

RESOLUTION NO. 2007-15

AUTHORIZING SOLE SOURCE CONTRACT NO. 2007-006 WITH CSX TRANSPORTATION, INC. (CSXT) TO PROVIDE RAILROAD FORCE ACCOUNT AND CONSTRUCTION AGREEMENT SERVICES FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT FOR A PERIOD OF THREE (3) YEARS AFTER NOTICE TO PROCEED AT A PRICE OF \$33,135.00 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority plans to construct the Euclid Corridor Transportation Project-bid package C-04 on and around the CSXT Bridge located at East 120th Street and Euclid Avenue and therefore must acquire a temporary easement or its equivalent from Parcel 304T and Parcel 306T to perform this work; and

WHEREAS, NY Central Lines, LLC, now known as CSX Transportation, Inc., is the owner of Parcel 304T and Parcel 306T, as identified above and is willing to enter into a Railroad Force Account and Construction Agreement with the Greater Cleveland Regional Transit Authority to allow construction activity on this property; and

WHEREAS, the Authority has a need for Force Account Services from CSXT to aid in the completion of the Euclid Corridor Transportation Project C-04; and

WHEREAS, this work is necessary for the completion of the Euclid Corridor Transportation Project (ECTP); and

WHEREAS, the Ohio Revised Code, Section 306.43H(2) provides that competitive bidding is not required when the expenditure is for goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available; and

WHEREAS, CSXT has been determined to be the only source for this force account work; and

WHEREAS, the offer of CSXT, located at 500 Water Street, J-301, Jacksonville, Florida 32202, to provide Force Account Services was received on November 14, 2006; and

WHEREAS, after negotiations, the offer of CSXT to provide Force Account Services for the Authority's ECTP for a period of three (3) years after Notice to Proceed, at a total price of \$33,135.00 was agreed upon; and

WHEREAS, the General Manager/Secretary-Treasurer deems the negotiated offer of CSXT 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 offer of CSXT, as negotiated, to provide Force Account Services for the Authority's ECTP for a period of three (3) years after Notice to Proceed be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with CSXT to provide Force Account Services for the Authority's ECTP for a period of three (3) years after Notice to Proceed.

Section 3. That said contract shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0247-02 in the amount of \$20,709.38 and Capital Grant OH-90-X530-03 in the amount of \$12,425.62 for a total amount of \$33,135.00 (\$26,508.00 in Federal Funds which represents 80% of the total cost). Federal funds under Capital Grant OH-90-X530-03 are made available through the Ohio Department of Transportation.

Section 4. That said contract 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 2006-77; 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.

Attachments: Maps and legal descriptions (Attachment A)

