

RESOLUTION NO. 2017-124

RATIFYING THE ACTIONS OF THE CEO, GENERAL MANAGER/SECRETARY-TREASURER IN RESPONSE TO AN EMERGENCY AND AUTHORIZING CONTRACT NO. 2017-165 WITH HATZEL AND BUEHLER, INC. FOR PROJECT 17.66 – BROOK PARK SUBSTATION AUTHORIZED EMERGENCY, AS SPECIFIED AND AS REQUIRED, IN AN AMOUNT NOT TO EXCEED \$147,602.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed an emergency existed, as defined in Ohio Revised Code Section 306.43(H)(1)(a), necessitating the acquisition of construction services without competitive procedures, as specified under Project 17.66 -- Brook Park Substation Authorized Emergency; and

WHEREAS, the CEO, General Manager/Secretary-Treasurer discussed with the President of the Board of Trustees the necessity to procure services on an emergency basis to repair damage to a substation transformer critical to the Red Line and received approval to proceed; and

WHEREAS, the firm-fixed price of Hatzel and Buehler, Inc., located at 1100 Resource Drive, Suite 8, Cleveland, Ohio 44131, was received on December 18, 2017 in an amount not to exceed \$147,602.00 to perform said services; and

WHEREAS, the CEO, General Manager/Secretary-Treasurer deems the emergency contract with Hatzel and Buehler, 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 Board hereby ratifies the actions of the CEO, General Manager/Secretary-Treasurer to procure construction services on an emergency basis without competitive procedures, pursuant to Ohio Revised Code Section 306.43 (H)(1) for Project 17.66 – Brook Park Substation Authorized Emergency.

Section 2. That the bid of Hatzel and Buehler, Inc. for Project 17.66 – Brook Park Substation Authorized Emergency, be and the same is hereby accepted.

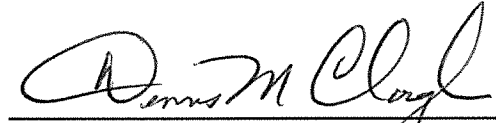
Section 3. That the CEO, General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a contract with Hatzel and Buehler, Inc. for Project 17.66 – Brook Park Substation Authorized Emergency.

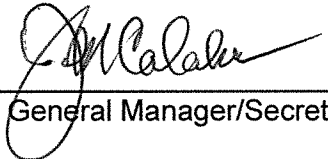
Section 4. This procurement shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, 100% Local funds in an amount of \$147,602.00.

Section 5. 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 2015-76; bonding and insurance requirements; and all applicable laws relating to the contractual obligations of the Authority.

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

Adopted: December 19, 2017

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer



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| <b>TITLE/DESCRIPTION:</b><br><b>CONTRACT:</b> PROJECT 17.66 – BROOK PARK SUBSTATION<br>AUTHORIZED EMERGENCY<br><br><b>VENDOR:</b> HATZEL AND BUEHLER, INC.<br><br><b>AMOUNT:</b> \$147,602.00 | <b>Resolution No.:</b><br>2017-124                     |
|   | <b>Date:</b><br>December 18, 2017                      |
|   | <b>Initiator:</b><br>Engineering & Project Development |
| <b>ACTION REQUEST:</b><br><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 is to ratify the CEO, General Manager/Secretary-Treasurer's actions and authorize execution of Contract No. 2017-165 with Hatzel and Buehler, Inc. to provide construction services for Project No. 17.66, Brook Park Substation Authorized Emergency.

2.0 **DESCRIPTION/JUSTIFICATION:** The work to be performed under this project is in response to the catastrophic failure of the Brook Park Substation unit 2 transformer. This substation is a critical component of the Red Line electrical infrastructure and critical to the delivery of public transit services. This project consists of the repair of the adjacent unit 1 substation transformer and corresponding cabling and equipment.

3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(H)(1)(a) states that competitive solicitation is not required when an emergency exists that affects safety, welfare, or the ability to deliver transportation services. Emergency repair of the unit 1 substation transformer was necessary to ensure that the substation could safely provide power without concern for another electrical fire and that rail transportation could continue.

Hatzel and Buehler, Inc. was contacted by the Engineering & Project Development Department immediately to assess the damage and begin repairs in accordance with the Emergency Procurement Procedures. Hatzel & Buehler, Inc. is currently working at this facility for Project 16.47 - Brook Park Transformer/Rectifier Set and has experience in this specialized work. Upon determination that the engineer's estimate for the scope of repairs was valued over \$100,000.00 the Director of Procurement notified the CEO, General Manager/Secretary-Treasurer. 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.

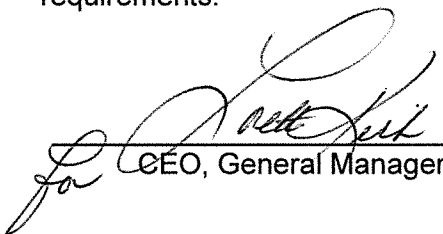
Hatzel and Buehler, Inc. agreed to a negotiated price of \$147,602.00 to complete Project No. 17.66, Brook Park Substation Authorized Emergency. A cost analysis was performed and the Procurement Department has determined that the price from Hatzel and Buehler, Inc. is fair and reasonable to the Authority. This amount is approximately 13.1% below the Engineer's Estimate of \$169,813.00.

4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Due to the nature of this 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 procurement shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, 100% Local funds in an amount of \$147,602.00.
- 7.0 ALTERNATIVES: Reject this procurement. Rejection of this procurement will impair the Authority's ability to make critical repairs to the Red Line electrical infrastructure.
- 8.0 RECOMMENDATION: It is recommended that the Board ratify the actions of the CEO, General Manager/Secretary-Treasurer and authorize the execution of a contract with Hatzel and Buehler, Inc.
- 9.0 ATTACHMENTS: None.

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