

RESOLUTION NO. 2015-30

RATIFYING AN INCREASE TO CONTRACT NO. 2014-002 WITH GETCO, INC. FOR PROJECT 15.55 TO PROVIDE ADDITIONAL CONSTRUCTION SERVICES FOR BROOKLYN GARAGE UNDERGROUND STORAGE TANK #2 REMOVAL IN THE AMOUNT OF \$126,405.64 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$268,272.89 (RTA CAPITAL FUND, ENGINEERING AND PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority required construction services for the removal of underground tanks as provided under Project 15.55, Brooklyn Garage Underground Storage Tank #2 Removal; and

WHEREAS, a small purchase competitive contract was entered into with GETCO, Inc. with an office located at 1836 W. 25th Street, Cleveland, Ohio 44113, to provide these services in an amount not to exceed \$71,660.00; and

WHEREAS, seven (7) change orders have been issued in a total amount not to exceed \$70,207.25 pursuant to the Authority's Procurement Policies for a current total contract amount not to exceed \$141,867.25; and

WHEREAS, the Authority deems it necessary to acquire additional construction services for removal of additional contaminated soil and groundwater as provided under Project 15.55, Brooklyn Garage Underground Storage Tank #2 Removal; and

WHEREAS, the Authority deems it necessary to grant an 83 calendar day time extension to allow for completion of the contractually required asphalt work, as well as time for Bureau of Underground Storage Tank Removal ("BUSTR") to review and approve the mandated environmental report; and

WHEREAS, GETCO, Inc. has provided these additional services in an amount not to exceed \$126,405.64 resulting in a new total contract amount not to exceed \$268,272.89; and

WHEREAS, said increase will exceed the General Manager/Secretary-Treasurer's signing authority; and

WHEREAS, the General Manager/Secretary-Treasurer deems the ratification of the offer of GETCO, Inc. 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 negotiated offer of GETCO, Inc. to provide additional construction services for the removal of additional contaminated soil and groundwater and an 83 calendar day time extension is hereby accepted as being in the best interest of the Authority.

Section 2. That the Board of Trustees hereby ratifies the General Manager/Secretary Treasurer's execution of this change order and he is hereby authorized to issue an increase to Contract No. 2014-002 with GETCO, Inc. to provide additional construction services for the Brooklyn Garage Underground Storage Tank #2 Removal project, as required.

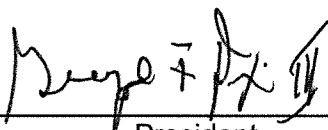
Section 3. That said increase shall be payable from the RTA Capital Fund, Engineering and Project Development Department budget, including but not limited to 100% Local funds in an amount not to exceed \$126,405.64, for a total contract amount not to exceed \$268,272.89.

Section 4. That the General Manager/Secretary-Treasurer's change order authority be reinstated in 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: March 24, 2015



President

Attest:



CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: INCREASE TO PROJECT NO. 15.55 TO PROVIDE ADDITIONAL CONSTRUCTION SERVICES FOR BROOKLYN GARAGE UNDERGROUND STORAGE TANK #2 REMOVAL VENDOR: GETCO, INC AMOUNT: \$126,405.64	Resolution No.: 2015-30
	Date: March 19, 2015
	Initiator: Engineering & Project Development Department
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 is to ratify the General Manager/Secretary-Treasurer's execution of a change order with GETCO, Inc. to provide additional construction services to remove unforeseen contaminated soil and groundwater which was discovered after the removal of four underground fuel tanks, under this contract.

- 2.0 **DESCRIPTION/JUSTIFICATION:** Project No. 15.55 - Brooklyn Garage Underground Storage Tank #2 Removal was awarded to GETCO, Inc. Originally, this contract was for the removal of one 10,000 gallon underground storage tank ("UST") along with associated underground piping. The soils adjacent to the tank were to be tested and the contaminated soil removed and replaced per the Bureau of Underground Storage Tank Removal ("BUSTR") requirements. Concrete curbs, sidewalks, pavement, grass areas and site lighting were to be restored to original condition.