Adopted: January 16, 2007

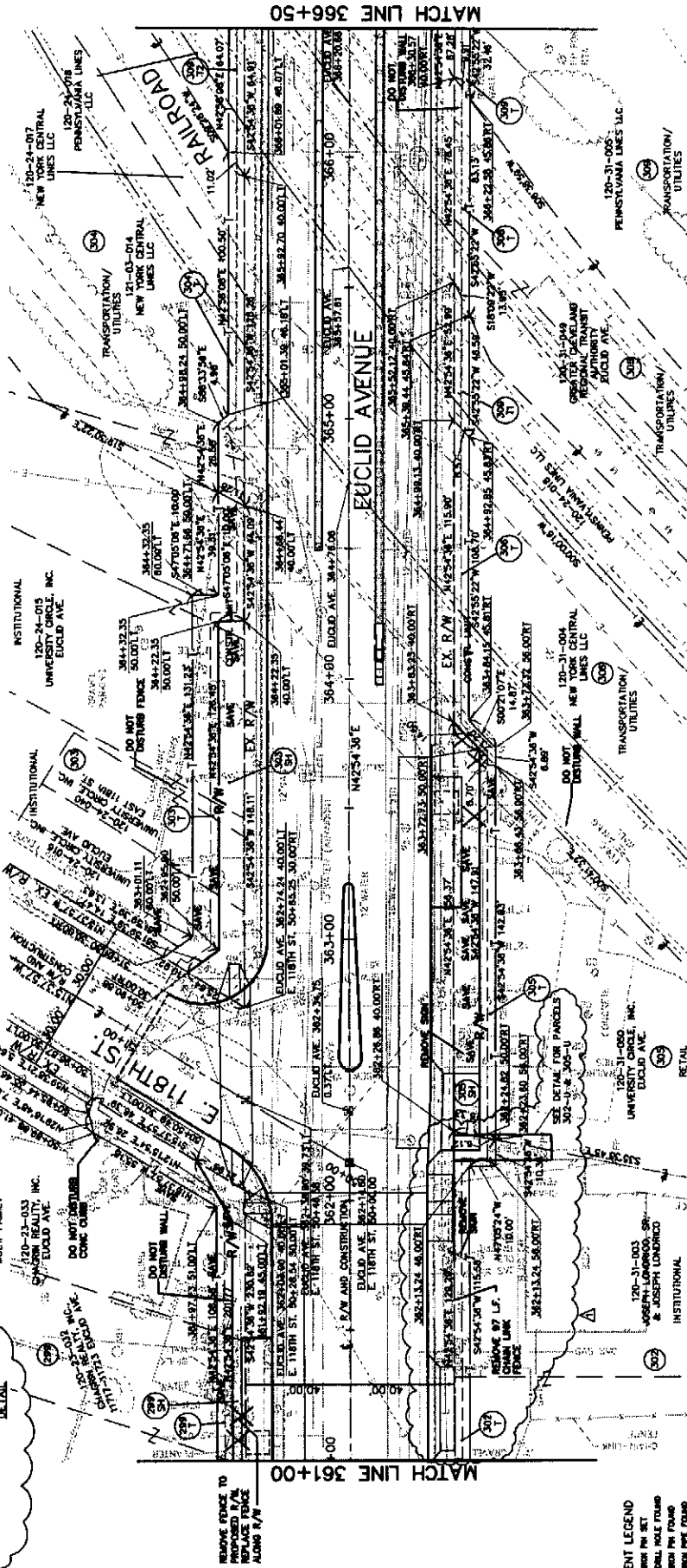
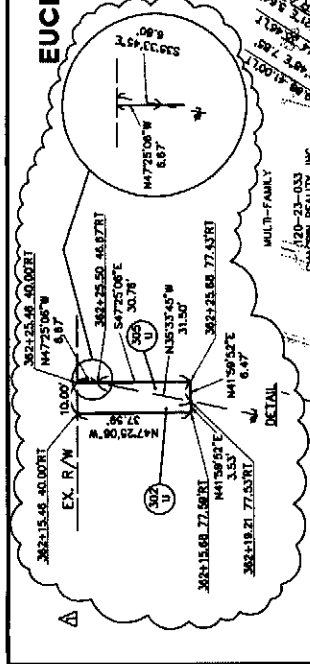


President

Attest: 

CEO, General Manager/Secretary-Treasurer

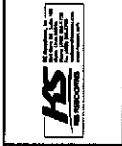
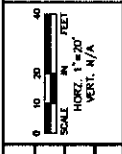
EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO



- MONUMENT LEGEND**
- BARR. IRON PIN SET
 - CHAIN. IRON NAIL FOUND
 - CHAIN. IRON PIN FOUND
 - CHAIN. IRON PIPE FOUND
 - CHAIN. W. IRON PIPE FOUND
 - C.C. PI. NAIL FOUND
 - IRON ROD SPIKE FOUND
 - IRON ROD BURNING
 - PROPOSED MONUMENT

NOTE:
THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE
CURRENT AS OF 10/20/2004.

