

RESOLUTION NO. 2007-56

RATIFYING A CHANGE ORDER TO CONTRACT NO. 2001-118 WITH WILBUR SMITH & ASSOCIATES FOR THE FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$920,123.31 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority by Resolution No. 2002-024 authorized a contract with Wilbur Smith & Associates for final design services for the Euclid Corridor Transportation Project including authorized change orders for a total current contract amount of twelve million forty-eight thousand three hundred seven & 47/100 dollars (\$12,048,307.47); and

WHEREAS, additional modifications to the contract were required for value engineering, real estate mitigation, unforeseen conditions, additional utility coordination and services necessary to complete the design and maintain the project schedule; and

WHEREAS, an amount not to exceed six hundred sixty thousand three hundred seventy-two & 00/100 (\$660,372.00) to provide additional final design services was agreed upon subject to audit and concurrence of the Authority's audit staff; and

WHEREAS, by contract Wilbur Smith and Associates is entitled to an overhead adjustment in an amount not to exceed one hundred eighty-four thousand six hundred ninety & 31/100 dollars (\$184,690.31); and

WHEREAS, directives to address stakeholder concerns were issued in the amount of seventy-five thousand sixty-one & 00/100 (\$75,061.00) dollars; and

WHEREAS, the Authority recognizes the potential for additional change orders as work under Contract No. 2001-118 progresses; and

WHEREAS, acceptance of these future change orders will cause the total authorized price for change orders to exceed the General Manager/Secretary-Treasurer's delegated authority; and

WHEREAS, the General Manager/Secretary-Treasurer deems the expenditure for additional design services and restoring his change order authority amount to \$500,000.00 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 amount of Contract No. 2001-118 with Wilbur Smith & Associates is hereby recognized as twelve million nine hundred sixty-eight thousand four hundred thirty & 78/100 dollars (\$12,968,430.78).

Section 2. That the amendment to Wilbur Smith & Associates contract in an amount not to exceed six hundred sixty thousand three hundred seventy-two & 00/100 (\$660,372.00) for design, seventy-five thousand sixty-one (\$75,061.00) for directives and one hundred eighty-four thousand six hundred ninety & 31/100 (\$184,690.31) for the overhead adjustment for a total amount not to exceed nine hundred twenty thousand one hundred twenty-three & 31/100 dollars (\$920,123.31).

Section 3. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to amend said contract in an amount not to exceed nine hundred twenty thousand one hundred twenty-three & 31/100 dollars (\$920,123.31) for a new total contract amount not to exceed twelve million nine hundred sixty-eight thousand four hundred thirty & 78/100 dollars ((\$12,968,430.78).

Section 4. That this change order shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0228-01 in the amount of \$749,078.31 and 100% Local funds in the amount of \$171,045.00 for a total amount of \$920,123.31 (\$599,262.65 in Federal funds which represents 65.12% of the total) for a new contract amount not to exceed twelve million nine hundred sixty-eight thousand four hundred thirty & 78/100 dollars (\$12,968,430.78). This change order is contingent upon FTA approval of a budget revision.

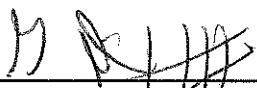
Section 5. That the General Manager/Secretary-Treasurer's change order authority be reinstated to its entirety.

Section 6. That said change order shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to all other terms and conditions of the original contract.

Section 7. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Wilbur Smith & Associates will exceed the 8.5% goal assigned to this procurement.

Section 8. That this resolution shall become effective immediately upon its adoption.

Adopted: March 27, 2007



President

Attest: 

CEO General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: RATIFYING A CHANGE ORDER TO CONTRACT NO. 2001-118 WITH WILBUR SMITH & ASSOCIATES FOR THE FINAL DESIGN OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT IN AN AMOUNT NOT TO EXCEED \$920,123.31 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-56
	Date: March 22, 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 ratify a change order increasing Contract No. 2001-118 with Wilbur Smith & Associates (WSA) for the Final Design of the Euclid Corridor Transportation Project.
- 2.0 DESCRIPTION/JUSTIFICATION: Wilbur Smith & Associates was originally contracted to provide final design services for the Euclid Corridor Transportation Project. This change order has three components.

Component	100% Local	Grant Eligible	Amount
Stake Holder and Schedule Changes	\$171,045.00	\$489,327.00	\$660,372.00
Directives		\$ 75,061.00	\$ 75,061.00
Overhead Adjustments		\$184,690.31	\$184,690.31
Total	\$171,045.00	\$749,078.31	\$920,123.31

- 3.0 PROCUREMENT BACKGROUND: This contract was originally awarded to Wilbur Smith & Associates through the use of the competitive RFP process as required by FTA. It was determined that a change order was necessary to complete the fund directives and adjust overhead design.