 During the removal of the 10,000 gallon tank under the base contract, three additional tanks were discovered, one 5000 gallon and two 1000 gallon tanks. These three tanks were removed including the concrete vaults and contaminated soil.

 After removing all of the underground storage tanks and surrounding contaminated soil, testing was completed to verify the site was clean of environmental contaminants. The test results indicated additional quantities of soil and groundwater must be removed. Immediate remedial action was necessary to avoid the potential of a \$20,000 per day fine.

 Further, this is to approve an 83 day time extension to allow time to complete the contractually required asphalt paving and time for BUSTR to review and approve the report GCRTA was mandated to submit.

- 3.0 **PROCUREMENT BACKGROUND:** In February 2014, the Authority entered into a small purchase contract with GETCO, Inc. to provide services under Project No. 15.55 in an amount not to exceed \$71,660.00. Since the issuance of the Notice to Proceed, there have been seven approved change orders in an amount not to exceed \$70,207.25 resulting in a current total contract amount not to exceed \$141,867.25. The approved change orders are the result of unforeseen conditions. These are identified in the attached Change Order Log.

This change order request now requires Board of Trustee approval for the removal of unforeseen contaminated soil and groundwater which was discovered after the removal of four underground fuel tanks under this contract. This contaminated soil and ground water was removed in accordance to BUSTR requirements. The negotiated cost to complete this work is \$126,405.64 which is approximately 0.2% above the Engineer's estimate of \$126,162.80. This request was reviewed and approved by the Change Order Committee.

A cost analysis has been performed and the Procurement Department has determined the price to be fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 20% DBE participation goal was established for this procurement in March, 2014. GETCO, Inc, has agreed to maintain the established DBE participation goal through the use of its existing DBE firm.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** This increase shall be payable from the RTA Capital Fund, Engineering & Project Development Department budget, including but not limited to 100% Local funds, in an amount not to exceed \$126,405.64, for a total contract amount not to exceed \$268,272.89.
- 7.0 **ALTERNATIVES:** Reject this change order: Rejection of this change order will place GCRTA into a position in which it can be fined \$20,000 per day, by BUSTR, until the underground tanks and contaminated soil is removed.
- 8.0 **RECOMMENDATION:** It is recommended that this ratification be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to modify the contract.
- 9.0 **ATTACHMENTS:** 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

CHANGE ORDER LOG

APPROVED CHANGE ORDERS

Brooklyn Garage Underground #2 Storage Tank Removal
Project No. 15.55

Contract # 2014-002
Original Contract Amount \$71,660.00

Contractor GETCO, Inc
Total GM Authority Remaining
\$28,340

Total Change Orders/CCD Amount to Date \$70,207.25

Change Order No.	Change Order Description	Approval Date	Change Order Amount	Approval Authority	Contract Value
1	Remove and dispose of the 15,000 gallon UST.	06/03/2014	\$20,855	CEO/General Manager – Secretary Treasurer	\$92,515
2	No Cost Time Extension	07/29/2014	\$0.00	CEO/General Manager – Secretary Treasurer	\$92,515
3	Repair two existing 6" sewer lines	08/15/2014	\$3,402.25	CEO/General Manager – Secretary Treasurer	\$95,917.25
4	Remove one (1) five thousand gallon and two (2) one thousand gallon tanks as well as the associated concrete vaults and soils around the tanks.	09/17/2014	\$45,950	Board of Trustees (Resolution: 2014-87)	\$141,867.25
5	No Cost Time Extension	10/03/2014	\$0.00	CEO/General Manager – Secretary Treasurer	\$141,867.25
6	No Cost Time Extension	11/17/2014	\$0.00	CEO/General Manager – Secretary Treasurer	\$141,867.25
7	No Cost Time Extension	01/06/2015	\$0.00	CEO/General Manager – Secretary Treasurer	\$141,867.25