

RESOLUTION NO. 2016-80

AUTHORIZING CONTRACT NO. 2016-118 WITH PROTRAN TECHNOLOGY, DIVISION OF HARSCO RAIL, TO PROVIDE A FIVE YEAR SERVICE AGREEMENT FOR THE ADVANCE WARNING DEVICE SYSTEM FOR A TOTAL AMOUNT NOT TO EXCEED \$146,435.00 (GENERAL FUND, RAIL DISTRICT DEPARTMENT BUDGET)

WHEREAS, the Authority has a requirement to perform inspections, repairs, replacement and necessary training on its Advance Warning Device System located at the Central Rail Maintenance Facility; and

WHEREAS, the bid of ProTran Technology, Division of Harsco Rail, located at 52 Paterson Avenue, Suite 4, Newton, NJ 07860 to service the Authority's Advance Warning Device System for a five year period, in an amount not to exceed \$146,435.00 was received on July 18, 2016; and

WHEREAS, the Advance Warning Device System is proprietary to ProTran Technology, Division of Harsco Rail, the original installer of the system; and

WHEREAS, pursuant to Ohio Revised Code Section 306.43(H)(2), the procurement of this Advance Warning Device System service agreement is not subject to competitive procedures; and

WHEREAS, the CEO, General Manager/Secretary-Treasurer deems acceptance of the offer of ProTran Technology, Division of Harsco Rail, as negotiated, 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 ProTran Technology, Division of Harsco Rail, to provide inspections, repairs, replacements and necessary training services on the Advance Warning Device System for a period of five years, be and the same is hereby accepted.

Section 2. That the CEO, General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with ProTran Technology, Division of Harsco Rail, to provide said services on the Advance Warning Device System for a period of five years.

Section 3. That said contract shall be payable out of the General Fund, Rail District Department budget, for a total amount not to exceed \$146,435.00 over the five year period.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon funding for future years and compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution No. 2015-076; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

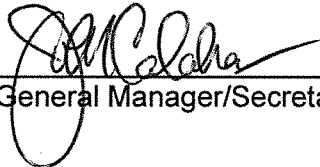
Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that ProTran Technology, Division of Harsco Rail, will attempt to exceed the zero percent (0%) DBE goal assigned to this procurement.

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

Adopted: September 27, 2016



President

Attest: 

CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: FIVE YEAR SERVICE AGREEMENT FOR ADVANCE WARNING DEVICE SYSTEM AT CENTRAL RAIL FACILITY VENDOR: PROTRAN TECHNOLOGY, DIVISION OF HARSCO RAIL AMOUNT: NOT TO EXCEED \$146,435.00 FOR A FIVE YEAR PERIOD	Resolution No.: 2016-80
	Date: September 22, 2016
	Initiator: Rail District
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 resolution will allow the Authority to enter into a sole source contract for a five year service agreement for Advance Warning Device System inspections, repairs, replacement and necessary training, as specified and as required, at the Central Rail Facility.

- 2.0 **DESCRIPTION/JUSTIFICATION:** ProTran Technology, Division of Harsco Rail, is the developer and manufacturer of the ProTracker PWHL and Armband units, which are used by Rail Power and Way as a secondary protection for work performed on or near the Rail Right of Way. The equipment requires consistent monitoring since it is used on a daily basis and subject to potential damage.

- 3.0 **PROCUREMENT BACKGROUND:** The software is proprietary to ProTran Technology, Division of Harsco Rail, the original installer of the product, and, therefore, exempt from competitive bidding under Ohio Revised Code Section 306.43(H)(2). The Authority negotiated a five year service agreement because it was more competitive than purchasing the year to year contract agreements. ProTran Technology, Division of Harsco Rail, has agreed to provide a five year service agreement for its Advance Warning Devices for a total price not to exceed \$146,435.00.

 A cost analysis has been performed and the Procurement Department has determined that the price is 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 subcontracting opportunities.

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

- 6.0 **ECONOMIC IMPACT:** This procurement will be funded through the General Fund, Rail District Department budget, at a total price not to exceed \$146,435.00 for a period of five years.

- 7.0 **ALTERNATIVES:** Reject this purchase. Rejection of this offer could potentially disrupt rail service and impact service quality.

8.0 RECCOMENDATION: It is recommended that the contract with ProTran Technology, Division of Harsco Rail, be accepted and the resolution passed authorizing the CEO, General Manager/Secretary-Treasurer to execute 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