

RESOLUTION 2007-155

AUTHORIZING CONTRACT NO. 2007-124 WITH THE ILLUMINATING COMPANY, A PRIVATE UTILITY, IN A TOTAL SUM NOT TO EXCEED \$1,244,086.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY BY THE UTILITIES, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-C04 (CCF SEGMENT) (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) proposes to construct the Euclid Corridor Transportation Project 38-C04 (CCF) (hereinafter "ECTP") in the public right-of-way of Cleveland and East Cleveland; and

WHEREAS, UTILITIES own, operate and maintain facilities both within the existing public right-of-way and within areas that may be utilized by the ECTP; and

WHEREAS, the construction of the ECTP and the performance of the construction contracts, therefore, may require certain facilities owned and operated in the public right-of-way by the UTILITIES to be adjusted and/or relocated; and

WHEREAS, both UTILITIES and the GCRTA desire to enter into agreements to set forth their mutual understanding and agreement concerning costs and expenses of the adjustments, relocation, replacement, or betterment of UTILITIES' affected facilities, including design and engineering costs associated with Contract 38-C04 (CCF segment) on both sides of Euclid Avenue from East 86th to East 105th Street, on both sides of the street; and

WHEREAS, the costs GCRTA will be required to pay for the adjustments and relocations of UTILITIES' affected facilities have been determined and negotiated and are to be reimbursed by the Cleveland Clinic Foundation;

WHEREAS, the sum of all the costs and expenses of and related to construction of the utility adjustments and relocations, and inspection total a price not to exceed one million two hundred forty-four thousand eighty-six and 00/100 dollars (\$1,244,086.00); and

WHEREAS, the General Manager/Secretary-Treasurer deems the negotiated offer of the Illuminating Company 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 offer of The Illuminating Company, as negotiated, for GCRTA, to pay construction costs and expenses for the adjustments and relocations of the facilities owned, operated and maintained, on both sides of Euclid Avenue from East 86th to East 105th Street, including design and engineering costs and inspecting, where the facilities are within the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-C04 (CCF Segment) is in the best interest of the Authority.

Section 2. That said contract shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project, including but not limited to \$1,086,060.38 and \$158,025.62 to be 100% Local Reimbursed by the CCF, for a total contract amount not to exceed \$1,244,086.00.

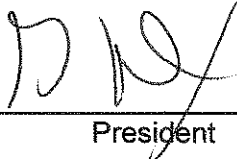
Section 3. That the General Manager/Secretary Treasurer is authorized to enter into Contract No. 2007-124 with the Illuminating Company contingent upon GCRTA first entering into an agreement with CCF, which requires CCF to reimburse GCRTA as specified in Section 2 above.

Section 4. That the General Manager/Secretary-Treasurer shall report to the GCRTA Board of Trustees monthly regarding contracts entered into that month, and the reports shall include each utility's name, scope of adjustments and relocations, and total amount GCRTA agreed to pay for costs and expenses of the adjustments and relocations of the facilities of that utility, including design and engineering and inspection costs.

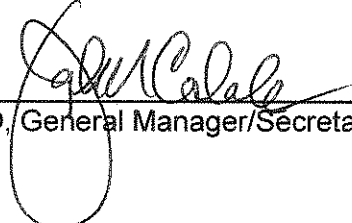
Section 5. That each contract shall be binding upon and an obligation of the Authority contingent upon appropriation of funds for the current and future contract years and upon compliance by the utility or contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2007-064, bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

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

Adopted: October 16, 2007



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING CONTRACT NO. 2007-124 WITH THE ILLUMINATING COMPANY, A PRIVATE UTILITY, IN A TOTAL SUM NOT TO EXCEED \$1,244,086.00 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY BY THE UTILITIES, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-C04 (CCF SEGMENT) (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2007-155
	Date: October 11, 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 enter into a contract with The Illuminating Company, a private utility, to facilitate construction of the ECTP.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract will allow for payment for the UTILITY to adjust, relocate and replace its facilities affected by the construction of the Euclid Corridor Transportation Project Contract 38-C04 (CCF Segment) Euclid Avenue – E. 86th to E. 105th Street. A portion of the work authorized by this Resolution is for the Illuminating Company's work scope within the CCF segment and is to be reimbursed by the Cleveland Clinic Foundation.
- 3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.53(H)(8) excludes competitive bidding when "The purchase consists of the product or services of a public utility."

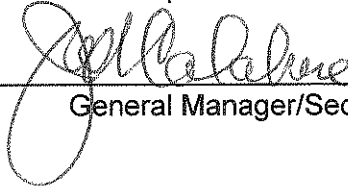
Based upon the above referenced section of the Ohio Revised Code, negotiations were undertaken with the various UTILITIES affected by the Euclid Corridor Transportation Project – Contract 38-C04-CCF segment of the Euclid Corridor Transportation Project.

The Illuminating Company work included in the resolution is only for work to be completed in this segment. 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 UTILITIES whereas the nature of this contract is to reimburse the UTILITIES for work and costs incurred to support and facilitate construction of the ECTP.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** That said contract shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project, including but not limited to \$1,086,060.38 and \$158,025.62 to be 100% Local Reimbursed by the CCF, for a total contract amount not to exceed \$1,244,086.00.

- 7.0 ALTERNATIVES: Reject all offers. Reject the offer of the utility to adjust and/or relocate the facilities needed to complete the ECTP project would cause delays and additional design costs.
- 8.0 RECOMMENDATION: The utility work authorization related to the ECTP Contract 38-C04 (CCF segment) was revised by the Board of Trustees Planning and Development Committee at their October 2, 2007 meeting and recommended to the Board for approval. Staff Recommends that the Board of Trustees approve the resolution to authorize work authorization to The Illuminating Company, a private utility, for its work scope within ECTP Contract 38-C04 CCF Segment.
- 9.0 ATTACHMENTS: None.

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



General Manager/Secretary-Treasurer