

RESOLUTION NO. 2023-12

AUTHORIZING CONTRACT NO. 2023-015 WITH TRILLIUM TRANSPORTATION FUELS, LLC DBA TRILLIUM CNG TO PROVIDE CNG OPERATIONS & MAINTENANCE SERVICES FOR THE AUTHORITY'S HAYDEN DISTRICT CNG FUELING STATION FOR A PERIOD OF FIVE YEARS IN AN AMOUNT NOT TO EXCEED \$3,200,000.00 (GENERAL FUND, HAYDEN DISTRICT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority's Hayden District requires CNG operations & maintenance ("O&M") services to ensure its CNG fueling station remains operational; and

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

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

WHEREAS, the programmable logic controller 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 77019, to provide CNG operations & maintenance services was received on January 31, 2023; and

WHEREAS, the Ohio Revised Code Section 306.43(H)(3) provides that competitive bidding is not required when the purchase is for the 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, after negotiations, an amount of \$3,200,000.00 for a five-year period was agreed upon; and

WHEREAS, the General Manager, Chief Executive Officer deems the negotiated offer of Trillium Transportation Fuels, LLC dba Trillium CNG, to provide operations & 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, to provide operations & maintenance services for the Authority's Hayden CNG fueling station for a period of five years, as modified by negotiations, 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 contract with Trillium Transportation Fuels, LLC dba Trillium CNG for the performance of said services.

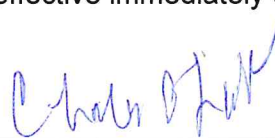
Section 3. That said contract shall be payable out of the General Fund, Hayden District budget in an amount not to exceed \$3,200,000 for a five-year period.

Section 4. That said contract shall be binding upon and an obligation of the Authority, contingent upon future funding, compliance by the contractor with 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 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: February 28, 2023



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President

Attest:

  
Secretary-Treasurer



<b>TITLE/DESCRIPTION:</b> <b>CONTRACT:</b> HAYDEN CNG OPERATIONS & MAINTENANCE SERVICES  <b>VENDOR:</b> TRILLIUM TRANSPORTATION FUELS, LLC DBA TRILLIUM CNG  <b>AMOUNT:</b> NTE \$3,200,000.00 FOR A FIVE-YEAR PERIOD	<b>Resolution No.:</b> 2023-12
	<b>Date:</b> February 23, 2023
	<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 Greater Cleveland Regional Transit Authority (“Authority”) to enter into an agreement for CNG operations & maintenance (“O&M”) services at the Authority’s Hayden Bus District for a period of five years.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Hayden Bus District CNG fueling station was installed in 2015. The original agreement included a three-year O&M service agreement. The Authority then entered into a five-year renewal agreement in 2018, which is nearing exhaustion of funds. Hayden’s fleet is now entirely fueled by CNG, consisting of 155 forty-foot CNG buses and 16 sixty-foot CNG buses. Renewal of the O&M service agreement is critical for the fueling station to operate without service interruptions. It is imperative for the fueling station to be readily available 24/7 in order to fuel Hayden’s CNG bus fleet and maintain service levels.
  
- 3.0 **PROCUREMENT BACKGROUND:** This non-competitive 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. The system is monitored and operated by the programmable logic control (“PLC”). The PLC is a computer that receives and processes data through its inputs and sends operating instructions through its outputs to control and manage the system’s internal logic functions. The system’s equipment, including the PLC, requires continuous maintenance services and upgrades to continue reliable functionality. Further, the proprietary nature of the fueling station equipment, including the PLC, precludes competition, as changing service providers would result in additional equipment needs and costs as well as service interruptions which 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 from Accounting, Operations and Procurement for adherence to the technical requirements. A cost analysis was performed, and the Procurement Department has determined the negotiated rates to be fair and reasonable to the Authority.

The CNG O&M service agreement will cover a period of five years. Pricing is based off the contracted rate multiplied by the fueling station’s actual consumption, which is converted to diesel gallon equivalent. 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 CPI adjustments.

- 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 contract will be funded through the General Fund, Hayden District budget in an amount not to exceed \$3,200,000.00 for a five-year period. This total amount is approximately 3% above the project estimate of \$3,100,000.00.
- 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 February 14, 2023 Organizational, Services and Performance Monitoring committee meeting. It is recommended that the offer from Trillium Transportation Fuels, LLC dba Trillium CNG, as negotiated, 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.



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General Manager, Chief Executive Officer