

RESOLUTION NO. 2007-108

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 17th STREET EXTENSION IN AN AMOUNT NOT TO EXCEED \$61,484.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$24,986,734.56 (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 fifty-six (56) change orders in the net amount of two million thirty-two thousand seven hundred sixty & 29/100 dollars (\$2,032,760.29) based upon his change order authority pursuant to the Authority's Procurement Policies for a total contract value of twenty-four million nine hundred twenty-four million nine hundred eighty-six thousand seven hundred thirty-four & 56/100 dollars (\$24,986,734.56); and

WHEREAS, unforeseen conditions 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 sixty-one thousand four hundred eighty four & 00/100 dollars (\$61,484.00); 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, for an amount not to exceed \$61,484.00 (\$49,187.00 in Federal funds which represents 80% of the total cost) for a total contract amount not to exceed twenty-four million nine hundred eighty-six thousand seven hundred thirty-four & 56/100 dollars (\$24,986,734.56).

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: July 24, 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 th STREET EXTENSION IN AN AMOUNT NOT TO EXCEED \$61,484.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$24,986,734.56 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-108
	Date: July 19, 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 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 1 potential change to a negotiated amount of \$61,484.00.
- 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 17th Street Extension. Unanticipated changes have required additional work to be performed by the Perk Construction Company. This negotiated increase requires Board authorization, as it will exceed the General Manager/Secretary-Treasurer's change order authority.

The Procurement Department has determined the negotiated change order as 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. GCRTA expects Perk will maintain the established 20% DBE goal.
- 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, Line Item 13.23.01, in an amount not to exceed \$61,484.00 (\$49,187.00 in Federal funds which represents 20% of the total cost) for a total contract amount not to exceed twenty-four million nine hundred eighty-six thousand seven hundred thirty-four & 56/100 dollars (\$24,986,734.56).
- 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:** 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.

A handwritten signature in black ink, appearing to be "D. J. Smith", is written over a horizontal line.

CEO, General Manager/Secretary-Treasurer

ATTACHMENT A

CONTRACTOR: PERK COMPANY- CONTRACT # 2006-010

ORIGINAL CONTRACT AMOUNT:		<u>\$22,892,490.29</u>	TOTAL G.M. CHANGE ORDER AUTHORITY REMAINING:		
TOTAL CHANGE ORDER AMOUNT TO DATE:			<u>\$2,032,760.27</u>		
<u>ITEM NUMBER</u>	<u>NOTE</u>	<u>APPROVAL DATE</u>	<u>CHANGE ORDER</u>	<u>APPROVAL AUTHORITY</u>	<u>NEW CONTRACT AMOUNT</u>
1	1	30-May-2006	\$16,315.00	\$483,685.00	\$22,908,805.29
2	2	7-Jul-2006	\$0.00	\$483,685.00	\$22,908,805.29
3	3	7-Jul-2006	\$20,597.00	\$463,088.00	\$22,929,402.29
4	4	17-Jul-2006	\$13,560.00	\$449,528.00	\$22,942,962.29
5	5	31-Jul-2006	\$5,181.82	\$444,346.18	\$22,948,144.11
6	6	1-Aug-2006	\$21,195.03	\$423,151.15	\$22,969,339.14
20	20	9-Nov-2006	<u>\$201,715.00</u>	<u>\$500,000.00</u>	<u>\$23,171,054.14</u>
7	7	21-Aug-2006	\$0.00	\$500,000.00	\$23,171,054.14
8	8	22-Aug-2006	\$0.00	\$500,000.00	\$23,171,054.14
9	9	30-Aug-2006	(\$1,583.90)	\$500,000.00	\$23,171,054.14
10	10	7-Sep-2006	\$49,999.00	\$450,001.00	\$23,219,469.24
11	11	14-Sep-2006	\$8,958.97	\$441,042.03	\$23,228,428.21
12	12	22-Sep-2006	\$10,499.38	\$430,542.65	\$23,238,927.59
13	13	29-Sep-2006	\$49,408.74	\$381,133.91	\$23,288,336.33
14	14	5-Oct-2006	(\$59,003.35)	\$440,137.26	\$23,229,332.98
15	15	24-Oct-2006	\$33,549.40	\$406,587.86	\$23,262,882.38
16	16	25-Oct-2006	\$65,086.19	\$341,501.67	\$23,327,968.57
17	17	25-Oct-2006	\$5,774.92	\$335,726.75	\$23,333,743.49
18	18	27-Oct-2006	\$1,569.00	\$334,157.75	\$23,335,312.49
19	19	28-Oct-2006	\$10,500.00	\$323,657.75	\$23,345,812.49
21	21	13-Nov-2006	\$21,171.20	\$302,486.55	\$23,366,983.69
22	22	3-Dec-2006	\$2,594.79	\$299,891.76	\$23,369,578.48
23	23	3-Jan-2007	\$49,150.00	\$250,741.76	\$23,418,728.48
24	24	5-Jan-2007	\$14,124.91	\$236,616.85	\$23,432,853.39
27	27	30-Jan-2007	<u>\$561,309.64</u>	<u>\$500,000.00</u>	<u>\$23,994,163.03</u>
25	25	22-Jan-2007	\$45,500.00	\$454,500.00	\$24,039,663.03