NO.	REVISION/BLOCK	DATE	BY
1	6/6/06 PREL ADENDUM No.5		
2			
3			
4			
5			
6			
7			



ROW PLAN
EUCLID AVENUE
STA. 361+00 TO STA. 366+50
BID PACKAGE 38 - C04

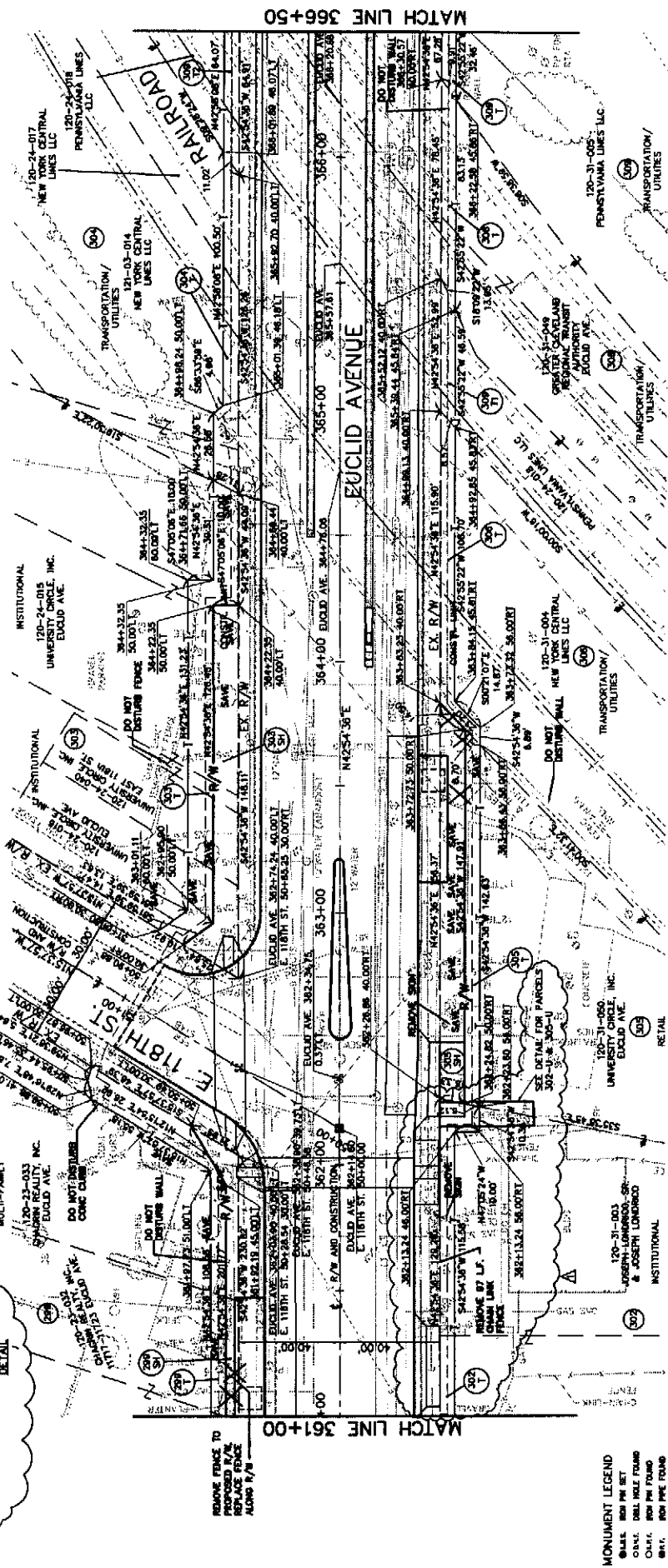
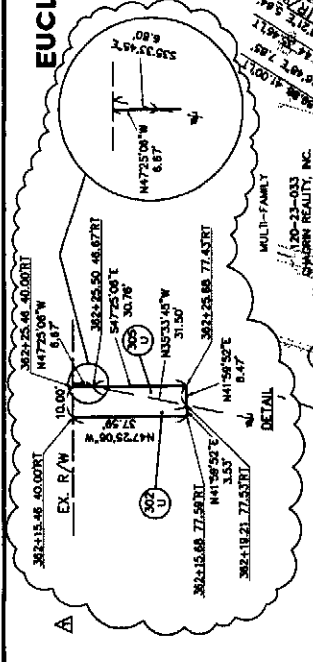
SHEET NO.
RW158
RW162
TOTAL SHEETS
40 OF 43

NOTE: THE EXISTING RIGHT OF WAY WIDTH AND LOCATION OF ANY ADJACENT PARCELS SHOWN ON THIS PLAN ARE BASED ON RECORD PLATS ON FILE IN THE CUYAHOGA COUNTY AUDITOR'S OFFICE AND CUYAHOGA COUNTY RECORDER'S OFFICE. ALSO, FIELD LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

