

RESOLUTION NO. 2007-72

AUTHORIZING AN INCREASE TO CONTRACT NO. 2006-010 WITH PERK CONSTRUCTION COMPANY FOR PROJECT 38-C02 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT – EAST ROADWAY TO INNERBELT, PUBLIC SQUARE AND EAST 17<sup>th</sup> STREET EXTENSION IN AN AMOUNT NOT TO EXCEED \$114,110.43 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$24,512,303.73 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Authority requires the services of a construction company for construction for the Euclid Corridor Transportation Project, Project 38-C02; and

WHEREAS, by Resolution No. 2006-053, the Board of Trustees authorized Contract No. 2006-010 in the amount of twenty-two million eight hundred ninety-two thousand four hundred ninety & 29/100 dollars (\$22,892,490.29) with Perk Construction Company located at 8100 Grand Avenue, Cleveland, Ohio 44104 for the furnishing of said Construction Services; and

WHEREAS, the General Manager/Secretary-Treasurer has issued forty-two (42) change orders in the net amount of one million five hundred five thousand seven hundred three & 01/100 dollars (\$1,505,703.01) based upon his change order authority pursuant to the Authority's Procurement Policies for a total contract value of twenty-four million three hundred ninety-eight thousand one hundred ninety-three & 30/100 dollars (\$24,398,193.30); and

WHEREAS, unforeseen condition have caused additional changes to the contract to be necessary; and

WHEREAS, Perk Construction Company offered to provide these changes at a negotiated amount not to exceed one hundred fourteen thousand one hundred ten & 43/100 dollars (\$114,110.43); and

WHEREAS, acceptance of said offer will cause the total amount of change orders to exceed the General Manager/Secretary-Treasurer's delegated authority; and

WHEREAS, the General Manager/Secretary-Treasurer deems acceptance of the offer of Perk Construction 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 Perk Construction Company to provide additional changes 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 amend Contract No. 2006-010 with Perk Construction Company to include the additional changes.


Section 3. That said amendment shall be payable out of the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0247-02, for an amount not to exceed \$114,110.43 (\$91,288.34 in Federal funds which represents 80% of the total cost) for a total contract amount not to exceed twenty-four million five hundred twelve thousand three hundred three & 73/100 dollars (\$24,512,303.73).

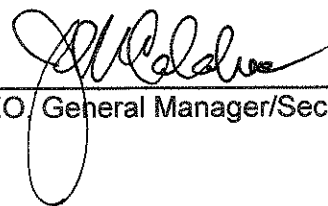
Section 4. That the General Manager/Secretary-Treasurer change order authority be reinstated to its entirety.

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: May 15, 2007

  
\_\_\_\_\_  
President

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



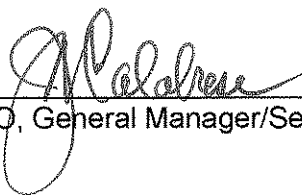
Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

|   |   |
|---|---|
| TITLE/DESCRIPTION: AUTHORIZING AN INCREASE TO CONTRACT NO. 2006-010 WITH PERK CONSTRUCTION COMPANY FOR PROJECT 38-C02 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT – EAST ROADWAY TO INNERBELT, PUBLIC SQUARE AND EAST 17 <sup>th</sup> STREET EXTENSION IN AN AMOUNT NOT TO EXCEED \$114,110.43 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$24,512,303.73 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET) | Resolution No.:<br>2007-72                        |
|   | Date:<br>May 10, 2007                             |
|   | Initiator: Euclid Corridor Transportation Project |
| ACTION REQUEST:<br><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 increase Contract No. 2006-010 with Perk Construction Company to adjust the work effort to accommodate unanticipated changes.
- 2.0 DESCRIPTION/JUSTIFICATION: The Euclid Corridor Transportation Project (ECTP), Project 38-C02 encountered changes that need to be authorized, that additional work effort is required to complete the project in a timely manner. Increased work effort will be required. The Authority and Perk Company negotiated 11 potential changes to a negotiated amount of \$114,110.43.
- 3.0 PROCUREMENT BACKGROUND: In March 2006, the Board of Trustees by Resolution No. 2006-053 authorized a contract with Perk Construction Company to perform construction services for the Euclid Corridor Transportation Project, East Roadway to Innerbelt, Public Square and East 17<sup>th</sup> Street Extension. Unanticipated changes have required additional work to be performed by the Perk Construction Company. This negotiated increase required Board authorization, as it will exceed the General Manager/Secretary-Treasurer's change order authority.  
  
