

RESOLUTION NO. 2008-97

AUTHORIZING A CHANGE ORDER TO CONTRACT NO. 2006-046 WITH TERRACE CONSTRUCTION COMPANY FOR PROJECT 38-C04 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT – REHABILITATION OF EUCLID AVENUE FROM EAST 79TH STREET TO WINDERMERE IN AN AMOUNT NOT TO EXCEED \$89,438.35 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$26,389,685.23 (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-C04; and

WHEREAS, by Resolution No. 2006-109, the Board of Trustees authorized Contract No. 2006-046 in the amount of twenty-two million fifty thousand five hundred fifty-six & 92/100 dollars (\$22,050,556.92) with Terrace Construction Company located at 3965 Pearl Road, Cleveland, Ohio 44125 for the furnishing of said Construction Services; and

WHEREAS, the General Manager/Secretary-Treasurer has issued forty-eight (48) change orders in the net amount of four million two hundred forty-nine thousand six hundred eighty-nine & 96/100 dollars (\$4,249,689.96) based upon his change order authority pursuant to the Authority's Procurement Policies for a total contract value of twenty-six million three hundred thousand two hundred forty-six & 88/100 (\$26,300,246.88); and

WHEREAS, due to dramatic increases in oil prices which effect the cost of asphalt to be used for paving in Project 38-C04; and

WHEREAS, Terrace Construction Company offered to provide this asphalt at a negotiated amount not to exceed an increase of eighty-nine thousand four hundred thirty-eight & 35/100 dollars (\$89,438.35); and

WHEREAS, acceptance of said offer will cause the total amount of the General Manager/Secretary-Treasurer's delegated authority to be insufficient to complete the project; and

WHEREAS, the General Manager/Secretary-Treasurer deems acceptance of the offer of Terrace 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 Terrace Construction Company to provide asphalt for paving at ODOT CMS 401.20 prices is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer be and he is hereby authorized to amend Contract No. 2006-046 with Terrace Construction Company to include the additional changes.

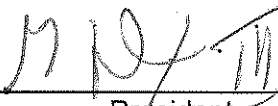
Section 3. That said amendment shall be payable out of the RTA Development Fund, Euclid Corridor Transportation Project Department budget in an amount not to exceed \$89,438.35, including but not limited to ODOT Non-FFGA funding A0018520063 (\$71,550.68 in Federal funds which represent 80% of the total cost) for a total contract amount not to exceed twenty-six million three hundred eight-nine thousand six hundred eighty-five & 23/100 dollars (\$26,389,685.23).

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 15, 2008



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING A CHANGE ORDER TO CONTRACT NO. 2006-046 WITH TERRACE CONSTRUCTION COMPANY FOR CONSTRUCTION SERVICES ON PROJECT 38-C04 FOR THE EUCLID CORRIDOR TRANSPORTATION PROJECT – REHABILITATION OF EUCLID AVENUE FROM EAST 79 TH STREET TO WINDERMERE IN AN AMOUNT NOT TO EXCEED \$89,438.35 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$26,389,685.23 (RTA DEVELOPMENT FUND, EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET)	Resolution No.: 2008-97
	Date: July 10, 2008
	Initiator: Euclid Corridor Transportation Project
ACTION REQUEST: <input 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. 2006-046 with Terrace Construction Company to adjust the work effort to accommodate unanticipated changes.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Euclid Corridor Transportation Project (ECTP), Project 38-C04 encountered changes that need to be authorized, that additional work effort is required to complete the project in a timely manner. Increased work material effort will be required. The Authority and Terrace Construction to date have negotiated 48 changes to a negotiated amount of \$4,249,689.96 of which \$2,743,670.96 is the Cleveland Clinic.

Currently there is \$12,901.03 remaining from the CEO's current change order authority of \$500,000.00. This is insufficient to cover negotiated changes through the end of the project if the \$89,438.35 which is the cost of the additional asphalt charges based upon the ODOT CMS 401.20 index is charged against the amount. This change order was reviewed and approved by the Change Order Committee.

- 3.0 **PROCUREMENT BACKGROUND:** In January 2006, the Board of Trustees by Resolution No. 2006-109 authorized a contract with Terrace Construction Company to perform construction services for the Euclid Corridor Transportation Project, East 79th Street to Windermere. Unanticipated changes have required additional work to be performed by Terrace Construction Company.

The new total contract amount of \$26,300,246.88 is comprised of the following:

Original Contract Amount	\$22,050,556.92
Change Orders to Date	<u>\$4,249,689.96</u>
Subtotal	\$26,300,246.88
Asphalt Binder Price Adjustment	<u>\$89,438.35</u>
Total	\$26,389,685.23

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 20% DBE goal was established for this procurement in January 2006 when the contract was awarded. Terrace Construction Company has committed to maintaining the established goal through the additional utilization of its current DBE subcontractors.