MATCH LINE 366+50

MATCH LINE 361+00

EUCLID CORRIDOR TRANSPORTATION PROJECT CITY OF CLEVELAND AND EAST CLEVELAND CUYAHOGA COUNTY STATE OF OHIO



MATCH LINE 366+50

MATCH LINE 361+00

- MONUMENT LEGEND**
- B.M. BENCH MARK
 - C.I.P. CEMENT PEG FOUND
 - C.I.P. CONCRETE PEG FOUND
 - B.M. BENCH MARK FOUND
 - R.M. REBAR FOUND
 - P.M. PILE FOUND
 - P.M. PILE FOUND
 - P.M. PILE FOUND
 - R.M. REBAR FOUND
 - R.M. REBAR FOUND
 - R.M. REBAR FOUND
 - R.M. REBAR FOUND

NOTE: THE EXISTING RIGHT OF WAY WIDTH AND LOCATION WERE DETERMINED USING TAX MAPS & SUBDIVISION PLATS FROM THE CITY OF CLEVELAND OFFICE OF CITY AND CUYAHOGA COUNTY RECORDERS OFFICE. ALSO, PRICE AND LOCATION OF MONUMENTS AND MONUMENT RECORDS FROM THE CITY OF CLEVELAND FIELD BOOKS WERE USED.

NOTE:
THE TOPOGRAPHIC FEATURES SHOWN HEREON ARE CURRENT AS OF 10/20/2004.

REVISION BLOCK 1 8/6/08 [] REVISOR/NO. 5 2 [] DRAWN BY: R/S/181 3 [] CHECKED BY: [] 4 [] INK NAME: [] 5 [] DATE/PL: [] 6 [] DATE: 1/23/08 7 []		SCALE 0 10 20 40 FEET HORIZ. 1" = 20' VERT. N/A	NORTH ARROW 			ROW PLAN EUCLID AVENUE STA. 361+00 TO STA. 366+50 BID PACKAGE 38 - C04	SHEET NO. RW158	TOTAL SHEETS 40 OF 43
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RX250
Rev. 04/03

PID	304T
PARCEL	GCRTA-PROJ.38-CO4
CTY-RTE-SEC	
Version Date	November 3, 2005

**PARCEL 304-T
GCRTA-PROJ.38-CO4
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being a part of Original 100 Acre Lot 396, also being a part of the lands conveyed to New York Central Lines LLC by Instrument No. 200208200163 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows;

Beginning at the grantor's southeasterly corner at a point on the westerly right of way of Euclid Avenue at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 364+66.44;

- 1) Thence along the northerly line of lands conveyed to University Circle, Inc. by Volume 10603 Page 275 on file in the Cuyahoga County Recorder's Office North 19° 30' 22" West, 11.28 feet to a point 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 364+71.66;
- 2) Thence leaving said northerly line North 42° 54' 36" East, 26.58 feet to a point 50.00 feet left of centerline of right of way and construction of Euclid Avenue Station 364+98.24;
- 3) Thence South 86° 33' 59" East, 4.96 feet to a point 46.18 feet left of centerline of right of way and construction of Euclid Avenue Station 365+01.39;
- 4) Thence North 42° 58' 08" East, 100.50 feet to a point on the grantor's northerly line at 46.07 feet left of centerline of right of way and construction of Euclid Avenue Station 366+01.89;
- 5) Thence along said northerly line South 09° 28' 24" West, 11.02 feet to a point on the westerly right of way of Euclid Avenue at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 365+92.70;
- 6) Thence along said westerly right of way South 42° 54' 36" West, 126.26 feet to the point of beginning.

Containing within said bounds 0.0208 acres of land of which 0.0144 acres lie in Parcel 121-03-014 and 0.0064 acres lie in Parcel 120-24-017.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

11/4/05

Mark A. Yeager, P.S. 7289



RX250
Rev. 04/03

PID	306T
PARCEL	GCRTA-PROJ.38-CO4
CTY-RTE-SEC	November 3, 2005
Version Date	

PARCEL 306-T
GCRTA-PROJ.38-CO4
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY FOR
ROADWAY CONSTRUCTION
FOR APPROXIMATELY 24 MONTHS FROM THE DATE OF ENTRY

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being a part of Original 100 Acre Lot 396, also a part of the lands conveyed to New York Central Lines LLC by Instrument No. 200208200163 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the right side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows:

Beginning at the intersection of the westerly right of way of New York Central Lines LLC and the easterly right of way of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 363+83.23;