The Procurement Department has determined the negotiated change order is fair and reasonable to the Authority.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 20% DBE goal was established for this procurement in March 2006 when the contract was awarded to Perk Construction Company.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This amendment shall be funded from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0247-02, Line Item 13.23.01, in an amount not to exceed \$114,110.43 (\$91,288.34 in Federal funds which represents 80% of the total cost) for a total contract amount not to exceed twenty-four million five hundred twelve thousand three hundred three & 73/100 dollars (\$24,512,303.73).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer will impact construction of Contract No. 2006-010 and could cause delay claims to be forthcoming.
- 8.0 RECOMMENDATION: This action was discussed with the Planning and Development Committee at the May 1, 2007 meeting. It is recommended that his change order be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify the contract.

9.0 ATTACHMENTS: Attachment A – Change Order Log and Attachment B – List of Negotiated changes.

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

## Attachment A PROJECT NO. 38-C-02

( ECTP Downtown Roadway)

Contract #2006.010

Contractor: Perk Company

Original Contract Amount \$22,892,490.29 Total G.M. C.O. Authority remaining \$ 95,969.73

Total Change Order Amount To Date \$ 1,505,703.01

| ITEM NO. | NOTE No. | APPROVAL DATE | CHANGE ORDER AMOUNT | APPROVAL AUTHORITY | NEW CONTRACT AMOUNT |
|----------|----------|---------------|---------------------|--------------------|---------------------|
| 1        | 1        | 05-30-06      | \$16,315.00         | \$483,685.00       | \$22,908,805.29     |
| 2        | 2        | 07-07-06      | \$0                 | \$483,685.00       | \$22,908,805.29     |
| 3        | 3        | 07-07-06      | \$20,597.00         | \$463,088.00       | \$22,929,402.29     |
| 4        | 4        | 07-17-06      | \$13,560.00         | \$449,528.00       | \$22,942,962.29     |
| 5        | 5        | 07-31-06      | \$5,181.82          | \$444,346.18       | \$22,948,144.11     |
| 6        | 6        | 08-01-06      | \$21,195.03         | \$423,151.15       | \$22,969,339.14     |
| 20       | 20       | 11-09-06      | \$201,715.00        | \$500,000.00       | \$23,171,054.14     |
| 7        | 7        | 08-21-06      | \$0                 | \$500,000.00       | \$23,171,054.14     |
| 8        | 8        | 08-22-06      | \$0                 | \$500,000.00       | \$23,171,054.14     |
| 9        | 9        | 08-30-06      | -\$1,583.90         | \$500,000.00       | \$23,169,470.24     |
| 10       | 10       | 09-07-06      | \$49,999.00         | \$450,001.00       | \$23,219,469.24     |
| 11       | 11       | 09-14-06      | \$8,958.97          | \$441,042.03       | \$23,228,428.21     |
| 12       | 12       | 09-22-06      | \$10,499.38         | \$430,542.65       | \$23,238,927.59     |
| 13       | 13       | 09-29-06      | \$49,408.74         | \$381,133.91       | \$23,288,336.33     |
| 14       | 14       | 10-05-06      | -\$59,003.35        | \$440,137.26       | \$23,229,332.98     |
| 15       | 15       | 10-24-06      | \$33,549.40         | \$406,587.86       | \$23,262,882.38     |
| 16       | 16       | 10-25-06      | \$65,086.19         | \$341,501.67       | \$23,327,968.57     |
| 17       | 17       | 10-25-06      | \$5,774.92          | \$335,726.75       | \$23,333,743.49     |
| 18       | 18       | 10-27-06      | \$1,569.00          | \$334,157.75       | \$23,335,312.49     |
| 19       | 19       | 10-28-06      | \$10,500.00         | \$323,657.75       | \$23,345,812.49     |
| 21       | 21       | 11-13-06      | \$21,171.20         | \$302,486.55       | \$23,366,983.69     |
| 22       | 22       | 12-03-06      | \$2,594.79          | \$299,891.76       | \$23,369,578.48     |
| 23       | 23       | 01-03-07      | \$49,150.00         | \$250,741.76       | \$23,418,728.48     |
| 24       | 24       | 01-05-07      | \$14,124.91         | \$236,616.85       | \$23,432,853.39     |
| 27       | 27       | 01-30-07      | \$561,309.64        | \$500,000.00       | \$24,089,643.03     |
| 25       | 25       | 01-22-07      | \$45,500.00         | \$454,500.00       | \$23,478,353.39     |
| 26       | 26       | 01-22-07      | \$49,980.00         | \$404,520.00       | \$23,528,333.39     |

