

RESOLUTION NO. 2024-58

AUTHORIZING AN INCREASE TO CONTRACT NO. 2022-122 WITH CLARK TRANSPORTATION CONSULTING & SERVICES, LLC DBA BISON RAIL SYSTEMS FOR PROJECT 12D – TRUNK LINE SIGNAL SYSTEM IN AN AMOUNT NOT TO EXCEED \$1,129,068.56 FOR A TOTAL CONTRACT AMOUNT OF \$5,593,857.76 AND REINSTATING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER SIGNING AUTHORITY IN ITS ENTIRETY (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") deemed it necessary to procure construction services, as specified, under Project 12D – Trunk Line Signal System; and

WHEREAS, by Resolution No. 2023-2, the Board of Trustees authorized Contract No. 2022-122 in the amount of \$4,464,789.20 with Clark Transportation Consulting & Services, LLC DBA Bison Rail Systems ("Bison Rail Systems"), located at 63 Main Street, Suite 204, Flemington, New Jersey, 08822, for the furnishing of said construction services; and

WHEREAS, the General Manager, Chief Executive Officer has authorized one change order extending the contract duration sixty days to allow time for review of proposed changes to the scope of services which would provide the Authority with 60 Hz vane power frequency track circuits; and

WHEREAS, the Authority's project management challenges in administering the project and the thorough and comprehensive review of the proposed change to the scope of services has necessitated a new construction schedule; and

WHEREAS, Bison Rail Systems has offered to provide the changed scope of services with the accompanying schedule extension at a total cost of \$1,129,068.56, resulting in a new total contract amount of \$5,593,857.76; and

WHEREAS, said increase will exceed the General Manager, Chief Executive Officer's change order signing authority; and

WHEREAS, the General Manager, Chief Executive Officer deems acceptance of the offer of Bison Rail Systems., as negotiated, to be in the best interest of the Authority and recommends acceptance thereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the negotiated offer of Clark Transportation Consulting & Services DBA Bison Rail Systems to amend Contract No. 2022-122 to provide 60 Hz vane power frequency track circuits, and construction changes related thereto, and to extend the schedule by 442 days for Project 12D – Trunk Line Signal 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 amend Contract No. 2022-122 with Clark Transportation Consulting & Services, LLC DBA Bison Rail Systems to accept the offer for 60 Hz vane power frequency track circuits and the 425 day contract extension related thereto.

Section 3. This contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to capital grants OH-2023-042-337 and OH-2019-037-337 in the amount not to exceed \$1,129,068.56 (\$903,254.84 in federal funds, which represents 80% of total cost).

Section 4. That the General Manager, Chief Executive Officer's change order signing authority be reinstated in its entirety.

Section 5. That all other terms and conditions of said contract shall remain unchanged.

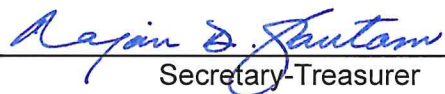
Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: July 30, 2024



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: INCREASE TO CONTRACT NO. 2022-122 FOR PROJECT 12D – TRUNK LINE SIGNAL SYSTEM	Resolution No.: 2024-58
VENDOR: CLARK TRANSPORTATION CONSULTING & SERVICES, LLC DBA BISON RAIL SYSTEMS	Date: July 25, 2024
AMOUNT: NOT TO EXCEED \$1,129,068.56 AND REINSTATEMENT OF GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER SIGNING AUTHORITY	Initiator: Engineering & Project Development Department
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 Greater Cleveland Regional Transit Authority (“Authority”) to increase Contract No. 2022-122, Project 12D – Trunk Line Signal System and to reinstate the General Manger, Chief Executive Officer’s change order signing authority.

2.0 **DESCRIPTION/JUSTIFICATION:** This change order is necessary to provide the Authority with a superior solution, replacing the PSO 4000 audio frequency overlay track circuits, which were originally specified in the contract, with 60 Hz vane power frequency track circuits (“PFTC”). This superior solution of the PFTCs will meet the Authority’s requirements for shunting sensitivity, broken rail detection, and broken-down insulated joint detection. PFTCs are service proven, a reliable method of train detection, and provide added protection for the Authority assets.

This change order is necessary to compensate Clark Transportation Consulting & Services, LLC DBA Bison Rail Systems (“Bison Rail Systems”) for both the change in scope for the PFTCs as well as for the new construction schedule necessitated by project management challenges in administration of the project and in evaluating the proposed solution for this intricate, complex project. Already, a prior change order was given to Bison Rail Systems for a 60-calendar day extension to the project’s schedule. This change order will give Bison Rail Systems additional time of 442 days and will move the project completion into the end of 2025.

3.0 **PROCUREMENT BACKGROUND:** On January 31, 2023, the Board of Trustees, by Resolution No. 2023-2, authorized a contract with Bison Rail Systems to perform construction services for the re-signalization along the Trunk Line between East 79th Street Station to Shaker Square in an amount of \$4,464,789.20. There has been one change order to date, adding 60 days to the contract to allow time for review and negotiations of the current proposed new solution.

This change order will increase the cost of the contract with Bison Rail Systems by an amount not to exceed \$1,129,068.56, which exceeds the General Manager, Chief Executive Officer’s change order signing authority. Approval of this change order will increase the amount of this contract to \$5,593,857.76. This action also seeks reinstatement of the General Manager, Chief Executive Officer’s \$250,000.00 change order signing authority.

This change order was reviewed and recommended by the Authority’s Change Order Committee.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 17% DBE goal was established for this procurement in January 2023. The Prime contractor is Clark Transportation Consulting & Services DBA Bison Rail Systems, a certified DBE (African American male-owned) firm and has agreed to maintain the established DBE participation goal established for this contract.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to capital grants OH-2023-042-337 and OH-2019-037-337 in the amount not to exceed \$1,129,068.56 (\$903,254.84 in federal funds, which represents 80% of total cost).
- 7.0 ALTERNATIVES: Reject this change. Rejection of this change would leave the Authority with an antiquated signal system along the Trunk Line, further delay this project, and prolong completion in anticipation for the new rail cars.
- 8.0 RECOMMENDATION: This change order was presented to the Board of Trustees at the July 9, 2024, Operational Planning & Infrastructure Committee meeting. It is recommended that the change to Contract No. 2022-122 be accepted and the resolution adopted authorizing the General Manager, Chief Executive Officer to modify the 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