection for Dominion East Ohio's 2007 work total a price not to exceed four hundred eighty-five thousand seven hundred ninety-nine and 00/100 (\$485,799.00).

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 a contract with Dominion East Ohio (2007 work) for GCRTA to pay costs and expenses of the adjustments and relocations of the facilities the UTILITY owns, operates and maintains, 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 contracts shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 for a total contract amount not to exceed \$485,799.00 (\$388,639.20 in Federal funds which represents 80% of the total).

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 C03 Utility Agreements

Adopted: October 17, 2006

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



<p>TITLE/DESCRIPTION: AUTHORIZING CONTRACT NO. 2006-117 WITH DOMINION EAST OHIO, A PRIVATE UTILITY (“UTILITY”), IN A TOTAL SUM NOT TO EXCEED \$485,799.00 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 UTILITY, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-CO3 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)</p>	<p>Resolution No.: 2006-191</p>
	<p>Date: October 12, 2006</p>
	<p>Initiator: Euclid Corridor Transportation Project</p>
<p>ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____</p>	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into a contract with Dominion East Ohio, a private utility, to facilitate construction of the ECTP.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract will allow for payment for the UTILITY to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project - Contract 38-CO3 (Euclid Avenue – north and south sides from E. 55th to E. 81st Streets) 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-CO2 (Public Square to the Innerbelt) portion of the Euclid Corridor Transportation Project.

 This contract for Dominion East Ohio’s 2007 work is being brought to the Board for authorization pursuant to Resolution No. 2006-073, adopted April 18, 2006. This work, originally estimated at \$400,000.00 is being contracted for \$485,799.00 and is within the project budget of \$500,000.00.

 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. The nature of this contract is to reimburse the UTILITIES for work and costs incurred to support and facilitate construction of the ECTP.
- 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-03-0247, line item 13.23.01 in the amount of \$485,799.00 (\$388,639.20 in Federal Funds which represents 80% of the total).
- 7.0 ALTERNATIVES: Reject all offers. Rejecting 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: This utility work authorization related to the ECTP Contract C-03 was reviewed by the Board of Trustees Planning and Development Committee at their October 3, 2006 meeting and recommended to the Board for approval. Staff recommends that the Board of Trustees approve the resolution to authorize work authorization to Dominion East Ohio for its 2007 work within ECTP Contract C-03.
- 9.0 ATTACHMENTS: Summary of C03 Utility Agreements

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

**EUCLID CORRIDOR TRANSPORTATION PROJECT
CONSTRUCTION WORK AUTHORIZATION FOR CONTRACT UNIT C-03**

CONTRACT	UTILITY	Resolution No. 2005-112		Resolution No. 2006-074	
		ORIGINAL AMOUNT	REVISED AMOUNT	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 Resolution April 18, 2006		\$ 2,158,894.14	\$ 2,609,050.16		
Previously Authorized DEO:					
	Resolution No. 2006-034		\$ 320,000.00		Construction
	Resolution No. 2006-016		\$ 286,702.00		Construction
	Resolution No. 2005-053		\$ 138,252.00		Design/Const.
Previously Authorized CEI:					
	Resolution No. 2005-053		\$ 114,180.00		Design
			\$ 859,134.00		
TOTAL PREVIOUSLY AUTHORIZED WORK			\$ 3,468,184.16		
Resolution 10/19/06			\$ 485,799.00		
GRAND TOTAL OF C-03 WORK TO BE PERFORMED BY UTILITIES			\$ 3,953,983.16		
TOTAL BUDGET FOR C-03 UTILITIES			\$ 3,990,441.00		

* Utility will self perform adjustment and/or relocations.

** Authorization used for up-front costs associated with construction, in accordance with Resolution No. 2005-112.

ATTACHMENT A

**EUCLID CORRIDOR TRANSPORTATION PROJECT
CONSTRUCTION WORK AUTHORIZATION FOR CONTRACT UNIT C-03**

CONTRACT	UTILITY	Resolution No. 2005-112		Resolution No. 2006-074	
		ORIGINAL AMOUNT	REVISED AMOUNT	ORIGINAL AMOUNT	REVISED AMOUNT
A	Adesta LLC	\$ 8,400.00	\$ 8,400.00	\$ 8,400.00	
B	Broadwing Communications LLC	\$ 4,608.00	\$ 4,608.00	\$ 4,608.00	
C	Dominion East Ohio *	\$ 130,000.00	\$ 130,000.00	\$ 130,000.00	**
D	First Energy dba The Illuminating Company *	\$ 1,974,290.56	\$ 1,244,242.86	\$ 1,244,242.86	2006
	First Energy dba The Illuminating Company *		\$ 1,180,203.72	\$ 1,180,203.72	2007
E	AT&T fka SBC *	\$ 27,150.00	\$ 27,150.00	\$ 27,150.00	
F	Verizon fka MCI Worldcom Network Services, Inc.	\$ 3,920.00	\$ 3,920.00	\$ 3,920.00	
G	McLeod USA Telecommunications Services, Inc.	\$ 1,980.00	\$ 1,980.00	\$ 1,980.00	
H	XO Communications, Inc.	\$ 8,545.58	\$ 8,545.58	\$ 8,545.58	
Total Resolution April 18, 2006		\$ 2,158,894.14	\$ 2,609,050.16	\$ 2,609,050.16	
Previously Authorized DEO:					
	Resolution No. 2006-034		\$ 320,000.00	\$ 320,000.00	Construction
	Resolution No. 2006-016		\$ 286,702.00	\$ 286,702.00	Construction
	Resolution No. 2005-053		\$ 138,252.00	\$ 138,252.00	Design/Const.
Previously Authorized CEI:					
	Resolution No. 2005-053		\$ 114,180.00	\$ 114,180.00	Design
			\$ 859,134.00	\$ 859,134.00	
TOTAL PREVIOUSLY AUTHORIZED WORK			\$ 3,468,184.16	\$ 3,468,184.16	
Resolution 10/19/06			\$ 485,799.00	\$ 485,799.00	
GRAND TOTAL OF C-03 WORK TO BE PERFORMED BY UTILITIES			\$ 3,953,983.16	\$ 3,953,983.16	
TOTAL BUDGET FOR C-03 UTILITIES			\$ 3,990,441.00	\$ 3,990,441.00	

* Utility will self perform adjustment and/or relocations.

** Authorization used for up-front costs associated with construction, in accordance with Resolution No. 2005-112.