|    |    |          |             |              |                 |
|----|----|----------|-------------|--------------|-----------------|
| 28 | 28 | 02-01-07 | \$22,758.60 | \$381,761.40 | \$24,112,401.63 |
| 29 | 29 | 02-01-07 | \$16,696.36 | \$365,065.04 | \$24,129,097.99 |
| 30 | 30 | 02-01-07 | \$17,528.86 | \$347,536.18 | \$24,146,626.85 |
| 31 | 31 | 02-17-07 | \$10,931.46 | \$336,604.72 | \$24,157,558.31 |
| 32 | 32 | 02-18-07 | \$18,480.24 | \$318,124.48 | \$24,176,038.55 |
| 33 | 33 | 02-18-07 | \$12,614.59 | \$305,509.89 | \$24,188,653.14 |
| 34 | 34 | 03-12-07 | \$16,600.00 | \$288,909.89 | \$24,205,253.14 |
| 35 | 35 | 03-12-07 | \$33,200.00 | \$255,709.89 | \$24,238,453.14 |
| 36 | 36 | 03-14-07 | \$10,757.24 | \$244,952.65 | \$24,249,210.38 |
| 37 | 37 | 03-16-07 | \$6,738.77  | \$238,213.88 | \$24,255,949.15 |
| 38 | 38 | 03-26-07 | \$8,860.00  | \$229,353.88 | \$24,264,809.15 |
| 39 | 39 | 04-14-07 | \$3,975.25  | \$225,378.63 | \$24,268,784.40 |
| 40 | 40 | 04-18-07 | \$16,600.00 | \$208,778.63 | \$24,285,384.40 |
| 41 | 41 | 04-20-07 | \$16,013.00 | \$192,765.63 | \$24,301,397.40 |
| 42 | 42 | 04-23-07 | \$96,795.90 | \$95,969.73  | \$24,398,193.30 |

**NOTES/CHANGE ORDER DESCRIPTION:**

#1 Abandoned Water Valves.

#2 Establishment of Ductile Iron Pipe price

#3 100' of 12" ductile pipe installed and 100' of 12" vitrified clay pipe removed

#4 Additional Pavement Removal (Bid Item 139)

#5 PCO#13 MOT Public Square, PCO#14 MOT adjusted for vault work, PCO#15 Catch Basin Adjustment, PCO#16 Fire Hydrant relocation and Gas Line removal, PCO#17 Catch Basin relocation, and PCO#18 Catch Basin modification.

#6 PCO#25 for knock-out manhole adaptors, PCO#35 for removal of 681 lf of hand excavation.

#7 PCO#44 No Cost- 15" Bolt Pattern

#8 PCO#58 and #59- No Cost funding change

#9 PCO# 26 for pipe removal, #37 sign removal, #57 for additional 2" conduit, 60 for a credit for non-performance of granite curb removal.

#10 PCO#62 Acceleration Cost

#11 PCO#22 for relocation of conduit, PCO#23 relocation of storm conduit, PCO#24 relocation of Fire hydrant

#12 PCO#9 – 15 inch conduit, PCO#10 – Removal of existing footers, PCO#12 – modify catch basin

#13 PCO#32 split style conduit, PCO#36 built in place CPP manhole, PCO#63 built in place manhole, PCO#75 adjustment of quantities, PCO#76 built in place CPP manhole.

#14 PCO #83 Removal of Tree Pit on Public Square and replaced with brick pavers (Deductive Change)

#15 PCO#79 Quantity Adjustment-Duct bank

#16 PCO#93 Quantity adjustments-Ductbank

#17 PCO#73 Quantity increase in ductile Iron Pipe

#18 PCO#54 Drainage, PCO#65 Driveway Adjustments

#19 PCO#74 Flowable Fill

#20 This is for PCOs 7 & 8 which are for the Cuyahoga County fiber optic conduit authorized in Resolution 2006-148. This re-authorized the General Manager's signing authority for change orders. Adjustments have been made to reflect all change orders signed since August 15, 2006

