

RESOLUTION NO. 2007-55

AMENDING CONTRACT NO. 2006-047(I) WITH THE ILLUMINATING COMPANY AKA FIRST ENERGY, TO ADJUST THE WORK EFFORT REQUIRED FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT - C02, IN AN AMOUNT NOT TO EXCEED \$167,239.21 TOTAL SUM NOT TO EXCEED \$1,427,711.08 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) requires the additional utility relocations for the Euclid Corridor Transportation Project, Contract C02; and

WHEREAS, by Resolution No. 2006-73 the Board of Trustees authorized Contract No. 2006-047(I) in the amount of \$1,244,242.86 with The Illuminating Company aka First Energy located at 6896 Miller Road, Brecksville, Ohio for utility adjustments and relocations, including design and engineering costs associated with construction, in the C02 section of the ECTP; and

WHEREAS, the General Manager /Secretary-Treasurer's approval of one change order in the amount of \$42,839.00 increased said contract price to \$1,260,471.87; and

WHEREAS, The Illuminating Company has found additional utility relocations required in Contract C02 of the ECTP; and

WHEREAS, The Illuminating Company has offered to provide these additional utility relocations at a total negotiated amount not to exceed one-hundred sixty-seven thousand and two hundred thirty-nine and 21/100 dollars (\$167,239.21) which, if approved, will increase said contract price to \$1,427,711.08; and

WHEREAS, the General Manager/Secretary-Treasurer deems acceptance of the offer of The Illuminating Company, as negotiated, to be in the best interest of the Authority and recommends acceptance thereof.

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 The Illuminating Company to provide additional utility relocations is hereby accepted as being in the best interest of the Authority.

Section 2. That the General Manager/Secretary-Treasurer be and he is hereby authorized to amended Contract No. 2006-047(I) with The Illuminating Company to include these additional utility relocations.

Section 3. That the General Manager/Secretary-Treasurer be and he is hereby re-authorized to exercise his full change order authority under the Authority's Procurement Policy, Section 9.0, as applied to Contract No. 2006-047(I).

Section 4. That said amendment shall be payable out of the RTA Development Fund, Euclid Corridor Transportation Department budget including, but not limited to, Capital Grant OH-03-X530-03 in an amount not to exceed \$150,883.00 and in an amount not to exceed \$16,356.21 in 100% local funds for a total amount not to exceed \$167,239.21 (\$120,706.40 in Federal funds, which represents 72.18% of the amendment cost). This amendment is contingent upon FTA approval of a budget revision.

Section 5. That all other terms and conditions of said contract shall remain unchanged.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: March 27, 2007

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer



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

TITLE/DESCRIPTION: AMENDING CONTRACT NO. 2006-047(I) WITH THE ILLUMINATING COMPANY AKA FIRST ENERGY, TO ADJUST THE WORK EFFORT REQUIRED FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT - C02, IN AN AMOUNT NOT TO EXCEED \$167,239.21 TOTAL SUM NOT TO EXCEED \$1,427,711.08 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-55
	Date: March 22, 2007
	Initiator: Euclid Corridor Transportation Project
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 contract 2006-047(I) with The Illuminating Company, a private utility, to facilitate construction of the ECTP in Contract C02.
- 2.0 DESCRIPTION/JUSTIFICATION: This authorization will allow for payment for the UTILITY to adjust, relocate and replace utility facilities affected by the construction of the Euclid Corridor Transportation Project – Construction Contract 38-C02.
- 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 UTILITY affected by the Euclid Corridor Transportation Project –Construction Contracts 38-C02.

This contract amendment for The Illuminating Company totals \$167,239.21 and is within the remaining project budget.

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 UTILITY. The nature of this contract is to reimburse the UTILITY for work and costs incurred to support and facilitate construction of the ECTP.
- 5.0 POLICY IMPACT: Does not apply.

STAFF SUMMARY & COMMENTS

ECTP – Private Utilities

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- 6.0 ECONOMIC IMPACT: This contract amendment will be funded through the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to, Capital Grant OH-03-X530-03, line item 13.23.01 in an amount not to exceed \$150,883.00 and 100% Local Funding, in an amount not to exceed \$16,356.21 for a total amount not to exceed \$167,239.21 (\$120,706.40.00 in Federal funds which represents 72.18% of the total). This amendment is contingent upon FTA approval of a budget revision.
- 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 construction costs.
- 8.0 RECOMMENDATION: This utility work authorization related to the ECTP Construction Contracts C02 was reviewed by the Board of Trustees Planning and Development Committee at their March 6, 2007 meeting. Staff recommends that the Board of Trustees approve the resolution to authorize work authorization to The Illuminating Company for its ECTP C02 contract.
- 9.0 ATTACHMENTS: Summary of The Illuminating Company work authorizations to date, attached hereto as Exhibit A.

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

## EXHIBIT A

### The Illuminating Company Contract C02

Contract	Previously Authorized (Board Reso/GM Authority)	Resolution No.
Construction	\$1,217,632.87	2006-073
Change Order No. 1	\$42,839.00	General Manager
Change Order No. 2	\$167,239.21	2007-
<b>Contract 2006-047(I)</b>	<b>\$1,427,711.08</b>	
Design	\$132,000.00	2005-114
<b>TOTAL ILLUMINATING CO. C02 WORK</b>		<b>\$1,559,711.08</b>