

RESOLUTION NO. 2014-56

RATIFYING CONTRACT NO. 2014-114 WITH DELTA RAILROAD CONSTRUCTION, INC. UNDER PROJECT 52E, RED LINE, WEST TRACKWORK, AS SPECIFIED AND AS REQUIRED, IN AN AMOUNT NOT TO EXCEED \$561,702.00 (RTA DEVELOPMENT FUND, ENGINEERING AND PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed an emergency existed, as defined in Ohio Revised Code 306.43(H)(1a), to acquire construction services, as required under Project 52E, Red Line – West Trackwork; and

WHEREAS, the bid of Delta Railroad Construction, Inc., located at 2648 West Prospect Road, Ashtabula, Ohio 44005, was received on July 09, 2014 in the amount not to exceed \$561,702.00 to perform said services; and

WHEREAS, the General Manager/Secretary-Treasurer discussed the necessity to execute this contract with the President of the Board of Trustees and received approval to proceed; and

WHEREAS, the General Manager/Secretary-Treasurer deems the ratification of a contract with Delta Railroad Construction, Inc. to be the most advantageous to the Authority, price and all other factors considered and recommends acceptance hereof 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 Delta Railroad Construction, Inc. for Project 52E, Red Line – West Trackwork be and the same is hereby accepted.

Section 2. That the Board of Trustees hereby ratifies the General Manager/Secretary-Treasurer's execution of Contract No. 2014-114 with Delta Railroad Construction, Inc. for Project 52E, Red Line – West Trackwork.

Section 3. That said contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, Capital Grant OH-54-0002, Line Item 12.7A.00 for a total contract amount not to exceed \$561,702.00 (\$449,361.60 in Federal funds which represents 80% of the total cost).

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 2013-031; bonding and insurance requirements and all applicable laws relating to the contractual obligations of the Authority.

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

Adopted: July 15, 2014



President

Attest: 

CEO/General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: PROJECT 52E – RED LINE – WEST TRACKWORK VENDOR: DELTA RAILROAD CONSTRUCTION INC. AMOUNT: NTE \$561,702.00	Resolution No.: 2014-56
	Date: July 10, 2014
	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 is to ratify the General Manager/Secretary-Treasurer's execution of Contract No. 2014-114 with Delta Railroad Construction, Inc. to provide construction services for Project No. 52E, Red Line – West Trackwork.
- 2.0 **DESCRIPTION/JUSTIFICATION:** This project will accomplish urgently needed repairs to a deteriorated section of 2,000 track feet of GCRTA Red Line track between Brookpark and Puritas Rail Stations. There has been a recent derailment at this location. Temporary repairs have been made to restore 15 mph rail service however, more extensive repairs are necessary to restore the track to unrestricted service.
- 3.0 **PROCUREMENT BACKGROUND:** Based on the safety concerns regarding the Red Line tracks between catenary structure W514 and W494, a real and present emergency exists, as defined in Ohio Revised Code 306.43 (H)(1) (a). Following the Procurement Policies and Procedures, the CEO, General Manager/Secretary-Treasurer notified the President of the Board of Trustees of the emergency and was authorized to proceed with the procurement.

Upon receipt of a request for emergency procurement, the Procurement Department ascertains whether the same type of item or services as requested is currently under order as a result of competitive procurement procedures. If a contract for the item or services is already in place, the Procurement Department will contact the contractor to ascertain whether adjustments in quantities, delivery schedule, or other performance requirements can be made to accommodate the emergency.

Delta Railroad Construction, Inc. is currently completing various trackwork projects on the Authority's rail system. One such example is Contract 2013-212, Project 23V4 – Reconstruction of Shaker Junction and Shaker Square Grade Crossings – Phase I.

Delta Railroad Construction, Inc. provided a price of \$561,702.00 to complete the Red Line – West Trackwork project. A price analysis was performed and the Procurement Department has determined that the price from Delta Railroad Construction, Inc. is fair and reasonable to the Authority. This amount is approximately 1% above the Engineer's Estimate of \$556,444.00.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Due to the nature of this purchase being an emergency procurement, an Affirmative Action review was not conducted and no DBE participation goal required.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This contract ratification shall be funded through the RTA Development Fund, Engineering and Project Development Department budget, including but not limited to, Capital Grant OH-54-0002, Line Item 12.7A.00 for a total contract amount not to exceed \$561,702.00 (\$449,361.60 in Federal funds which represents 80% of the total cost).
- 7.0 ALTERNATIVES: Reject this ratification. Rejection of this ratification will leave the track in a restricted condition that is undesirable.
- 8.0 RECOMMENDATION: It is recommended that the contract with Delta Railroad Construction, Inc. be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to ratify 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