

RESOLUTION NO. 2021-103

AUTHORIZING CONTRACT NO. 2021-105 WITH HARSCO RAIL, LLC TO PROVIDE AN OCCUPIED ZONE WARNING SYSTEM FOR A TOTAL CONTRACT AMOUNT NTE \$335,000.00 (RTA DEVELOPMENT FUND, ENGINEERING AND PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority currently utilizes Protran ProTracker equipment on every train to detect the presence of wayside work crews; and

WHEREAS, the Authority requires the installation of an occupied zone warning system to work with the existing on-board ProTracker system to alert train operators and Integrated Control Center (ICC) supervisors when a train is in or approaching the occupied zone; and

WHEREAS, the needed equipment and services are only available from Harsco Rail, LLC, with an office located at 350 Poplar Church Road, Camp Hill, Pennsylvania 17011, the original provider of the Authority's existing Protran system; and

WHEREAS, the Ohio Revised Code, Section 306.43(H)(3) provides that competitive bidding is not required when the expenditure is for a renewal or renegotiation of 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, the 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, Harsco Rail, LLC has offered to provide its occupied zone warning system equipment and services for a total contract amount not to exceed \$335,000.00; and

WHEREAS, the General Manager, Chief Executive Officer, deems the negotiated offer of Harsco Rail, LLC, as negotiated, to provide an occupied zone warning system, 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 from Harsco Rail, LLC to provide an occupied zone warning system, be and the same 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 sole source contract with Harsco Rail, LLC to provide an occupied zone warning system.

Section 3. That said contract shall be payable from the RTA Development Fund, Engineering and Project Development Department budget, including but not limited to Capital Grant OH-2018-002 for a total contract amount not to exceed \$335,000.00 (\$268,000.00 in federal funds which represents 80% of total cost).

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; 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 Harsco Rail, LLC, 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: November 16, 2021



President

Attest: 

Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: OCCUPIED ZONE WARNING SYSTEM VENDOR: HARSCO RAIL, LLC AMOUNT: AMOUNT NTE \$335,000.00	Resolution No.: 2021-103
	Date: November 11, 2021
	Initiator: Engineering & Project Development
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 a train detection system to alert operators approaching Shaker Junction when another train is entering and/or in the junction.

- 2.0 **DESCRIPTION/JUSTIFICATION:** Shaker Junction is located where the Blue and Green Lines diverge, with the Green Line proceeding towards Green Road and the Blue Line continuing towards Warrensville-Van Aken. The wayside signals at Shaker Junction do not communicate with the Integrated Control Center (ICC). Additionally, there is no interlocking to prevent conflicting movements through the junction. The Authority currently utilizes an on-board ProTracker system to alert operators of the presence of wayside workers. The occupied zone solution will work with the existing on-board system to notify ICC personnel and train operators of train movements through the junction. Implementing the occupied zone system will help prevent accidents at Shaker Junction.

- 3.0 **PROCUREMENT BACKGROUND:** This sole source contract is exempt from competitive bidding as authorized by Sections 306.43(H)(3) and 306.43 (H)(6) of the Ohio Revised Code. Harsco Rail, LLC is the original provider and installer of the Protran ProTracker on-board detection system. Further, the occupied zone system is a proprietary product designed and supported exclusively by Harsco Rail, LLC. After several negotiation sessions, Harsco Rail, LLC offered to provide the occupied zone warning system at an amount not to exceed \$335,000.00. This negotiated amount is 4.7% above the Engineer's Estimate of \$320,000.00. The Engineering and Project Development Department reviewed the offer for adherence to technical scope.

 A cost analysis was performed, and the Procurement Department has determined that the price is fair and reasonable to the Authority.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** A 0% DBE goal was established for this procurement because it is for the maintenance of proprietary software. This work is exclusive to the original software provider and installer.

- 5.0 **POLICY IMPACT:** On January 26, 2021, two light rail trains collided when they both entered the Shaker Junction at the same time, causing sufficient damage and necessitating reporting to both the Federal Transit Administration and the National Transportation Safety Board. As a result, the Authority wishes to install the occupied zone warning system to avoid such accidents in the future.

- 6.0 **ECONOMIC IMPACT:** This procurement shall be payable from the RTA Development Fund, Engineering and Project Development Department budget, including but not limited to Capital Grant OH-2018-002 in a total amount not to exceed \$335,000.00 (\$268,000.00 in federal funds which represents 80% of total cost).

- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would leave the Authority without a train detection system at Shaker Junction, increasing the potential for train collisions at that location.
- 8.0 RECOMMENDATION: This procurement was discussed by the Board of Trustees at the November 9, 2021 Operational Planning & Infrastructure Committee meeting. It is recommended that the offer of Harsco Rail, LLC 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