- 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 in an amount not to exceed \$89,438.35, including but not limited to ODOT Non-FFGA funding A0018520063, Line Item 12.23.01 (\$71,550.68 In Federal funds which represents 80% of the total cost), for a total contract amount not to exceed twenty-six million three hundred eighty-nine thousand six hundred eighty-five & 23/100 dollars (\$26,389,685.23).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer will impact construction of Contract No. 2006-046 and could cause delay claims to be forthcoming.
- 8.0 RECOMMENDATION: This change order was reviewed by the Planning and Development Committee at their July 1, 2008 meeting and recommended for approval by the Board of Trustees. 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.

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



CEO, General Manager/Secretary-Treasurer

Attachment A – Change Order Log

CONTRACT #2006-046

CONTRACTOR: TERRACE CONST. CO.

TOTAL G.M. CHANGE
ORDER AUTHORITY
REMAINING:ORIGINAL CONTRACT AMOUNT: \$22,050,556.92

\$12,901.03

TOTAL CHANGE ORDER AMOUNT TO DATE: \$4,249,689.96

ITEM NUMBER	NOTE	APPROVAL DATE	CHANGE ORDER	APPROVAL AUTHORITY	NEW CONTRACT AMOUNT
1-21	N/A		\$1,018,920.03	\$108,220.77	\$23,069,476.95
22	22	7-Feb-2008	\$2,743,670.96	\$500,000.00	\$25,813,147.91
23	23	4-Mar-2008	\$64,058.50	\$435,941.50	\$25,877,206.41
24	24	4-Mar-2008	\$0.00	\$435,941.50	\$25,877,206.41
25	25	20-Mar-2008	\$0.00	\$435,941.50	\$25,877,206.41
26	26	20-Mar-2008	\$20,871.07	\$415,070.43	\$25,898,077.48
27	27	1-Apr-2008	\$23,023.00	\$392,047.43	\$25,921,100.48
28	28	1-Apr-2008	\$27,434.14	\$364,613.29	\$25,948,534.62
29	29	3-Apr-2008	\$20,559.00	\$344,054.29	\$25,969,093.62
30	30	3-Apr-2008	\$10,471.35	\$333,582.94	\$25,979,564.97
31	31	22-Apr-2008	(\$84,915.00)	\$418,497.94	\$25,894,649.97
32	32	22-Apr-2008	\$21,998.99	\$396,498.95	\$25,916,648.96
33	33	22-Apr-2008	\$23,834.70	\$372,664.25	\$25,940,483.66
34	34	22-Apr-2008	\$2,821.22	\$369,843.03	\$25,943,304.88
35	35	22-Apr-2008	\$7,225.00	\$362,618.03	\$25,950,529.88
36	36	25-Apr-2008	(\$4,950.00)	\$367,568.03	\$25,945,579.88
37	37	2-May-2008	\$49,209.50	\$318,358.53	\$25,994,789.38
38	38	8-May-2008	\$24,431.67	\$293,926.86	\$26,019,221.05
39	39	8-May-2008	\$21,960.72	\$271,966.14	\$26,041,181.77
40	40	9-May-2008	\$26,975.00	\$244,991.14	\$26,068,156.77
41	41	20-May-2008	\$49,612.50	\$195,378.64	\$26,117,769.27
42	42	21-May-2008	\$2,552.00	\$192,826.64	\$26,120,321.27
43	43	19-Jun-2008	\$793.50	\$192,033.14	\$26,121,114.77
44	44	7-Jul-2008	\$5,022.00	\$187,011.14	\$26,126,136.77
45	45	7-Jul-2008	\$8,344.53	\$178,666.61	\$26,134,481.30
46	46	8-Jul-2008	\$11,683.62	\$166,982.99	\$26,146,164.92
47	47	9-Jul-2008	\$9,665.96	\$157,317.03	\$26,155,830.88
48	48	9-Jul-2008	\$144,416.00	\$12,901.03	\$26,300,246.88

