

RESOLUTION NO. 2009-36

AUTHORIZING CONTRACT NO. 2009-036 WITH J.E.R. OVERHAUL, INC. FOR THE FURNISHING OF ONE SPOT TAMPER, AS SPECIFIED, FOR A TOTAL PRICE NOT TO EXCEED \$324,472.00 (RTA DEVELOPMENT FUND, RAIL DISTRICT DEPARTMENT BUDGET)

WHEREAS, the Authority has a requirement for one spot tamper for use in the rehabilitation of the track right of ways; and

WHEREAS, the single bid of J.E.R. Overhaul, Inc. a Division of Nordco, Inc., located at 107 N US Highway 45, Arcola, IL 61910 for the furnishing of one spot tamper, as specified, was received on April 30, 2009; and

WHEREAS, said bid was the only responsive bid received in response to the solicitation; and

WHEREAS, Section 306.43 (B) of the Ohio Revised Code provides that when less than two responsive bids are received; a regional transit authority may negotiate a price with the sole responsible bidder; and

WHEREAS, after negotiations, a price resulting in an amount not to exceed three hundred twenty-four thousand four hundred seventy-two & 00/100 dollars (\$324,472.00) was accepted based on the specifications for the said equipment; and

WHEREAS, the General Manager/Secretary-Treasurer deems the offer of J.E.R. Overhaul, Inc, a Division of Nordco, Inc. to furnish one spot tamper, as specified, to be a responsive bid from a responsible bidder 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 bid of J.E.R. Overhaul, Inc. a Division of Nordco, Inc. to provide one spot tamper be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and is hereby authorized to enter into a contract with J.E.R. Overhaul, Inc. a Division of Nordco, Inc. to furnish one spot tamper, as specified.

Section 3. That said contract shall be payable from the RTA Development Fund, Rail District Department budget, including but not limited to ARRA Capital Grant OH-56-0002, at a total price not to exceed \$324,472.00 (100% Federal Stimulus funds). The award of this contract is based on initially using available 100% Local funds, which will be replaced by FTA funds under the American Recovery and Reinvestment Act (ARRA) of 2009.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2009-023; bonding and insurance requirements and all applicable laws relating to the contractual obligations of the Authority.

Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects the J.E.R. Overhaul, Inc. a Division of Nordco, Inc. will attempt to exceed the 0% DBE goal assigned to this procurement.

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

Adopted: May 19, 2009

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

<b>TITLE/DESCRIPTION:</b> CONTRACT: ONE SPOT TAMPER, AS SPECIFIED  VENDOR: J.E.R. OVERHAUL, INC., A DIVISION OF NORDCO, INC.  AMOUNT: \$324,472.00.	<b>Resolution No.:</b> 2009-36
	<b>Date:</b> May 14, 2009
	<b>Initiator:</b> Rail District Department
<b>ACTION REQUEST:</b> <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 J.E.R. Overhaul, Inc. a division of Nordco, Inc. to furnish one spot tamper, as specified.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Rail District Department, Track Unit has a requirement to obtain one spot tamper to perform track tamping on sections where the large oversized tamper cannot perform the required work. The spot tamper will be used in the turnout area, on the switch sections and in dips of the rail. The large tamper requires 62' of tangent (good) track prior to beginning its program where the spot tamper will be able to be utilized on all areas without length restrictions. It will also be able to provide the necessary service to the Waterfront line without additional resources to transverse the rail in that section of the system. This spot tamper is a piece of equipment which is required to repair sections of track in the time that is allocated so that it does not interrupt regular revenue service on the rapid line.
  
- 3.0 **PROCUREMENT BACKGROUND:** The Invitation for Bid (IFB) was posted on the procurement web site and advertised in the local newspapers. Eight (8) interested parties downloaded the solicitation. Seven (7) were manufacturers and one (1) was a distributor of this type of equipment. The others were posting sites for outside agencies. Two bidders responded to the solicitation on April 30, 2009. One of the bidders could not meet the dimensional specifications for the equipment without having to re-engineer and modify their current equipment and machinery. A survey of other prospective bidders was conducted by the Procurement Department which indicated that other vendors were unable to compete competitively on this unit or they did not produce this type of equipment.  
  
 A cost and price analysis was performed and the Procurement Department has determined the bid from J.E.R. Overhaul, Inc., a Division of Nordco, Inc. to be fair and reasonable to the Authority.
  
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE Goal was established for this procurement due to the lack of Certified DBE firms.
  
- 5.0 **POLICY IMPACT:** Does not apply.

- 6.0 ECONOMIC IMPACT: This procurement will be funded through the RTA Development Fund, Rail District Department budget, including but not limited to ARRA Capital Grant OH-56-0002, Line Item 12.7A.00 at a total price not to exceed \$324,472.00 (100% Federal Stimulus funds). The award of this contract is based on initially using available 100% Local funds, which will be replaced by FTA funds under the American Recovery and Reinvestment Act (ARRA) of 2009. The bid price was 7% below the estimate for this project.
- 7.0 ALTERNATIVES: Reject this offer. The delay of this equipment would also delay necessary repairs to the right of way and possibly cause safety issues on the track and the Authority's fleet of rail cars.
- 8.0 RECOMMENDATION: It is recommended that the bid of J.E.R. Overhaul, Inc., a Division of Nordco, Inc. be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to enter into a contract.
- 9.0 ATTACHMENTS: Attachment: Spot Tamper Illustration.

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



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CEO, General Manager/Secretary-Treasurer