

RESOLUTION NO. 2018-55

AUTHORIZING CONTRACT NO. 2018-060 WITH TRILLIUM TRANSPORTATION FUELS, LLC DBA TRILLIUM CNG TO PROVIDE CNG OPERATIONS AND MAINTENANCE SERVICE FOR THE AUTHORITY'S HAYDEN DISTRICT CNG FUELING STATION FOR A PERIOD OF FIVE YEARS IN AN AMOUNT NOT TO EXCEED \$1,500,000.00 (GENERAL FUND, HAYDEN DISTRICT BUDGET)

WHEREAS, the Authority currently utilizes Trillium CNG for the operations and maintenance of the Hayden CNG fueling station; and

WHEREAS, Trillium CNG is the original installer of the CNG fueling station at the Hayden garage; and

WHEREAS, the programmable logic controller ("PLC") is proprietary to Trillium CNG, the original provider and installer of this fueling station; and

WHEREAS, the offer of Trillium Transportation Fuels, LLC dba Trillium CNG, with an office located at 2929 Allen Parkway, Suite 4100, Houston, Texas, to provide CNG operations and maintenance services was received on May 24, 2018; and

WHEREAS, Ohio Revised Code Section 306.43(H)(3) provides that competitive bidding is not required when the expenditure is for a renewal or renegotiation or a lease or license for telecommunications or electronic data processing equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns; and

WHEREAS, Ohio Revised Code Section 306.43(H)(6) provides that competitive bidding is not required when the expenditure involves the special skills or proprietary knowledge required for the servicing of specialized equipment owned by the regional transit authority; and

WHEREAS, after negotiations, an amount of \$1,500,000.00 for a five-year period was agreed upon; and

WHEREAS, the CEO, General Manager/Secretary-Treasurer deems the negotiated offer of Trillium Transportation Fuels, LLC dba Trillium CNG to provide operations and maintenance services for the Authority's Hayden CNG fueling station 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 Trillium Transportation Fuels, LLC dba Trillium CNG, as negotiated, to provide operations and maintenance services for the Authority's Hayden CNG fueling station 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 sole source contract with Trillium Transportation Fuels, LLC dba Trillium CNG to provide operations and maintenance services for the Authority's Hayden CNG fueling station for a period of five years.


Section 3. That said contract shall be payable from the General Fund, Hayden District budget in an amount not to exceed \$1,500,000.00 for a five-year period.

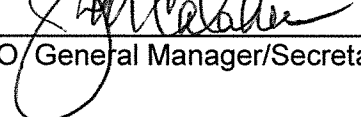
Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon future funding, compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution No. 2015-76; bonding and insurance 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 Trillium Transportation Fuels, LLC dba Trillium CNG will attempt to exceed the 0% minimum DBE goal assigned to this procurement.

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

Adopted: June 19, 2018

  
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President

Attest:   
\_\_\_\_\_  
CEO/General Manager/Secretary-Treasurer



<b>TITLE/DESCRIPTION:</b> <b>CONTRACT:</b> HAYDEN CNG OPERATIONS AND MAINTENANCE SERVICE <b>VENDOR:</b> TRILLIUM TRANSPORTATION FUELS, LLC DBA TRILLIUM CNG <b>AMOUNT:</b> NTE \$1,500,000.00 FOR A FIVE-YEAR PERIOD	<b>Resolution No.:</b> 2018-55
	<b>Date:</b> June 14, 2018
	<b>Initiator:</b> Hayden District
<b>ACTION REQUEST:</b> <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 will allow the Authority to enter into a sole source agreement for CNG operations and maintenance (“O&M”) service at the Authority’s Hayden District for a period of five years.

2.0 **DESCRIPTION/JUSTIFICATION:** The Hayden District CNG fueling station was installed in 2015. The original agreement included a three-year O&M service agreement. The Authority currently operates 106 CNG buses with the potential to add 60 more over the next five years. Renewal of the O&M service agreement is critical in order for the fueling station to operate without service interruptions. The fueling station must be readily available 24/7 in order to maintain service levels and provide safe, reliable, clean and courteous public transportation.

3.0 **PROCUREMENT BACKGROUND:** This sole source contract is exempt from competitive bidding as authorized under Sections 306.43(H)(3) and 306.43(H)(6) of the Ohio Revised Code. Trillium Transportation Fuels, LLC dba Trillium CNG is the original installer and O&M service provider for the CNG fueling station at Hayden. Further, the proprietary nature of the fueling station equipment, including the programmable logic control (“PLC”) warrants a sole source. In addition, changing service providers would result in additional equipment needs and costs, as well as service interruptions, and would impede Hayden’s ability to fuel its CNG buses.

The Procurement Department requested a proposal from Trillium Transportation Fuels, LLC dba Trillium CNG. The proposal was reviewed by representatives of Executive, Operations and Procurement for adherence to the technical requirements. A cost analysis was performed and the Procurement Department has determined the negotiated price to be fair and reasonable to the Authority.

The CNG O&M service agreement will cover a period of five years. Pricing is based on the contracted rate multiplied by the fueling station’s actual consumption, which is measured by the diesel gallon equivalent (“DGE”). The five-year duration of the agreement provides the Authority with a more favorable rate, as compared to a shorter term. Subsequent years of the agreement are subject to Consumer Price Index (“CPI”) adjustments.

4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 0% DBE participation goal was established for this procurement.

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

- 6.0 **ECONOMIC IMPACT:** This contract will be funded through the General Fund, Hayden District budget in an amount not to exceed \$1,500,000.00 for a five-year period. This is within the budgeted amount for this project. The rate provided is approximately 10% below the rate under the current contract.
  
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would cause a lapse in the continued operations & maintenance of the Hayden CNG fueling station. This lapse would place the station at risk for breakdowns, impacting the Authority's ability to fuel its CNG buses and provide service to customers.
  
- 8.0 **RECOMMENDATION:** This procurement was discussed by the Board of Trustees at the June 5, 2018 Organizational, Services & Performance Monitoring Committee meeting. It is recommended that the offer of Trillium Transportation Fuels, LLC dba Trillium CNG, as negotiated, be accepted and the resolution passed authorizing the CEO, 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.



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CEO, General Manager/Secretary-Treasurer