<u>ITEM NUMBER</u>	<u>NOTE</u>	<u>APPROVAL DATE</u>	<u>CHANGE ORDER</u>	<u>APPROVAL AUTHORITY</u>	<u>NEW CONTRACT AMOUNT</u>
26	26	22-Jan-2007	\$49,980.00	\$404,520.00	\$24,089,643.03
28	28	1-Feb-2007	\$22,758.60	\$381,761.40	\$24,112,401.63
29	29	1-Feb-2007	\$16,696.36	\$365,065.04	\$24,129,097.99
30	30	1-Feb-2007	\$17,528.86	\$347,536.18	\$24,146,626.85
31	31	17-Feb-2007	\$10,931.46	\$336,604.72	\$24,157,558.31
32	32	18-Feb-2007	\$18,480.24	\$318,124.48	\$24,176,038.55
33	33	18-Feb-2007	\$12,614.59	\$305,509.89	\$24,188,653.14
34	34	12-Mar-2007	\$16,600.00	\$288,909.89	\$24,205,253.14
35	35	12-Mar-2007	\$33,200.00	\$255,709.89	\$24,238,453.14
36	36	14-Mar-2007	\$10,757.24	\$244,952.65	\$24,249,210.38
37	37	16-Mar-2007	\$6,738.77	\$238,213.88	\$24,255,949.15
38	38	26-Mar-2007	\$8,860.00	\$229,353.88	\$24,264,809.15
39	39	14-Apr-2007	\$3,975.25	\$225,378.63	\$24,268,784.40
40	40	18-Apr-2007	\$16,600.00	\$208,778.63	\$24,285,384.40
41	41	20-Apr-2007	\$16,013.00	\$192,765.63	\$24,301,397.40
42	42	23-Apr-2007	\$96,795.90	\$95,969.73	\$24,398,193.30
43	43	16-May-2007	\$106,954.23	\$500,000.00	\$24,505,147.53
44	44	17-May-2007	\$10,237.36	\$489,762.64	\$24,515,384.89
45	45	22-May-2007	\$55,840.80	\$433,921.84	\$24,571,225.69
46	46	4-Jun-2007	\$5,786.17	\$428,135.67	\$24,577,011.86
47	47	8-Jun-2007	\$198,864.00	\$229,271.67	\$24,775,875.86
48	48	13-Jun-2007	\$45,626.25	\$183,645.42	\$24,821,502.11
49	49	13-Jun-2007	\$49,179.08	\$134,466.34	\$24,870,681.19
50	50	13-Jun-2007	\$16,600.00	\$117,866.34	\$24,887,281.19
51	51	13-Jun-2007	\$16,593.51	\$101,272.83	\$24,903,874.70
52	52	15-Jun-2007	\$23,974.47	\$77,298.36	\$24,927,849.17
53	53	15-Jun-2007	\$11,581.00	\$65,717.36	\$24,939,430.17
54	54	15-Jun-2007	(\$84,349.90)	\$150,067.26	\$24,855,080.27
55	55	22-Jun-2007	\$19,789.79	\$130,277.47	\$24,874,870.06
56	56	6-Jul-2007	\$50,380.50	\$79,896.97	\$24,925,250.56

NOTES/CHANGE ORDER DESCRIPTION FOR CHANGE ORDERS

- #1 - Abandoned Water Valves
- #2 - Establishment of Ductile Iron Pipe
- #3 - 100' of 12" ductile pipe installed & 100' of 12" vitrified clay pipe
- #4 - Additional Pavement Removal (Bid Item 139)
- #5 - PCO#13 MOT Public Square, PCO#14 MOT adjusted for work, PCO#15 Catch Basin Adjustment, PCO#16 Fire Hydrant relocation & Gas line removal, PCO#17 Catch Basin Relocation, & PCO#18 Catch Basin Modification.
- #6 - PCO#25 for knock-out manhole adaptors, PCO#35 for removal of 6811f - Hand excavation
- #20 - This is for PCO #7 & 8 which are for the Cuyahoga County fiber optic conduit authorized in Resolution 2006-148. This reauthorized the GM's signing authority for change orders.
Adjustments have been made to reflect all changes
- #7 - PCO#4 No Cost - 15" Bolt Program
- #8 - PCO#58 and #59 - No cost funding change
- #9 - PCO#26 pipe removal, #37 sign removal, #57 additional 2" conduit, #60 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#254 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 & replace w/brick pavers (**deductive change**)
- #15 - PCO#79 Quantity Adjustment-Duct bank
- #16 - PCO#93 Quantity Adjustment-Duct bank
- #17 - PCO#73 Quantity increase in ductile Iron pipe
- #18 - PCO#54 Drainage, PCO#65 Driveway adjustments
- #19 - PCO#74 Flowable Fill
- #21 - PCO#27,28,29,30,33,34,38,39 & 72 are all 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 - Ornamental fence
- #25 - PCO#131 MS Concrete, PCO#133 - Heated Materials
- #26 - PCO#132 Visquence & concrete blanket
- #27 - PCO#5 This change authorized by BOT Resolution 2007-019 on 1-16-07. The CEO change order authority was restored to 500K. At that time CO#'s 25 & 26 were processed on 1-22-07 & therefore are subtracted from the 500K authorized by BOT, leaving a balance of \$404,520.00
- #28 - PCO#50 hand removal of sidewalks, PCO#51 abandoned manhole, PCO#55 survey 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

