

RESOLUTION 2009-14

AUTHORIZING A CONTRACT WITH THE ILLUMINATING COMPANY (TIC), A PRIVATE UTILITY, IN A TOTAL SUM NOT TO EXCEED \$232,810.10 FOR COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF THE OVERHEAD HIGH VOLTAGE LINES AS NECESSARY FOR THE INSTALLATION OF THE PROPOSED OVERHEAD PEDESTRIAN BRIDGE OF THE W. 150th/PURITAS RED LINE STATION RECONSTRUCTION CONTRACT 24H (RTA DEVELOPMENT FUND, PROGRAMMING & PLANNING DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) proposes to reconstruct the W. 150th/Puritas Red Line Station – Contract 24H (hereinafter "Puritas Station Reconstruction") in Cleveland; and

WHEREAS, TIC owns, operates and maintains an overhead high voltage line that will be over the proposed Puritas Station pedestrian bridge; and

WHEREAS, the Puritas Station Reconstruction will require certain overhead high voltage lines owned and operated by TIC to be adjusted and/or relocated; and

WHEREAS, both TIC and the GCRTA desire to enter into an agreement to set forth their mutual understanding and agreement concerning costs and expenses of the adjustment, relocation, replacement, or betterment of TICS' affected facilities, including design and engineering costs associated with Puritas Station Reconstruction; and

WHEREAS, the costs GCRTA will be required to pay for the adjustments and relocations of TICS' affected facilities have been determined and negotiated; and

WHEREAS, the costs and expenses of utility adjustments, relocations, replacements, or betterments, including design and inspections is expected to not exceed a price of two hundred thirty-two thousand eight hundred ten and 10/100 dollars (\$232,810.10); and

WHEREAS, the General Manager/Secretary-Treasurer deems the negotiated offer of TIC 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 TIC, as negotiated for GCRTA to pay design and construction costs and expenses for the adjustments and relocations of the facilities owned, operated and maintained at Puritas where a proposed elevated pedestrian bridge will cross over the tracks to the station, is fair and reasonable.

Section 2. That said contract shall be payable from the RTA Development Fund, Programming & Planning Department Budget, including but not limited to Capital Grant OH-05-0090 in the amount of \$189,770.10 and OH-03-0226 in the amount of \$43,040 for a total contract amount not to exceed \$232,810.10 (\$186,248.08 in Federal funds which represents 80% of the total).

Section 3. That this contract shall be binding upon and an obligation of the Authority contingent upon the Authority's receipt of Federal Stimulus funds for Puritas Rail Station Reconstruction, compliance by TIC or contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2008-061, bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: February 17, 2009



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: AUTHORIZING A CONTRACT WITH THE ILLUMINATING COMPANY (TIC), A PRIVATE UTILITY, IN A TOTAL SUM NOT TO EXCEED \$232,810.10 FOR COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF THE OVERHEAD HIGH VOLTAGE LINES AS NECESSARY FOR THE INSTALLATION OF THE PROPOSED OVERHEAD PEDESTRIAN BRIDGE OF THE W. 150 th /PURITAS RED LINE STATION RECONSTRUCTION – CONTRACT 24H (RTA DEVELOPMENT FUND, PROGRAMMING & PLANNING DEPARTMENT BUDGET)	Resolution No.: 2009-14
	Date: February 12, 2009
	Initiator: Programming & Planning
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 contract with The Illuminating Company, a private utility, to facilitate the Puritas Station Reconstruction.

- 2.0 **DESCRIPTION/JUSTIFICATION:** This contract will allow for payment for TIC to adjust, relocate and replace its overhead high voltage line facilities affected by the Puritas Station Reconstruction - Contract 24H. The design and engineering cost of this effort is \$43,040, while the construction cost is valued at \$189,770.10. TIC work authorized by this resolution is for TICS' 2009 work scope that involves raising high voltage lines over the proposed location of the Puritas Station pedestrian bridge.

- 3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(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 TIC as affected by the Puritas Station Reconstruction - Contract 24H.

 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 TIC whereas the nature of this contract is to reimburse TIC for work and costs incurred to support and facilitate Puritas Station Reconstruction.

- 5.0 **POLICY IMPACT:** Does not apply.

- 6.0 **ECONOMIC IMPACT:** This contract will be funded through the RTA Development Fund, Planning & Programming budget, including but not limited to Capital Grant OH-05-0090, line item 12.34.02 in the amount of \$189,770.10 and OH-03-0226, line item 12.31.02 in the amount of \$43,040 for a total contract amount not to exceed \$232,810.10 (\$186,248.08 in Federal Funds which represents 80% of the total). That this contract shall be binding upon and an obligation of the Authority contingent upon the Authority's receipt of Federal Stimulus funds for Puritas Rail Station Reconstruction.

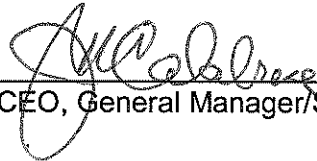
STAFF SUMMARY & COMMENTS

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- 7.0 ALTERNATIVES: Reject the offer. Rejecting the utility offer to adjust and/or relocate the facilities needed to complete the Puritas Station Reconstruction would cause delays and additional costs.
- 8.0 RECOMMENDATION: The utility work authorization related to the Puritas Station Reconstruction Contract 24H is necessary before reconstruction can begin. Staff recommends that the Board of Trustees approve the resolution to authorize work authorization to TIC, a private utility, for its 2009 work scope within Puritas Station Reconstruction Contract 24H.
- 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