

RESOLUTION NO. 2024-97

AUTHORIZING CONTRACT NO. 2024-121 WITH WSP USA, INC. TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR PROJECT 23V4 ENGINEERING SERVICES FOR THE RECONSTRUCTION OF SHAKER JUNCTION AND SHAKER SQUARE GRADE CROSSINGS IN AN AMOUNT NOT TO EXCEED \$155,044.25 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority ("Authority") has the need for the Engineer of Record who completed the original design to provide additional engineering services for Project 23V4, Engineering Services for the Reconstruction of Shaker Junction and Shaker Square Grade Crossings; and

WHEREAS, the Engineer of Record is currently employed by WSP USA, Inc. and the Authority has determined that his expertise is necessary to complete the review and update of the design documents; and

WHEREAS, R. C. 306.43(H)(2) provides that competitive bidding is not required when the purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available; and

WHEREAS, WSP USA, Inc., located at 1660 West 2<sup>nd</sup> Street, Suite 820, Cleveland, Ohio 44113, has offered to provide additional engineering services in a negotiated amount not to exceed \$155,044.25; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of WSP USA, Inc., as negotiated, to provide additional engineering services, 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 WSP USA, Inc., as negotiated, to provide additional engineering services be and the same 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 WSP USA, Inc. to provide additional engineering services for Project 23V4 Engineering Services for the Reconstruction of Shaker Junction and Shaker Square Grade Crossings.

Section 3. This contract shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grant OH-2020-044-5337, in a total contract amount not to exceed \$155,044.25 (\$124,035.40 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 with 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 Authority's Board of Trustees expects that WSP USA, Inc. will attempt to exceed the 6% minimum DBE goal assigned to this procurement.

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

Adopted: December 17, 2024



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President

Attest:



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Secretary-Treasurer



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| TITLE/DESCRIPTION:<br><b>CONTRACT: SHAKER JUNCTION GRADE CROSSINGS</b><br><br>VENDOR: WSP USA, INC.<br><br>AMOUNT: NTE \$155,044.25  | Resolution No.:<br>2024-97                                       |
|  | Date:<br>December 12, 2024                                       |
|  | Initiator:<br>Engineering & Project<br>Development<br>Department |
| ACTION REQUEST:<br><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 additional engineering services for Project 23V4, Engineering Services for the Reconstruction of Shaker Junction and Shaker Square Grade Crossings.
- 2.0 DESCRIPTION/JUSTIFICATION: The Authority requires additional engineering services from the Engineer of Record to review and update the plans and specifications for the second phase of Project 23V4, Engineering Services for the Reconstruction of Shaker Junction and Shaker Square Grade Crossings. The required services include, but are not limited to: verifying the survey control points have not changed and remain accurate, updating the construction estimate, updating the construction documents to reflect the current conditions; providing a current engineering stamp on the documents, and assisting with submittal review. The Engineer of Record worked for TranSystems Corporation of Ohio at the time the original design was completed, but he now works for WSP USA, Inc. The Engineer of Record has specialized knowledge regarding this project and is the only engineer who can provide a current engineering stamp on the original documents.
- 3.0 PROCUREMENT BACKGROUND: Project 23V4, Engineering Services for the Reconstruction of Shaker Junction and Shaker Square Grade Crossings was approved by the Board of Trustees on November 20, 2012 by resolution No. 2012-93. Upon completion of this design project, the construction portion of the project was split into two phases. The first phase was authorized by the Board of Trustees on March 18, 2014 by Resolution No. 2014-22.

The second phase of this project must now be completed to prevent further degradation of the existing infrastructure. However, before construction can begin, the design must be reviewed and updated by the Engineer of Record. Because the Engineer of Record is the only individual who can reasonably and efficiently update the original documents, this project is a sole source procurement and, therefore, exempt from competitive bidding, pursuant to R.C. 306.43(H)(2) which provides that competition is not required when only one source is reasonably available.

The Procurement Department requested a proposal from WSP USA, Inc. on July 31, 2024 and received the proposal on September 16, 2024. This proposal was reviewed by representatives from the Engineering and Procurement departments. Following negotiations, a revised proposal was received on October 22, 2024. The revised proposal was reviewed, accepted, and deemed fair and reasonable to the Authority.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 6% DBE goal was established for this procurement. WSP USA Inc. has committed to achieving the DBE goal through the utilization of G&T Associates (Asian Indian male-owned) in the amount of \$42,624.00 and Denise's Flagging (African American female-owned) in the amount of \$13,396.00 for a total of \$56,020.00 or 36.1%.
- 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 Grant OH-2020-044-5337, in a contract amount not to exceed \$155,044.25 (\$124,035.40 in federal funds, which represents 80% of total cost).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would necessitate the selection of a new engineer with significant delay and increased cost to the project because an engineering firm unfamiliar with the original design would have to start from the beginning, without prior specialized knowledge.
- 8.0 RECOMMENDATION: It is recommended that the offer of WSP USA, 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.

  
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General Manager, Chief Executive Officer