- #21 PCO#s 27,28,29,30,33,34,38,39,72 are small T&M changes
- #22 PCO#40,#46,#47
- #23 PCO#127, Quantity Adjustments
- #24 PCO #48 (11" curbs), PCO#49 (Corlett vault), PCO#64 (Corlett pole layout), PCO#78 (Ornimental fence)
- #25 PCO#131 MS Concrete, PCO#133 Heated Materials
- #26 PCO # 132 Visquene and concrete blanket
- #27 PCO#5 Acceleration This change authorized by BOT Reso. 2007-019 on Jan 16, 2007. The CEO change order authority was restored to 500k. At that time. CO#s 25 and 26 were processed on 01-22-07 and therefore are subtracted from the 500k authorized by the BOT, leaving a balance of \$404,520.00.
- #28 PCO#50 hand removal of sidewalks, PCO#51 abandoned manhole, PCO#55survey of fiber conduits, PCO#70 lowering of fiber conduits, PCO # 129 brick pavers at playhouse square.
- #29 PCO#71 elevation survey, PCO#80 storm drainage, PCO #104 removal of water vault, PCO#118 angle iron, PCO# 128 for Cleveland 650 cement
- #30 Removal of concrete from Adesta conduits.
- #31 PCO#68-saw cutting granite curb, PCO#88-catchbasin modification, PCO#91-alteration of catch basin, PCO#92-removal of CPP ductwork, PCO#94- fiber optic problem, PCO#95- foundation removal, PCO#96-fiber optic tree problem, PCO#103-Regrade aggregate, PCO#106-ADA ramp relocation, PCO#108-Corlett drainage problem,, PCO#111- hidden foundation at East 17<sup>th</sup>, PCO#113-Tree removal.
- #32 PCO#145 for quantity adjustments.
- #33 PCO# 43 for the modification of a catch basin, PCO#152 for the construction of a water meter vault.
- #34 PCO#153 Manhole
- #35 PCO#154 Two manholes
- #36 PCO# 81, grades on Superior, PCO#82 investigation of tree pits, PCO#85 unknown foundation, PCO#87 removal of foundation, PCO#100 reroute of utility ductbanks, PCO#105 survey work on vaults, PCO#107 vault at Hanna Bldg.
- #37 PCO# 109 for sawcutting vaults, PCO#110removal of sidewalk, PCO#114 for replacement of controller foundations, PCO#115 for replacement of damaged plywood, PCO#123 for verification of East 4<sup>th</sup> grades, PCO# for foundation removal, PCO#146 for permanent fence
- #38, PCO#178- Chain link fence for Public Square
- #39, PCO#135-survey Park Bldg., PCO#136 modification of catch basin, PCO#138-catch basin m9odification, PCO#139 for catch basin modification, PCO#140 for a survey Hanna Bldg. PCO#141 for catch basin modification, PCO#142- catch basin modification, PCO#144-catch basin modification.
- CO#40) PCO#130 Built in place manhole
- CO#41-PCO#56 changes per WSA drawings 8-7-06, PCO#147 saw cutting catch basin, PCO#156 quantity adjustments.
- CO#42 PCO#41 additional irrigation sleeve.

ATTACHMENT B  
LIST OF NEGOTIATED CHANGES

CONTRACT #2006-010 - PERK CONSTRUCTION

| <u>ITEM</u><br><u>NUMBER</u> | <u>PCO</u><br><u>Number</u> | <u>PCO</u><br><u>AMOUNT</u> | <u>DESCRIPTION</u>                |
|------------------------------|-----------------------------|-----------------------------|-----------------------------------|
| 1                            | 1                           | \$4,458.95                  | ADJUST THE HEIGHT OF PLATFORMS    |
| 2                            | 100                         | \$7,156.20                  | OBSTRUCTED DUCT BANK RUNS         |
| 3                            | 148                         | \$1,225.00                  | STORM SEWER CATCH BASIN D-1       |
| 4                            | 149                         | \$1,000.00                  | DRAINAGE LOCATION                 |
| 5                            | 151                         | \$11,406.00                 | WATER METER VAULTS                |
| 6                            | 164                         | \$1,323.28                  | STORM MANHOLE                     |
| 7                            | 191                         | \$21,141.00                 | WATER METER VAULTS                |
| 8                            | 195                         | \$16,600.00                 | CPP MANHOLE 79 B-33 STA 121+23.77 |
| 9                            | 196                         | \$16,600.00                 | CPP MANHOLE 79 B-17 STA 50+55.83  |
| 10                           | 198                         | \$16,600.00                 | CPP MANHOLE 79 B-20 STA 107+79.94 |
| 11                           | 199                         | <u>\$16,600.00</u>          | CPP MANHOLE 66D-150 STA 96+28.25  |
|                              | TOTAL:                      | \$114,110.43                |                                   |