

RESOLUTION NO. 2021-86

AUTHORIZING CONTRACT NO. 2021-88 WITH KAPSCH TRAFFICCOM USA INC. TO PROVIDE RAIL HEATER EQUIPMENT AND RELATED SERVICES FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,442,351.00 (RTA DEVELOPMENT FUND, POWER AND WAY DEPARTMENT BUDGET)

WHEREAS, the Authority currently utilizes DYNAC by Kapsch TrafficCom USA Inc. ("Kapsch"), which is the newly installed Supervisory Control and Data Acquisition (SCADA) system; and

WHEREAS, the DYNAC SCADA system monitors train controls, as well as numerous other communications for its Light Rail Line (Blue, Green, and Trunk); and

WHEREAS, the Authority requires new rail heater equipment and related services to replace equipment which has exceeded its useful life; and

WHEREAS, the Ohio Revised Code, Section 306.43(H)(6) provides that competitive bidding is not required when the purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney, physician, surveyor, appraiser, investigator, court reporter, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the servicing of specialized equipment owned by the regional transit authority; and

WHEREAS, the rail heater equipment and related services, are proprietary to Kapsch's DYNAC SCADA system and is the only vendor able to provide components that are compatible and will operate with the existing system; and

WHEREAS, Kapsch, located at 8201 Greensboro Drive, McLean, Virginia 22102 has offered to provide rail heater equipment and related services, in a total contract amount not to exceed \$1,442,351.00; and

WHEREAS, the General Manager, Chief Executive Officer deems that the negotiated offer of Kapsch to be in the best interest of the Authority, price and other factors considered, 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 Kapsch TrafficCom USA, Inc. to provide rail heater equipment and related services, is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to enter into a contract with Kapsch TrafficCom USA Inc. to provide rail heater equipment and related services.

Section 3. This procurement will be funded through the RTA Development Fund, Power and Way Department budget, including but not limited to 100% Local funds and Capital Grants OH-2020-044-337 and OH-2021-050-337 in a total contract amount not to exceed \$1,442,351.00 (\$1,153,880.80 in federal funds which represents 80% of the total cost).

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon appropriation of funds, compliance by the contractor to the Specifications and Addenda thereto, if any; the Affirmative Action Plan adopted by the Board of Trustees, 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 Kapsch TrafficCom USA Inc. will attempt to exceed the 0% DBE goal assigned to this procurement.

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

Adopted: September 28, 2021



President

Attest: *Rajan D. Jantam*
Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: RAIL HEATER EQUIPMENT AND SERVICES VENDOR: KAPSCH TRAFFICCOM USA INC. AMOUNT: NTE \$1,442,351.00	Resolution No.: 2021-86
	Date: September 23, 2021
	Initiator: Power & Way
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 action will allow the Authority to enter into a sole source contract to provide rail switch heater equipment, hardware, components, software, and related services for GCRTA's Light Rail Line (Blue, Green, and Trunk).

- 2.0 **DESCRIPTION/JUSTIFICATION:** On January 16, 2018, the Board of Trustees approved Resolution No. 2018-2 authorizing Contract No. 2017-102 for the purchase of Supervisory Control and Data Acquisition (SCADA) replacement services to Kapsch TrafficCom USA Inc. ("Kapsch"). DYNAC by Kapsch is GCRTA's newly installed Supervisory Control and Data Acquisition (SCADA) system. SCADA is utilized for train control and monitoring, as well as numerous other communications related systems. This action will allow the Authority to fully integrate the SCADA traffic and communication management system into the Authority's transportation and facilities management applications and to implement the rail switch heater program for GCRTA's Light Rail Line (Blue, Green, and Trunk). The rail switch heaters provided by Kapsch will link directly to the SCADA system, allowing the devices to be monitored on a 24-hour basis. Each rail switch heater will have a control point that allows Power & Way maintainers and dispatchers to remotely monitor the voltage and amperage draw of the heating element to determine the health of the component. This will allow confirmation that the rail switch heater is functioning properly without the need for visual field inspection of each unit. Furthermore, for the program, DYNAC CCTV cameras will be included to allow the operator of the system to check the status of each rail switch heater from a remote location. This aspect will limit the need to send Track or Signal Department crews to the scene to inspect the units. It will also streamline the system by limiting unnecessary trouble calls to the area due to the monitoring capabilities.

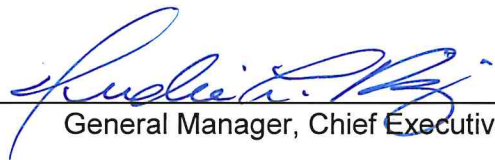
- 3.0 **PROCUREMENT BACKGROUND:** The sole source contract is exempt from competitive bidding as authorized by Section 306.43(H)(6) of the Ohio Revised Code. A pilot program was approved in August, 2020 for Moreland Pocket on GCRTA's Green Line. It was determined that the rail switch heater equipment must include proprietary components and software from Kapsch in order for the DYNAC system to operate as designed. Kapsch is the only vendor that can provide these proprietary rail switch heater components, software, project management, engineering, applications programming, field service and labor, testing, training, support, and other services.

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A cost analysis has been performed and the Procurement Department has determined the negotiated proposal from Kapsch 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 certified DBE firms.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This procurement will be funded through the RTA Development Fund, Power and Way Department budget, including but not limited to 100% Local funds and Capital Grants OH-2020-044-337 and OH-2021-050-337 in an amount not to exceed \$1,442,351.00 (\$1,153,880.80 in federal funds which represents 80% of the total cost).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would leave the Authority without a tool to efficiently and visually monitor rail components remotely to help determine rail health.
- 8.0 RECOMMENDATION: This procurement was discussed by the Organizational, Services & Performance Monitoring Committee at the September 14, 2021 meeting. It is recommended that the offer of Kapsch TrafficCom USA Inc. be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer 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.



General Manager, Chief Executive Officer