

RESOLUTION NO. 2007-138

RATIFYING 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 \$489,170.86 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$25,910,639.69 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

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 for Project 38-C02, located at 8100 Grand Avenue, Cleveland, Ohio 44104 for the furnishing of said Construction Services; and

WHEREAS, the General Manager/Secretary-Treasurer has issued sixty-nine (69) change orders in the net amount of two million five hundred twenty-eight thousand nine hundred seventy-eight & 54/100 dollars (\$2,528,978.54) based upon his change order authority pursuant to the Authority's Procurement Policies for a total contract value of twenty-five million four hundred twenty-one thousand four hundred sixty-eight & 83/100 dollars (\$25,421,468.83); and

WHEREAS, unforeseen conditions have caused additional services to the contract to be necessary; and

WHEREAS, Perk Construction Company offered to provide these services at a negotiated amount not to exceed four hundred eighty-nine thousand one hundred seventy & 86/100 dollars (\$489,170.86); 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 services 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 the Perk Company to include the services.

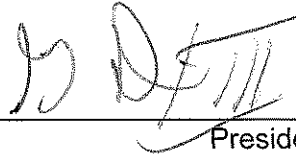
Section 3. That said amendment shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department budget, including but not limited to Capital Grant OH-03-0247, for an amount not to exceed \$489,170.86 (\$391,336.69 in Federal funds which represents 80%% of the total cost) for a total contract amount not to exceed twenty-five million nine hundred ten thousand six hundred thirty-nine & 69/100 dollars (\$25,910,639.69)

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.

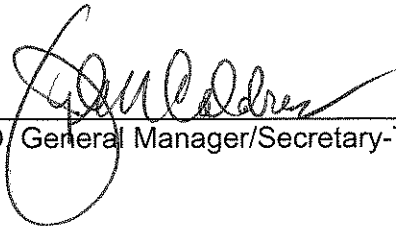
Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: September 18, 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: RATIFYING 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 \$489,170.86 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$25,910,639.69 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-138
	Date: September 13, 2007
	Initiator: Euclid Corridor Transportation Project

**ACTION REQUEST:**  
 Approval     Review/Comment     Information Only     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 the work was required to complete the project in a timely manner. Increased work effort will be required. The Authority and Perk Company negotiated an amount of \$489,170.86.

Potential Change Order (PCO) Number 270 is a change that will allow for payment of delays, suffered by Perk due to utility coordination in the amount of \$207,827.16. In addition, it provides \$22,100.00 for schedule mitigation.

The remaining \$259,243.70 is composed of 39 line items which were previously negotiated which range from \$25.00 to \$47,137.26. Individually they are all within the General Manager's Change Order authority but because of the total and the need for additional Change Order authority from the Board of Trustees they are being presented.

- 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 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 **DBE/AFFIRMATIVE ACTION 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 \$489,170.86 (\$391,336.69 in Federal funds which represents 80% of the total cost) for a total contract amount not to exceed twenty-five million nine hundred ten thousand six hundred thirty-nine & 69/100 dollars (\$25,910,639.69).
- 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: Pending change orders were discussed at the September 4, 2007 Planning and Development Committee. It is recommended that this 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 – September Field Quantities Adjustment.

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



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General Manager/Secretary-Treasurer

**ATTACHMENT A**

2006-010

**CONTRACTOR: PERK COMPANY**

**TOTAL G.M. CHANGE ORDER AUTHORITY REMAINING: \$ 55,472.03**

**ORIGINAL CONTRACT AMOUNT \$22,892,490.29**

**TOTAL CHANGE ORDER AMOUNT TO DATE \$ 2,528,978.54**

<u>ITEM NUMBER</u>	<u>APPROVAL DATE</u>	<u>CHANGE ORDER</u>	<u>APPROVAL AUTHORITY</u>	<u>NEW CONTRACT AMOUNT</u>
1 thru 57	05/06 thru 08/07	\$2,084,450.57	\$500,000.00	\$24,976,940.86
58	7-Aug-2007	\$137,945.00	\$362,055.00	\$25,114,885.86
59	8-Aug-2007	\$19,925.43	\$342,129.57	\$25,134,811.29
60	8-Aug-2007	\$23,789.66	\$318,339.91	\$25,158,600.95
61	14-Aug-2007	\$11,962.83	\$306,377.08	\$25,170,563.78
62	23-Aug-2007	\$74,590.72	\$231,786.36	\$25,245,154.50
63	23-Aug-2007	\$21,916.70	\$209,869.66	\$25,267,071.20
64	24-Aug-2007	\$58,423.00	\$151,446.66	\$25,325,494.20
65	5-Sep-2007	\$23,988.75	\$127,457.91	\$25,349,482.95
66	6-Sep-2007	\$18,969.42	\$108,488.49	\$25,368,452.37
67	6-Sep-2007	\$24,164.59	\$84,323.90	\$25,392,616.96
68	6-Sep-2007	\$24,414.65	\$59,909.25	\$25,417,031.61
69	6-Sep-2007	\$4,437.22	\$55,472.03	\$25,421,468.83