- 1) Thence North 42° 54' 36" East along the easterly right of way of Euclid Avenue, 115.90 feet to a point 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 364+99.13;
- 2) Thence leaving said right of way, South 00° 00' 16" West along the westerly right of way of the Pennsylvania Lines LLC, 8.57 feet to a point 45.83 feet right of centerline of right of way and construction of Euclid Avenue Station 364+92.85;
- 3) Thence leaving said right of way, South 42° 55' 22" West, 108.70 feet to a point 45.81 feet right of centerline of right of way and construction of Euclid Avenue Station 363+84.15;
- 4) Thence South 00° 21' 07" East, 14.87 feet to a point 56.00 feet right of centerline of right of way and construction of Euclid Avenue Station 363+73.32;
- 5) Thence South 42° 54' 36" West, 6.89 feet to a point on the northerly line of lands conveyed to University Circle, Inc. by Volume 11676, Page 673 on file in the Cuyahoga County Recorder's Office at 56.00 feet right of centerline of right of way and construction of Euclid Avenue Station 363+66.43;
- 6) Thence North 00° 41' 32" West along said line, 23.20 feet to the point of beginning.

Containing within said bounds 0.0171 acres of land in Parcel 120-31-004.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

Date:

11/4/05

Mark A. Yeager, P.S. 7289





Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING SOLE SOURCE CONTRACT 2007-006 WITH CSX TRANSPORTATION, INC. (CSXT) TO PROVIDE RAILROAD FORCE ACCOUNT AND CONSTRUCTION AGREEMENT SERVICES FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT FOR A PERIOD OF THREE (3) YEARS AFTER NOTICE TO PROCEED AT A PRICE OF \$33,135.00 (RTA DEVELOPMENT FUND - EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-15
	Date: January 11, 2007
	Initiator: Euclid Corridor Transportation Project
ACTION REQUEST: <input 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 a contract for Railroad Force Account and Construction Agreement Services for the Euclid Corridor Transportation Project (ECTP) for work on and around the CSX bridge at Euclid Avenue and E. 120th Street.

2.0 **DESCRIPTION/JUSTIFICATION:** The Authority requires Railroad Force Account and Construction Agreement Services as part of ECTP for the proper construction and safety procedures relating to work the Authority will perform at the East 120th Street CSX bridge. These services will include Preliminary Engineering, Construction Engineering/Inspection, Flagging Service, Signal and Communications Work, Accounting and Billing, and Contingencies.

This Railroad Force Account and Construction Agreement will give the Authority control over parcels 304T and 306T. This property is vital for right-of-way needed for the third phase of construction of the Euclid Corridor Transportation Project. This site must be acquired for the purpose of making and repairing roads to better improve public transportation in Cleveland and the acquisition of right-of-way in conjunction therewith. Construction is anticipated to commence in late 2007.

3.0 **PROCUREMENT BACKGROUND:** The sole source contract is exempt from competitive bidding as authorized under Section 306.43H(2) of the Ohio Revised Code. CSX Transportation, Inc. is the only source authorized to provide these Railroad Force Account and Construction Agreement Services. CSX has all drawings and appropriate documentation regarding this bridge. CSX will continue to maintain its daily bridge service for approximately zero passenger trains and 75 freight trains per 24 hours.

The Authority requested a proposal for Railroad Force Account and Construction Agreement Services from CSX Transportation, Inc. The ECTP Real Estate section of the Authority reviewed the proposal for compliance. The ECTP Engineering Department of the Authority determined the price, after negotiations, to be fair and reasonable to the Authority.

4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.

5.0 **POLICY IMPACT:** This complies with the ECTP Real Estate Acquisition Policy Manual (RAMP) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

- 5.0 **POLICY IMPACT:** This complies with the ECTP Real Estate Acquisition Policy Manual (RAMP) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- 6.0 **ECONOMIC IMPACT:** This contract will be funded by the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247-02 in the amount of \$20,709.38 and Capital Grant OH-90-X530-03 in line item 13.75.91 in the amount of \$12,425.62, for a total amount of \$33,135.00 (\$26,508.00 in Federal Funds which represents 80% of the total cost). Federal funds under Capital Grant OH-90-X530-03 are made available through the Ohio Department of Transportation.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would prevent completion of the ECTP Contract C-04.
- 8.0 **RECOMMENDATION:** The Board of Trustees Planning and Development Committee reviewed this property acquisition at the January 9, 2006 meeting. Staff recommends that the Board of Trustees approve the resolution to authorize the purchase of this property.
- 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