

RESOLUTION NO. 2007-175

AUTHORIZING AN INCREASE TO CONTRACT NO. 2007-138 WITH EMPACO EQUIPMENT FOR REMOVAL OF AN ADDITIONAL 209 TONS OF CONTAMINATED SOIL AT BROOKLYN GARAGE IN AN AMOUNT OF \$7,089.00 FOR A TOTAL CONTRACT AMOUNT OF \$27,429.00 (RTA DEVELOPMENT FUND, ENGINEERING AND PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed it necessary to acquire construction services as provided under Project 12.20A-Removal of Contaminated Soil at the Brooklyn Garage; and

WHEREAS, after negotiations, a small purchase contract was entered into with Empaco Equipment located at 2958 Brecksville Road, Richfield, Ohio 44286 to perform this service in an amount of \$20,340.00; and

WHEREAS, it is necessary to increase the original scope of work to remove an additional 209 tons of contaminated soil at an increase of \$7,089.00 to the original contract price; and

WHEREAS, the General Manager/Secretary-Treasurer deems it in the best interest of the Authority to obtain these additional services from Empaco Equipment; and

WHEREAS, said increase will exceed the General Manager/Secretary-Treasurer's small purchase authority.

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 Empaco Equipment to perform this additional work, as negotiated, be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer be, and he is hereby authorized to amend Contract No. 2007-138 with Empaco Equipment to provide these additional services.

Section 3. That said amendment shall be payable out of the RTA Development Fund, Engineering and Project Development Department budget including but not limited to Capital Grant OH-03-0259 in an amount of \$7,049.00 for a total contract amount of \$27,429.00 (\$5,671.20 in Federal funds which represents 80% of the additional cost).


Section 4. That all other terms and conditions of said contract remain unchanged.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: December 18, 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. 2007-138 WITH EMPACO EQUIPMENT FOR REMOVAL OF AN ADDITIONAL 209 TONS OF CONTAMINATED SOIL AT BROOKLYN GARAGE IN AN AMOUNT OF \$7,089.00 FOR A TOTAL CONTRACT AMOUNT OF \$27,429.00 (RTA DEVELOPMENT FUND, ENGINEERING AND PROJECT DEVELOPMENT DEPARTMENT BUDGET)	Resolution No.: 2007-175
	Date: December 13, 2007
	Initiator: Engineering and Project Development
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 provide the Authority to enter into a change order to provide removal of additional petroleum-contaminated soils from the Brooklyn Garage.
- 2.0 **DESCRIPTION/JUSTIFICATION:** At the time the initial small purchase contract was awarded, the Authority contracted for the disposal of 600 tons of petroleum-contaminated soil from the diesel tank farm, which is a part of the Brooklyn Garage Facility.
- 3.0 **PROCUREMENT BACKGROUND:** As a result of a competitive solicitation, the Authority entered into a small purchase contract with Empaco Equipment in November 2007 to load, haul and dispose of approximately 600 tons of petroleum-contaminated soil from the Brooklyn Garage in an amount of \$20,340.00. The Authority has been informed that the amount of contaminated soil found exceeded the contracted not to exceed amount by 209 tons. An estimated \$7,049.00 will be required to fund this additional work. Since the amount exceeds the General Manager/Secretary-Treasurer's small purchase limit, Board authorization is required.

 A price analysis has been performed and the Procurement Department has determined the amount rates to be fair and reasonable to the Authority.
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** The Office of Business Development does not conduct Affirmative Action reviews or establish goals on small purchases or any procurement that was initially less than \$25,000.00.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** This change order will be funded from the RTA Development Fund, Engineering and Project Development Department budget including but not limited to Capital Grant OH-03-0259, line item 11.34.02 in an amount of \$7,049.00 for a total contract amount of \$27,429.00 (\$5,671.20 in Federal funds which represents 80% of the additional cost). This is the budgeted amount for this increase.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this change order will not permit the Authority to complete this project and satisfy the Cleveland Fire Marshall's request for removal of contaminated soil without delay.

- 8.0 RECOMMENDATION: It is recommended that the change order be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify the contract.
- 9.0 ATTACHMENTS: None.

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



CEO, General Manager/Secretary-Treasurer