

RESOLUTION NO. 2007-16

AUTHORIZING CONTRACT NOS. 2007-008 A-B WITH TWO PRIVATE UTILITIES ("UTILITIES") CLEVELAND ELECTRIC ILLUMINATING COMPANY dba THE ILLUMINATING COMPANY AND EAST OHIO GAS CO dba DOMINION EAST OHIO IN A TOTAL SUM NOT TO EXCEED \$1,115,893.89 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 for the 2007 work scope on Euclid Avenue from East 105<sup>th</sup> to Windermere on both sides of the street; 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 one million one hundred fifteen thousand eight hundred ninety-three and 89/100 dollars (\$1,115,893.89); and

WHEREAS, the General Manager/Secretary-Treasurer deems the negotiated offers of the Illuminating Company and Dominion East Ohio 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 General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to negotiate and enter into two contracts with Utilities including The Cleveland Electric Illuminating Co., in the amount of six hundred two thousand two hundred forty-nine and 89/100 dollars (\$602,249.89) and five hundred thirteen thousand six hundred forty four and 00/dollars (\$513,644.00) to Dominion East Ohio 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 on Euclid Avenue from East 105<sup>th</sup> Street to Windermere on both sides of the street.

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-X530-03 for a total contract amount not to exceed \$1,115,893.89 in Federal funds which represents 100% of the total. Federal funds under Capital Grant OH-90-X530-03 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, 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.

Adopted: January 16, 2007

  
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President

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



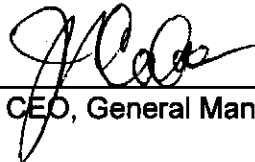
<b>TITLE/DESCRIPTION:</b> AUTHORIZING CONTRACT NOS. 2007-008 A-B WITH TWO PRIVATE UTILITIES ("UTILITIES") CLEVELAND ELECTRIC ILLUMINATING COMPANY dba THE ILLUMINATING COMPANY AND EAST OHIO GAS CO dba DOMINION EAST OHIO IN A TOTAL SUM NOT TO EXCEED \$1,115,893.89 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL 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)	<b>Resolution No.:</b> 2007-16
	<b>Date:</b> January 11, 2007
	<b>Initiator:</b> Euclid Corridor Transportation Project
<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/SCOPE:** This action will allow the Authority to enter into contracts with the private utilities outlined above for proposed 2007 work scope.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract will allow for payment to UTILITIES to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project - Contract 38-CO4 Euclid Avenue – East 105<sup>th</sup> 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 79<sup>th</sup> Street to Windermere) portion of the Euclid Corridor Transportation Project.  
  
 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.
- 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-X530-03 line item 13.23.01 in the amount of \$1,115,893.89 in Federal Funds, which

represents 100% of the total. Federal funds under Capital Grant OH-90-X530-03 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: This procurement was reviewed by the Board of Trustees Planning and Development Committee at their January 9, 2007 meeting.
- 9.0 ATTACHMENTS: Summary of Construction Work Authorizations for Contract Unit C04 Utilities.

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

## 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 *Segment 1 (E. 81st. - E. 93rd)	\$	175,999.00
D	Verizon (MCI)	\$	5,600.00
E	The Illuminating Company (2006 scope)	\$	652,687.00
	<b>Total</b>	<b>\$</b>	<b>1,061,255.30</b>
2007 work	Dominion East Ohio (E. 105th - City Limit)	\$	513,644.00
2007 work	The Illuminating Company (E. 105th - Windermere)	\$	602,249.89
		<b>\$</b>	<b>1,115,893.89</b>
	Previously Authorized DEO	\$	198,411.00
	Previously Authorized CEI	\$	132,000.00
	<b>TOTAL PREVIOUSLY AUTHORIZED</b>	<b>\$</b>	<b>330,411.00</b>
	<b>GRAND TOTAL OF C-04 WORK TO BE PERFORMED BY UTILITIES</b>	<b>\$</b>	<b>2,507,560.19</b>
	<b>CURRENT BUDGET</b>	<b>\$</b>	<b>2,602,669.00</b>