- #31 - PCO#68 saw cutting granite curb, PCO#88 catch basin 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 17th, PCO#113 Tree Removal
- #32 - PCO#145 for quantity adjustment
- #33 - PCO#43 modification of catch basin, PCO#152 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#87removal of foundation, PCO#100 reroute of utility duct banks, PCO#105 survey work on vaults, PCO#107 vault at Hanna Bldg..
- #37 - PCO# 109 for saw cutting vaults, PCO#110 removal of sidewalk, PCO#114 replacement of controller foundations, PCO#115 replacement of damaged plywood, PCO#123 for verification of east4th grades, PCO#124 foundation removal, PCO#146 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 modification of catch basin, PCO#139 modification of catch basin, PCO#140 survey Hanna Bldg., PCO# 141 catch basin modification, PCO#142 catch basin modification, PCO#144 catch basin modification
- #40 - PCO#130 Built in place manhole
- #41 - PCO#56 changes per WSA drawings 8-7-2006, PCO#147 saw cutting catch basin, PCO#156 quantity adjustments
- #42 - PCO#41 additional irrigation sleeve
- #43- PCO#1 to adjust platform heights in contract 2006-010, PCO#148 installation of catch basin PCO#149 redesign of drainage location, PCO#151reconstruction of wtr meter vaults, PCO#164 modifications of manhole station, PCO#191 reconstruction of wtr meter vaults per plan sheet PP112 , PCO#195 built in place manhole station, PCO#196 built in place manhole station, PCO#198 built in place manhole station, PCO#199 built in place manhole station. This reauthorized the GM's signing authority for change orders per Resolution 2007-72. Adjustments have been made to reflect all changes.**
- #44 - PCO#189 for reconstruction of the manhole at east 9th street, station 79B.
- #45 - PCO#84 Temporary sidewalk removal, PCO#134 Euclid/E.4th Adesta Line, PCO#159 Storm sewer, PCO#162 Drainage Structures, PCO#163 E.14th Proposed redesign, PCO#166 Catch basin, PCO#172 Bid unit quantities, PCO#211 Bid quantity adjustments
- #46 - PCO#137 Safety fence around the Soldiers & Sailors monument, PCO#168 Additional work on the lateral sewer connection at Station 110+34, PCO#169 Additional sewer work done at Station 112+97, PCO#171 Hand removal of concrete at East 18th intersection, PCO#173 Additional lateral sewer work at Station122+56RT, PCO#174 Additional work on catch basin at Station 124+54
- #47 - PCO#182 Delay mitigation and acceleration to allow Contract-010 to maintain schedule.
- #48 - PCO#209 Bid quantity adjustments.
- #49 - PCO#221 Bid quantity adjustments.

- #51 - PCO#86 Revisions of electrical plans, PCO#99 CREDIT for removal proposed parking station and relocation of mast head, PCO181 Replacement of existing City of Cleveland water meter vaults
PCO#226 Design of anticipated grades at East 14th street
- #52 - PCO#6 Inclusion of sumps and traps that were omitted from the plans and specs
- #53- PCO#121 Traffic bearing water meter vaults at Stations 135+28RT and 134+49 RT, PCO#90 Field cutting of granite curb to allow for installation of CPP manhole casting
- #54 - PCO#112 A CREDIT for work that was performed in the vault area by The Hanna Building
- #55- PCO#61 for additional conduit and traffic control boxes at Ontario & Superior,
PCO#204 for temporary sidewalk removal, PCO#205 for removal of MOT enclosure at E. 9th Street
PCO#206 for relocation of catch basin D-6 at station 115+59
- #56 - PCO#52 A CREDIT for non-performance of electrical work, PCO#177 modification of catch basin D-4 at Station 119+78RT, PCO#190 convert non-bearing water meter vaults to load bearing vaults,
PCO#213 re-imbursment for granite curb for modifications on East 1st Street,
PCO#229 damaged lateral in response to RFI 131 & 132, & for additional quantities based upon agreement by Perk and WGI

ATTACHMENT B
CONTRACT #2006-010 - PERK CONSTRUCTION

<u>ITEM NUMBER</u>	<u>PCO Number</u>	<u>PCO AMOUNT</u>	<u>DESCRIPTION</u>
1	1	<u>\$61,484.00</u>	Supply And Installation Of 1" Diameter Ground Rods
	TOTAL:	<u>\$61,484.00</u>	