- #22 Contract modification is the result of the Reconfiguration Agreement with CCF that was entered into on 1/23/2008. Modification was approved by the Board of Trustees in resolution 2008-13 regarding the following PCOs: PCO #84 -Deduction of all base contract quantities originally designed in the base contract for use in the CCF area. PCO #85 -Base contract pay items required to complete the reconfigured work in the CCF area. The quantities will not exceed those originally designed in the base contract and are to be paid at the base contract unit prices. These are RTA costs. PCO #86 - These are the unit price cost differentials between the base contract unit prices and the revised costs based upon the CCF reconfiguration. These differentials apply to the base contract pay items required to complete the reconfigured work in the CCF area. These are CCF costs. PCO #87- These costs consist of increases in quantities and changes that have been requested by the CCF. Additionally, this PCO gives the CCF credit for cost savings to the project as a result of the redesign. These costs are shared between the CCF and RTA.
- #23 PCO#111 regarding the existing conduits from Sta. 297+31 to Sta. 301+40. Terrace Construction Company will install 409LF of CPP Duct Bank 6-5" to replace existing conduits. PCO#112 regarding the existing conduits from Sta. 307+60 to Sta. 309+64. Terrace Construction Company will install 204LF of CPP Duct Bank 6-5" to replace existing conduits.
- #24 PCO#125 is regarding a NO COST change. This contract modification is the result of the Reconfiguration Agreement with the Cleveland Clinic Foundation that was entered into on January 23rd, 2008. This Change Order includes the time component of Change Order #22 which changed the contract based on the Cleveland Clinic Modifications.
- #25 PCO#98 is regarding a NO COST change. This contract modification is the result of the delays in schedule primarily due to utilities that have necessitated a resequence of work to gain back lost time and the adjustment of interim milestones.
- #26 PCO#56 regarding various drainage installations that could not be performed as per plan due to inaccuracies in the base design. Catch basins and conduits were modified to fit the field conditions. PCO#57 regarding additional work performed to relocate CWRU Bus Shelter from Euclid Ave to GCRTA Storage Yard as requested by Owner. PCO#88 regarding the moving of 18 fire hydrants a price of \$443/per hydrant.
- #27 PCO#114 regarding doghousing a new manhole overtop the existing 12" storm sewer in the center of east 89th street and tying the new catch basins into the new manhole. PCO#120 regarding installing Type CB-1 at east 89th street, N.E. and east 97th street, N. E as Per Plan to avoid the utilities. PCO#121 regarding relocating catch basins at east 87th street, N.W.
- #28 PCO#123 regarding Installation of alternate style catch basins located underneath of the Railroad Bridge due to utility conflicts. PCO#128 regarding the relocation of the water main at east 101st street intersection due to utility conflicts with proposed CEI manhole.
- #29 PCO#124 regarding three (3) catch basins being be changed from type CB-1's to CB-1 A's Per Plan - to avoid delays. PCO#126 regarding the installation of a new 12" diameter pipe directly to the sewer main approximately 35 FT away at catch basin D-15 (shown on Sheets PP142 and D103). PCO#130 regarding the installation of a Doghouse manhole No. 1 over top of the existing main in order to connect the two catch basins at east 89th street. PCO#131 regarding moving the structure 7.5' North and installing a Type CB-1--and installing more pipe and removing the building foundation in the field so it will fit -at D10, Sheet PP148. PCO#132 regarding removing foundation so the lateral could be installed as per plan at east 105th street, N.W. corner, as shown on Sheet PP148.
- #30 PCO#133 regarding for non-performance of the CB-1 and installation of a Type A CB at the N.W. corner of East 105th street. PCO#135 regarding overtime work for weekend of March 15, 2008 for CPP duct bank installation. PCO#136 regarding removing the excess concrete in order to install the basin as per plan just west of east 105th street, catch basin D-2 (Sheet PP148, Station 310+15 LT). PCO#137 regarding Terrace Const. Co. providing an excavator during the installation of the manhole 144-12 at east 89th street to expedite the work. PCO#141 regarding overtime work for weekend of March 28, 2008 for CPP duct bank installation. PCO#142 regarding the Adesta high conduit from east 105th street to east 107th street that must be lowered as it conflicts with the new pavement.
- #31 PCO#143 A CREDIT in the amount of \$84,915.00 regarding 38-C04 Sketch No. 081 changes to the proposed CCF pedestrian light pole foundation Type 4. The recently added CCF Item No. C290Z "Light Pole Foundation, Type 4" at a quantity of 90 Each for \$2,905.00 shall be non-performed for \$261,450.00. Then added to another PCO Item using CCF Item No. C225 and C225X "Light Pole Foundation, Type 1" at a combined unit price of \$1,961.50 (\$1,859.00 + \$102.50) for the same quantity of 90 Each, for a total of \$176,535.00. Resulting in an overall CREDIT of \$84,915.00.