A scope of work was agreed upon by the Authority and Wilbur Smith & Associates, revising project schedule dates and modifications requested to stakeholders design. The Authority prepared an internal independent cost estimate. Negotiations were conducted and an amount not to exceed \$660,372.00 was agreed upon subject to audit and concurrence by the Authority's audit staff.

In addition, Internal audit has reviewed and concurred with the overhead adjustment of \$184,690.31 and a negotiated price of \$75,061.00 for directives issued to meet specific stakeholder requirements.

This change order has been made a not to exceed amount pending the consultant submitting supporting documentation for overhead adjustment and pending Authority audit of Wilbur Smith's costs for additional design services. This resolution will also restore the General Manager/Secretary-Treasurer's total change order authority to \$500,000.00. At present the General Manage/Secretary-Treasurer has utilized \$336,162.00 of change order authority from his authorized amount. This resolution will allow for future changes to be handled in an efficient and effective manner.

A cost/price analysis has been performed and the Procurement Department has determined the pricing to be fair and reasonable.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 8.5% DBE Goal has been established for this (change order) procurement. Wilbur Smith & Associates have committed to achieving the goal through the utilization of the original DBE Firms.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This change order shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project budget, including but not limited to Capital Grants OH-03-0228-01, Line item 13.71.02 in the amount of \$749,078.31 and 100% Local funds, Line item 13.71.02 in the amount of \$171,045.00 for a total amount of \$920,123.21 (\$599,262.65 in Federal funds which represents 65.12% of the total) for a new contract amount not to exceed twelve million nine hundred sixty-eight thousand four hundred thirty & 78/100 dollars (\$12,968,430.78). This change order is contingent upon FTA approval of a budget revision.
- 7.0 ALTERNATIVES: Reject this change order. Rejection of this change order will delay the final design of the Euclid Corridor Transportation Project and negatively impact the construction schedule and expose the Authority to a potential claim.
- 8.0 RECOMMENDATION: This change order was discussed by the Planning and Development Committee at the February 6, 2007 meeting. This will be presented to the Board of Trustees at the March 27, 2007 meeting. It is recommended that the offer be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to ratify the change order.
- 9.0 ATTACHMENTS: Attachment A – Approved Change Order Log.

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



CEO, General Manager/Secretary-Treasurer

APPROVED CHANGE ORDERS

FINAL DESIGN OF EUCLID CORRIDOR TRANSPORTATION PROJECT

Contract # 2001-118

Contractor: Wilbur Smith

Original Contract Amount \$9,072,202

Total G.M. C.O. Authority remaining \$163,838.00

Total Change Order Amount To Date \$2,976,105.47

Change to Date:

ITEM NO.	NOTE No.	APPROVAL DATE	CHANGE ORDER	APPROVAL AUTHORITY	NEW CONTRACT AMOUNT
1	1	12/27/02	\$ 39,188.00	\$460,812.00	\$ 9,111,390.00
2	2	05/20/03	\$454,278.00	\$500,000.00	\$ 9,565,668.00
2-A	3	06/17/03	\$229,970.00	\$500,000.00	\$ 9,795,638.00
3	3	01/29/04	N/A	\$500,000.00	\$ 9,795,638.00
4	4	02/25/04	\$ 3,610.00	\$496,390.00	\$ 9,799,248.00
5	5	04/20/04	\$127,132.00	\$500,000.00	\$ 9,926,380.00
6	6	07/23/04	(-\$3,201.00)	\$500,000.00	\$ 9,923,179.00
7	7	09/01/04	\$ 49,871.00	\$450,129.00	\$ 9,973,050.00
8	8	09/27/04	N/A	\$450,129.00	\$ 9,973,050.00
9	9	10/19/04	\$134,696.00	\$500,000.00	\$10,107,746.00
10	10	12/21/04	\$1,604,399.47	\$500,000.00	\$11,712,145.47
11	11	02/17/05	\$0	\$500,000.00	\$11,712,145.47
12	12	04/11/05	\$5,190.00	\$494,810.00	\$11,717,335.47
13		05/06/05	\$281,000.00	\$213,810.00	\$11,998,335.47
14		05/17/06	\$49,972.00	\$163,838.00	\$12,048,307.47