

RESOLUTION NO. 2009-95

AUTHORIZING CONTRACT NO. 2009-123 WITH US UTILITY CONTRACTOR INC. FOR THE CONSTRUCTION OF MAIN AVENUE GRADE CROSSING WARNING SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$253,941.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deems it necessary to acquire construction services for Improvements to the Main Avenue Crossing Warning System Improvements; and

WHEREAS, the bid of US Utility Contractor, Inc. located at 3592 Genoa Road, Perrysburg, Ohio 43551 was received on October 21, 2009 in the amount of two hundred fifty-three thousand nine hundred forty-one & 00/100 dollars (\$253,941.00) to perform said services; and

WHEREAS, the General Manager/Secretary-Treasurer deems the bid of US Utility Contractor, Inc. to be the lowest responsive bid from a responsible bidder for said services 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 US Utility Contractor, Inc. for Construction of Main Avenue Crossing Warning System Improvements be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with US Utility Contractor Inc. for Main Avenue Crossing Warning System Improvements.

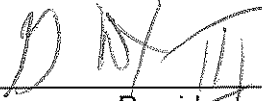
Section 3. That said contract is payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grant OH-05-0097 in an amount not to exceed \$253,941.00 (\$203,152.80 in Federal funds which represents 80% of the total cost). This contract is contingent upon FTA approval of the 2009 Rail Formula Grant.

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, thereto, 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 that US Utility Contractor, Inc. will exceed the 8% DBE goal assigned to this procurement.

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

Adopted: November 17, 2009



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: MAIN AVENUE GRADE CROSSING WARNING SYSTEM IMPROVEMENTS VENDOR: US UTILITY CONTRACTOR INC. AMOUNT: \$253,941.00	Resolution No.: 2009-95
	Date: November 12, 2009
	Initiator: Engineering & 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:** This action will allow the Authority to enter into a contract to provide construction services for the Main Avenue Grade Crossing Warning System Improvements.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The safety improvement project will reduce the potential for a train/vehicle accident. Adding train activated roadway gates, and in-roadway-warning lights to get motorist attention. Additional roadway striping will help clarify the roadway use at the intersection. For trains making an extended station stop the warning system can be deactivated by the train operator to allow motorist to proceed until the train is ready to depart the station, at which time the warning system will be reactivated. This project will comply with recommendations made by ODOT during their safety audit.
- 3.0 **PROCUREMENT BACKGROUND:** The Invitation for Bid (IFB) was posted on the GCRTA Procurement web site and advertised in the local newspapers. Solicitation packages were requested by a total of 31 prospective bidders. On October 21, 2009, 1 bid was received:

US Utility Contractor Inc.	\$253,941.00
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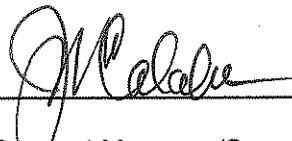
The reason for the lack of bidders is due to the specialized type of work required and the fact that most firms that can do this type of work, cannot afford to mobilize for a project of this size. The bid of US Utility Contractor, Inc. is 9.4% higher than the Engineer's Estimate. Award is allowable where the total of all contracts for the project is less than 10% above the estimate thereof, as provided in Ohio Revised Code 153.

US Utility Contractor Inc. has worked as a subcontractor on several Authority projects: Project 12AH - Cab Signaling, West Park to Brookpark, the installation of the gates for the Waterfront Line. US Utility Contractor, Inc. has worked as a prime on small projects for Power & Way. They have relocated and extended the Authority's fiber optic line on the Red Line at E 105 and other work.

A price analysis was performed and the Procurement Department determined the Total Lump Sum Price bid received from US Utility Contractor Inc. to be fair and reasonable to the Authority.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A DBE goal of 8% was established for this procurement. U.S. Utility Contractors has agreed to DBE participation of 17.3% or \$43,605 ($\$72,657 \times 60\%$) on material supplies through the utilization of Key Cable & Supply (female-owned).
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: That said contract is payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grant OH-05-0097, Line Item 12.62.20, in an amount not to exceed \$253,941.00 (\$203,152.80 in Federal funds which represents 80% of the total cost). This contract is contingent upon FTA approval of the 2009 Rail Formula Grant.
- 7.0 ALTERNATIVES: Reject this bid. Rejection of this award would delay the Authority's ability to install this important safety enhancement.
- 8.0 RECOMMENDATION: It is recommended that the bid of US Utility Contractor Inc. be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to enter into a 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