**CHANGE ORDER DESCRIPTION FROM 08/07/07 TO DATE**

#58 - PCO#42 for the substitution of ductile iron pipe instead of PVC pipe for all drainage conduit installed in the right of way for C02

#59 - PCO#217 for the hand removal of concrete encasements at stations 704+39 & 705+50, PCO#219 for saw cutting & removal of beams at CAC Bldg, PCO#220 for for saw cutting & removal of beams in front of First Mer Bldg, PCO#231 for hand removal of sidewalks in front of of sidewalks in front of the Colonial Arcade, PCO #24 for the inclusion of 2 overhead sign supports and ground rods.

- #60 - PCO#69 for the modification of a catch basin at station 130+75, PCO#143 for the modification of a catch basin at station 137+35, PCO#150 for additional work performed on the drainage lateral line at station 137+35, PCO#180 additional work performed to avoid conflicts with duct run at CPP manhole 80C-16, PCO#208 for hand removal of concrete encasement at station 704+39 and 705+50, PCO#216 for the resurvey of elevations on the NW quad of Public square, PCO#230 for the replacement of unmarked electrical wire by Key Tower, PCO#238 Seal sidewalk by Fenn Tower @ CSU, PCO#248 for the relocation of a signal pole at superior and East Roadway, PCO#252 for the inclusion of a sleeper slab at water meter AWMM-89, PCO#262 for the leveling of curbs between East 21st and East 22nd street on Euclid
- #61 - PCO#116 a CREDIT for Turf Grass, PCO#155 for additional hours necessary to survey at the existing vault near the Cleveland Athletic Club, PCO#158 for the hydraulic hammering of concrete to remove barriers to the pavement between 14th & 17th Streets of Euclid, PCO#188 for an additional survey for a vault conflict located between Huron and East 9th street, PCO# 202 for the acid washing of pedestal walls, PCO# 203 for the acid wash of 72 bollards, PCO# 215 for revisions to grades on north roadway-relocation of catch basin, PCO# 234 for the relocation of an Adesta manhole to avoid conflicting with an ADA ramp at Bus station #7.
- #62- PCO#21 for the revision of storm sewer tap East 4 and East 6 removal of fiber banks in compliance with Perk offer dated 8/8/2007
- #63- PCO#187 for the relocation of catch basin at N.E. quadrant of Public Square, N.W. corner of intersection of East Roadway & Superior, PCO#218 for new signal pole foundation at N.E corner of East Roadway and Superior Av intersection. Conflict with proposed ADA ramp
- #64 - PCO#245 Public Square Acceleration NW & SW Quadrants
- #65 - PCO#281 for the removal of concrete and replacement, as well as the redesign an installation of an ADA ramp and 2 catch basins
- #66 - PCO#167 for modification of a manhole at station 109+53, PCO#170 for a cast in place floor-catch basin floor ; modifications of drainage laterals, PCO#184 Concrete encasement of WPC lines at station 114+29, PCO#185 encasement of connection at sewer main 111+14, PCO#186 for Hand removal of excess concrete on face of c on Ontario to East 114th, PCO#192 for Installation and modification of catch basin at station 115+59, PCO#19 installation and redesign of catch basin at station 102+45, PCO#228 for the cut and removal of beam in vault at the Bonfoey Bldg, PCO#232 Adjust vault at Federal Court Bldg to accommodate ADA ramp, PCO#233 for installation of delineators
- #67 - PCO#235 removal of vault beams attached to foundation walls at the Atrium Bldg, PCO#236 Corner Alley Bldg removal of existing vault beams, PCO#254 remove concrete encasement by hand at the existing Adesta duct line on Superior between Ontario and West Roadway
- #68 - PCO#255 for the removal of unknown concrete foundation to install ADA ramp at corner of West Roadway and Superior, PCO#258 to remove and rest the maintenance of traffic for the Ingenuity Festival, PCO#267 for metal pedestal per specifications TS 625
- #69 - PCO#249 to verify grades to allow for installation of water meter at Cleveland Athletic Club, PCO#253 sidewalk removal at Brothers Printing, PCO#261 Bus station foundation at West Roadway, PCO#263 relocation of plants in front of Comfort Inn, PCO#264 construction at West 2nd Street and Frankfort Avenue at request of Don Cav Bldg Mgr @ 75 Public Square, PCO#265 curb ramp at northeast corner of West Roadway and Superior, PCO#266 installation of granite curb at CAC Building -City failed to remove as part of Vault Project

