

RESOLUTION NO. 2019-78

RATIFYING CHANGE ORDER NO. 5 TO CONTRACT NO. 2018-154 WITH RAILWORKS TRACK SERVICES INC. FOR THE EMERGENCY REPAIR OF THE BROOKPARK SHOP, AT A TOTAL AMOUNT NOT TO EXCEED \$250,000.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed it necessary to acquire heavy rail track rehabilitation services, as provided under Contract No. 2018-154 with RailWorks Track Services Inc., for the rehabilitation of heavy rail track from Westpark Station to the Airport Tunnel; and

WHEREAS, the Board of Trustees, in Resolution No. 2019-26 approved Contract No. 2018-154 with RailWorks Track Services, Inc. for said repairs; and

WHEREAS, the Board of Trustees, in Resolution No. 2019-59, authorized Contract No. 2019-087 with The Great Lakes Construction Co., in accordance with emergency procedures specified in the GCRTA Procurement Manual, to design and perform repairs to the Red Line S-Curve Retaining Wall; and

WHEREAS, during the repairs to the S-Curve Retaining Wall, the operation of the Brookpark Shop will be necessary in order to store, inspect, and repair heavy rail trains operating between W. 117<sup>th</sup> Street and the Airport; and

WHEREAS, electrical grounding work will be required in order for Brookpark Shop to safely repair trains; and

WHEREAS, RailWorks Track Services Inc. has agreed to perform the Brookpark Shop repairs as an emergency change order to its existing Contract for Red Line West Track Rehabilitation; and

WHEREAS, on July 5, 2019, the President of the Board of Trustees gave approval to the Acting Interim CEO, General Manager/Secretary-Treasurer for an emergency change order to Contract No. 2018-154 with RailWorks Track Services Inc. in the amount not to exceed \$250,000.00, and ratification of the emergency change order, Change Order No. 5, to Contract No. 2019-087 with The Great Lakes Construction Co..

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 of Trustees hereby ratifies the actions of the Acting Interim CEO, General Manager/Secretary Treasurer to execute Change Order No. 5 to Contract No. 2018-154 with RailWorks Track Services Inc. to provide construction services on an emergency basis without competitive procedures, pursuant to Ohio Revised Code Section 306.43(H)(1)(a), for the Emergency Repair of the Brookpark Shop.

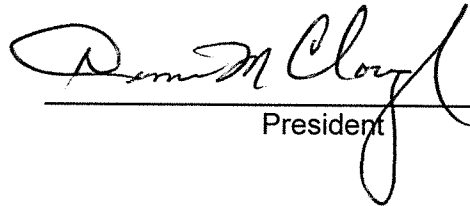
Section 2. That the Acting Interim CEO, General Manager/Secretary-Treasurer's change order authority is reinstated in its entirety.


Section 3. 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 not to exceed \$250,000.00, pending FTA's approval to use grant funds for emergency repairs.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications, 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 5. That this resolution shall become effective immediately upon its adoption.

Adopted: July 16, 2019

  
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President

Attest:   
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Interim CEO, General Manager/Secretary-Treasurer



<b>TITLE/DESCRIPTION:</b> <b>CONTRACT:</b> RATIFICATION OF CHANGE ORDER TO CONTRACT NO. 2018-154 FOR EMERGENCY REPAIR OF THE BROOKPARK SHOP  <b>VENDOR:</b> RAILWORKS TRACK SERVICES, INC. <b>AMOUNT:</b> AMOUNT NOT TO EXCEED \$250,000.00	<b>Resolution No.:</b> 2019-78
	<b>Date:</b> July 11, 2019
	<b>Initiator:</b> Engineering & Project Development
<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 ratify an emergency change order, Change Order No. 5, to Contract No. 2018-154 with RailWorks Track Services Inc. ("RailWorks"). The Board of Trustees approved Resolution No. 2019-26 on March 15, 2019 with RailWorks for Red Line West Track Rehabilitation. This change order is for emergency work to repair potential safety hazards at the Brookpark Shop ("Shop").

2.0 **DESCRIPTION/JUSTIFICATION:** Due to the interruption of heavy rail service in the S-Curve, trains will not be able to reach Central Rail. The Brookpark Shop at Brookpark Station will be utilized for storage, inspection, and repair of all heavy rail trains operating between W. 117<sup>th</sup> Street and the Airport during the S-Curve repair work.

The Brookpark Shop is currently unable to be used for repairs due to safety concerns related to arching problems. In order to ensure that trains can be available until the estimated completion of S-Curve repairs in October 2019, the Brookpark Shop must be repaired.

This work has been deemed an emergency because, if the Shop is not operable and trains operating west of W. 117<sup>th</sup> Street cannot be inspected and repaired, then RTA's ability to run rail service west of W. 117<sup>th</sup> will be threatened. Due to leadtime of the required materials, coordination of labor, and the need to have the Shop repairs made by August 11, 2019, RailWorks had to commence work immediately.

RailWorks agreed to perform the emergency repairs to the Brookpark Shop under Contract No. 2018-154. On Friday, July 5, 2019, the President of the GCRTA Board of Trustees gave approval for the emergency repair work. Pursuant to procedures contained in the GCRTA Procurement Manual, the Board of Trustees must ratify the emergency change order to Contract No. 2018-154 with RailWorks.

3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(H)(1)(a) states that a competitive solicitation is not required when an emergency exists that affects safety, welfare, or the ability to deliver transportation services. Revenue service through the S-Curve was stopped on May 30, 2019 due to health and safety concerns and cannot be resumed until the Red Line S-Curve Retaining Wall is structurally repaired.

The GCRTA Procurement Manual contains procedures for emergency procurements. In accordance with those procedures, the need for the emergency work was presented to the President of the GCRTA Board of Trustees by GCRTA's Acting Interim CEO, General Manager/Secretary-Treasurer. Approval was given by the Board President to proceed with an emergency change order to Contract No. 2018-154 with RailWorks, pending ratification by the Board of Trustees.

The GCRTA Procurement Manual provides that a current contract for similar services may be utilized for emergency work. RailWorks has an existing contract for Red Line West Track Rehabilitation, and RailWorks has agreed to perform the emergency repairs under its existing contract. The emergency repairs will ensure that the Brookpark Shop can service trains operating between W. 117<sup>th</sup> Street and the Airport. RailWorks expects to complete the Brookpark Shop repairs by August 11, 2019 when heavy rail service, between West 117<sup>th</sup> and Airport is scheduled to re-commence.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: An Affirmative Action review was not conducted, and a DBE participation goal was not considered for the project due to the nature of this emergency procurement.
- 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 not to exceed \$250,000.00, pending FTA's approval to use grant funds for emergency repairs.
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this Resolution will prevent repair of the wall and full operation of the Red Line.
- 8.0 RECOMMENDATION: It is recommended that the Board of Trustees ratify Change Order No. 5 to Contract No. 2018-154 with RailWorks Track Services 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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Interim CEO, General Manager/Secretary-Treasurer