

RESOLUTION NO. 2024-87

AUTHORIZING CONTRACT NO. 2024-120 WITH MS CONSULTANTS, INC. FOR PROJECT 19.08 – ARCHITECT/ENGINEER SERVICES FOR LIGHT RAIL RETAINING WALL REPAIR – PHASE III BLUE LINE IN AN AMOUNT NOT TO EXCEED \$359,977.20 (RTA DEVELOPMENT FUND - ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority (“Authority”) needs to contract with a firm to provide Architect/Engineer Services for the Light Rail Retaining Wall Repair – Phase III Blue Line described under Project 19.08; and

WHEREAS, the proposal of ms consultants, Inc., with an office located at 425 Literary Road, Suite 100, Cleveland, Ohio 44113, to perform said services was received on September 12, 2024 in response to a competitive solicitation; and

WHEREAS, after negotiations, ms consultants, Inc. has agreed to perform the required services in an amount not to exceed \$359,977.20; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of ms consultants, Inc. to be the most advantageous to 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 negotiated offer of ms consultants, Inc. to provide services under Project 19.08 – Architect/Engineer Services for Light Rail Retaining Wall Repair – Phase III Blue Line 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 ms consultants, Inc. for the performance of said services.

Section 3. This procurement shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, Capital Grants OH-2021-050-337 and OH-2023-042-307, for a total amount not to exceed \$359,977.20 (\$287,981.76 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 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 ms consultants, Inc. will attempt to exceed the 3% minimum DBE goal assigned to this procurement.

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

Failed: November 19, 2024  
Adopted: December 3, 2024

Attest: *Rajan D. Jantam*  
Secretary-Treasurer

*[Signature]*  
President



TITLE/DESCRIPTION: <b>CONTRACT: PROJECT 19.08 – ARCHITECT/ENGINEER SERVICES FOR LIGHT RAIL RETAINING WALL REPAIR – PHASE III BLUE LINE</b>  <b>VENDOR: MS CONSULTANTS, INC.</b>  <b>AMOUNT: NOT TO EXCEED \$359,977.20</b>	Resolution No.: 2024-87
	Date: November 14, 2024
	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 enter into a contract for Project 19.08 – Architect/Engineer Services for Light Rail Retaining Wall Repair – Phase III Blue Line.
- 2.0 **DESCRIPTION/JUSTIFICATION:** In the third phase of this project, the Authority needs to modify the guard walls and retaining walls along the Blue Line to bring them into a state of good repair. For this third phase, the guard wall limits begin approximately 900 ft. west of the transit station at Lee Road and Van Aken Boulevard and extend to approximately 1,000 ft. east of Lee-Van Aken Station for a total length of 1,900 ft. along both the north and south sides. A pair of retaining walls, within the scope of this project, start on the east side of the bridge over the transit rail at the intersection of Lee Road and Van Aken Boulevard. These walls extend east approximately 500 ft. on both the north and south sides. Another retaining wall surrounds the parking stalls at the northwest corner of the intersection of Avalon Road and Van Aken Boulevard and extends approximately 450 ft. on the north side only.
- 3.0 **PROCUREMENT BACKGROUND:** The Request for Proposal (“RFP”) was posted on the Authority’s Procurement website and advertised in the local newspapers. Eight (8) interested parties, including potential subcontractors, downloaded the solicitation package. Services were solicited through a competitive negotiated procurement utilizing the Brooks Act procedures. Under this process, the Authority’s evaluation panel first selects the most technically qualified firm, solicits a pricing proposal from that firm, and negotiates price only with that firm. Should the Authority determine that an agreement could not be reached with the most qualified firm, it may reject that proposal and repeat the process with the next most qualified firm. In this instance, negotiations were held with ms consultants, Inc., the first ranked firm, and an acceptable price was reached.

The proposer, ms consultants, Inc. has successfully completed projects for the Authority, Great Stone Viaduct Historical Education Society, Inc., Mahoning County, and the City of Cuyahoga Falls, among others.

The Procurement Department performed a cost analysis and determined the proposed pricing from ms consultants, Inc. in an amount not to exceed \$359,977.20 to be fair and reasonable to the Authority. This negotiated price is approximately 2.9% above the engineer’s estimate of \$350,000.00.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 3% DBE goal was established for this procurement. ms consultants, Inc. has committed to achieving the DBE participation goal through the utilization of Denise's Flagging and Construction Services, Inc. (African American female-owned) in the amount of \$7,880.00, G&T Associates, Inc. (Asian male-owned) in the amount of \$74,105.00, and Somat Engineering of Ohio (Subcontinent Asian male-owned) in the amount of \$61,923.00, for a total of \$143,908.00 or 40%.
- 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, Capital Grants OH-2021-050-337 and OH-2023-042-307, for a total amount not to exceed \$359,977.20 (\$287,981.76 in federal funds, which represents 80% of total cost).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer will allow for the potential of greater degradation of the guard walls and retaining walls in this area.
- 8.0 RECOMMENDATION: This procurement was discussed by the Board of Trustees at the November 5, 2024 Operational Planning & Infrastructure Committee meeting. It is recommended that the offer from ms consultants, Inc. be accepted and the resolution adopted 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