## ATTACHMENT B

## September Field Quantity Adjustments

Spec	Item No.	Addition Description	Quantity	Unit	Unit Price	Total Price
TS625	7	Duct Bank 2-3" Conduits	0	LF	\$ 49.24	\$ -
TS604	47	Catch Basin No. 1	1	EACH	\$ 1,975.00	\$ 1,975.00
TS410	71	Traffic Compacted Surface Type A	62.86	CY	\$ 35.15	\$ 2,209.53
TS638	209	Relocate Hydrant	1	EACH	\$ 5,000.00	\$ 5,000.00
16100	228	CPP Ductbank, 9-4" Conduits (0' to 6')	20	LF	\$ 149.23	\$ 2,984.60
03910	304	Concrete Patching	89.71	SF	\$ 64.40	\$ 5,777.32
	PCO 020B	12" Conduit, Type B 748.01ES <10 Feet	139	LF	\$ 194.47	\$ 27,031.33
	PCO 073B	12" Conduit Type B 748.01 ES 10' to 20' Deep	60	LF	\$ 224.47	\$ 13,468.20
	PCO 032A	Split Style CPP Conduits 1-4"	20	LF	\$ 25.20	\$ 504.00
	PCO 032B	Split Style CPP Conduits 2-4"	40	LF	\$ 48.30	\$ 1,932.00
TS202	2	Remove Pull Box	7	EACH	\$ 120.00	\$ 840.00
TS625	8	Duct Bank, 2-2" and 2-3" Conduits	943.5	FOOT	\$ 49.96	\$ 47,137.26
TS202	26	Abandon Manhole	2	EACH	\$ 570.18	\$ 1,140.36
TS604	47	Catch Basin No. 1	5	EACH	\$ 1,975.00	\$ 9,875.00
TS604	60	Miscellaneous Metals - Drainage	811	POUND	\$ 0.95	\$ 770.45
TS410	71	Traffic Compacted Surface Type A	47.77	CY	\$ 35.15	\$ 1,679.12
TS613	148	Low Strength Mortar Backfill	86	CY	\$ 102.00	\$ 8,772.00
TS631	158	Kiosk Foundation	3	EACH	\$ 975.00	\$ 2,925.00
TS630	177	Removal of Ground Mounted Sign and Storage	1	EACH	\$ 25.00	\$ 25.00
TS604	199	Miscellaneous Metals - Utilities	16291	LBS	\$ 1.10	\$ 17,920.10
TS202	264	Remove and Reset Granite Curb	161.63	LF	\$ 45.00	\$ 7,273.35
	PCO 020B	12" Conduit, Type B 748.01ES <10 Feet	89.5	LF	\$ 194.47	\$ 17,405.07
TS202	23	Remove Catch Basin	2	EACH	\$ 275.00	\$ 550.00
TS202	24	Remove Sewer Manhole	1	EACH	\$ 450.00	\$ 450.00
TS202	26	Abandon Manhole	4	EACH	\$ 570.18	\$ 2,280.72
TS630	38	6" Conduit Type F, 707.41 Non-perforated	10	LF	\$ 39.00	\$ 390.00
TS604	50	ODOT Catch Basin No. 1	1	EACH	\$ 2,850.00	\$ 2,850.00
TS451	124	10" Reinforced Concrete Pavement Class MS APP	120	SY	\$ 61.35	\$ 7,362.00
TS203	142	Excavation	179.68	CY	\$ 17.00	\$ 3,054.56
TS604	199	Miscellaneous Metals - Utilities	513	LBS	\$ 1.10	\$ 564.30
TS604	203	Cleveland Public Power Manhole Adjusted to Grade APP	1	EACH	\$ 500.00	\$ 500.00
TS638	209	Relocate Hydrant	1	EACH	\$ 5,000.00	\$ 5,000.00
16100	228	CPP Ductbank, 9-4" Conduits (0' to 6')	11	LF	\$ 149.23	\$ 1,641.53
TS202	264	Remove and Reset Granite Curb	266	LF	\$ 45.00	\$ 11,970.00
03910	303	Concrete Cleaning	199.02	FT	\$ 0.75	\$ 149.27
03910	304	Concrete Patching	302.43	SF	\$ 64.40	\$ 19,476.49
03910	305	Concrete Waterproofing	199.02	SF	\$ 2.05	\$ 407.99
	PCO 020B	12" Conduit, Type B 748.01ES <10 Feet	99.5	LF	\$ 194.47	\$ 19,349.77
	PCO 032A	Split Style CPP Conduits 1-4"	262	LF	\$ 25.20	\$ 6,602.40

\$ 259,243.71