#32	PCO#55 regarding repairing the existing mainline sewer and backfill as necessary to fill in void caused from the collapsed sewer at Station 268+72 RT. PCO#67 regarding replacing 3" Water Meter Vault AWMM-5 (360+29 LT).
#33	PCO#68 regarding replacing 6" Water Meter Vault AWMM-2 (PP141 Sta. 274+97, 34' RT). PCO#69 regarding replacing 6" Water Meter Vault AWMM-3 (PP142 Sta. 278+74, 33' RT).
#34	PCO#96 regarding the Adesta high conduit at East 100th street station platform proposed location This was a previously negotiated unit price from Project 38-C03 (1,000 LF @ \$2.45 per LF). PCO#157 regarding the abandonment of a water meter manhole located at 285+20 LT in front of Cleveland Clinic Police Department that was not shown on plans and covered by the existing asphalt roadway. This was a previously agreed unit price from Project 38-C03 PCO No. 098 / C.O. No. 035 for \$371.22.
#35	PCO#94C regarding the CCF redesign that did not include the removal of 17 Trees at East 89th street and East 100th street to East 105th street.
#36	PCO#159C A CREDIT in the amount of \$4,950.00 regarding the substitution of smaller caliper Skyline Honeylocust trees due to availability issues. Trees shall be 3" to 3.5" instead of 3.5" to 4" caliper. This affects the CCF redesign area only - 99 trees in total.
#37	PCO#83 regarding the regarding the design and rebuild an existing retaining wall at Wellsley station platform, just South of the R.O.W. line, as it is currently a safety hazard.
#38	PCO#63 regarding, Per Owner direction, the deteriorated existing pavement at the Superior Ave West bound station platform will be replaced at Full Depth. PCO#91 regarding adjusting three water meter manholes (AWMM-3 and AWMH-1) to grade. PCO#117 regarding installing a new precast structure to replace the existing water meter vault at Station 314+02 LT.
#39	PCO#122 regarding Inefficiencies of installing the curb and gutter on the north side of Euclid from East 115th to East 116th and from East 117th to East 118th. CPP poles are in conflict and curb and gutter will need to be hand formed and poured. PCO#146 regarding the removal of iron rod fence at East 88th near Trans., Church. At East 88th near Trans. Church, additional 20 FT of rod iron fence is to be removed above and beyond the quantity of 81 FT planned. The existing fence is over 100 FT long. PCO#151 regarding - Per agreement by RTA on March 18, 2008, five (5) Catch Basins As Per Plan shall be purchased and five (5) Catch Basins Type 1 shall be non-performed in order to allow proper installation of drainage system as planned.
#40	PCO#170 regarding the relocation of utility Cavalier fiber optic line. At East 89th street, due to widening of street the existing power poles are to be removed. There is an existing utility Cavalier fiber optic line that needs relocated. RTA directed Terrace Construction Company to install 2-2" conduits for the use of Cavalier to relocate the line.
#41	PCO#110 regarding the installation of a new CPP duct bank from (Sta. 279+22 to Sta. 286+70) East 86th Street to East 88th Street, South side - 320 LF of new 6-5" CPP Ductbank @ \$104.50/LF = \$33,440.00 and 1 Each of CPP Manhole @ \$16,172.50/Each, for a total of \$49,612.50.
#42	PCO#79 regarding Additional "Cross Only At Crosswalks" signage to deter jaywalking at station platforms. PCO#127 regarding 70 LF of chain link fence to be installed at parking lot entrance between East 105th street and East 107th street, North side (approx. Station 314+80 to 315+50 LT), to prevent pedestrians for accessing the work zone per RTA direction.
#43	PCO#59 in the amount of \$793.50 is regarding the relocation of a hydrant East 85th Street. (REFH-1, Sheet PP142 at East 85th Street).
#44	PCO#93 is regarding installation of 425 LF of chain link Fence and 18 LF of gate from East 93rd to East 97th, North Side.
#45	PCO#119 regarding the existing lateral that was to be used to tie-in the proposed catch basins from proposed Manhole D5 (Sheet PP146) at East 97th street, North Side PCO#147 regarding the installation of Communication & lighting duct bank on the South side across from Mayfield Rd PCO#174 regarding, Per the City of Cleveland's request, additional traffic control striping to be installed in the bus lanes.
#46	PCO#129C regarding, Per Sketch No. 078 - Reinstallation of 65 LF of sandstone curb line at N.W. corner of East 90th Street. PCO#161C regarding additional quantity of meter pedestals for use in CCF area. RFI No. 147 identifies a quantity necessary to complete the project of 8, but the CCF re-bid quantity is only for 5. Three additional are needed at established unit price of \$2,926.00 (Item C145Z)

#47	PCO#101 regarding the traffic signal pole P4 at Coltman that will be relocated into the center of the attenuator on the East side of the bridge. PCO#102 regarding cold weather protection from East 116th Street to East 117th. PCO#104 regarding the unknown existing concrete and brick foundation (3 FT wide) discovered from 312+75 to 314+25 LT.
#48	PCO#105C in the amount of \$144,416.00 is regarding Additional quantity of one (1) for NEW CCF Item No. (old Item No. 154) "Class C Concrete, Footing, Midtown" at unit price \$144,416.00 due to missing quantity in the bid form. Base bid the cost was \$95,459.00, but is now updated due to the CCF.