

RESOLUTION NO. 2009-51

AUTHORIZING A RATIFICATION, CHANGE ORDER AND TIME EXTENSION TO CONTRACT 2001-083 WITH BOMBARDIER MASS TRANSIT CORPORATION FOR THE COMPLETION OF THE OVERHAUL OF THE LIGHT RAIL FLEET AT A PRICE NOT TO EXCEED \$3,231,819.00 FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$25,761,817.00 (RTA DEVELOPMENT FUND, RAIL DISTRICT DEPARTMENT BUDGET)

WHEREAS, the Authority identified a need to overhaul the Light Rail Fleet; and;

WHEREAS, by Resolution No. 2002-200 the Board of Trustees authorized a contract for the Overhaul of Light Rail Fleet at a price not to exceed \$22,529,998.00; and

WHEREAS, the Authority requires additional funds to complete this overhaul; and

WHEREAS, the proposal of Bombardier Mass Transit Corporation, located at 7940 State Route 415, Bath, New York 14810, was received to complete this overhaul; and

WHEREAS, the negotiated amount consists of a change order for vehicles yet to be completed, tested and accepted at a price not to exceed \$2,285,889, and payment for vehicle work substantially completed although not tested and accepted at a price not to exceed \$1,019,429.00 resulting in a price not to exceed \$3,231,819.00 for a total contract price not to exceed \$25,761,817.00; and

WHEREAS, the General Manager/Secretary-Treasurer deems the offer of Bombardier Mass Transit Corporation, as negotiated, to be advantageous to the Authority, price and all other factors considered, and therefore recommends the 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 Bombardier Mass Transit Corporation, as modified by negotiations, to complete the overhaul of six (6) Light Rail vehicles, be and is hereby accepted as the most advantageous to the Authority, cost and all other factors considered.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to enter into a change order with Bombardier Mass Transit Corporation, for the overhaul of six (6) light rail vehicles.

Section 3. This ratification and change order will be funded through the RTA Development Fund, Rail District Department budget, including but not limited to 100% Local funds at a price not to exceed \$1,019,429.00 and including but not limited to Capital Grant OH-05-0094, at a price not to exceed \$2,285,889.00 (\$1,302,956.70 in Federal funds which represents 57% of the cost) for a total increase not to exceed \$3,231,819.00. The portion funded by 100% local funds may be applied to a capital grant subject to FTA concurrence.

Section 4. That said ratification and change order shall be consistent with the proposal received from Bombardier Mass Transit Corporation, as modified by negotiations.

Section 5. That said contract shall be binding upon and an obligation of the Authority, compliance by the contractor to the Specifications and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2009-023; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 6. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects that Bombardier Mass Transit Corporation will attempt to exceed the 10% minimum DBE goal assigned to this procurement.

Section 7. That this resolution shall become effective immediately upon its adoption.

Adopted: June 30, 2009

President

Attest: _____
CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: RATIFICATION, CHANGE ORDER AND TIME EXTENSION TO CONTRACT 2001-083 FOR OVERHAUL OF THE LIGHT RAIL FLEET VENDOR: BOMBARDIER MASS TRANSIT CORPORATION AMOUNT: NOT TO EXCEED \$3,231,819.00 FOR A TOTAL PRICE NOT TO EXCEED \$25,761,817.00	Resolution No.: 2009-51
	Date: June 25, 2009
	Initiator: Rail District 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 General Manager/Secretary-Treasurer to enter into a change order for completion of the overhaul of six (6) light rail vehicles.
- 2.0 DESCRIPTION/JUSTIFICATION: The proposed Change Order will approve the payment of outstanding invoices, authorize funds for the completion of the project, and extend the contract term until December 31, 2009. The original contract required the overhaul of thirty-four (34) light rail vehicles. After rehabilitation of ten (1) cars, and as a result of unanticipated structural repairs needed on each car, it was projected in 2006 that the original contract amount of \$22,529,998 was sufficient to complete only twenty-eight (28) of the thirty-four (34) vehicles needed to meet the Authority's service objectives.
- 3.0 PROCUREMENT BACKGROUND: The change order consists of a Change Order for vehicles yet to be completed, tested and accepted at a cost of \$2,285,889, and payment for vehicle work substantially completed although not tested and accepted at a cost of \$1,019,429. These changes are for a total cost of \$3,231,819. Also, provided for in this change order is a no cost time extension that will extend the contract term until December 31, 2009. The time extension for the contract is needed due to the work to be completed by the contractor both at their New York facility and here at our Brookpark Shop, as well as the significant efforts required to commission the rehabilitated vehicles into revenue service. Since the contractor does not have an adequate test track at its facility, both their testing and the Authority's 1000 mile testing required for recommissioning are performed in Cleveland at our facilities. Punch list work is also done by the contractor at our Brookpark Shop. The contract requires one half of the contract price per car to be paid when the car is returned to our facilities in Cleveland. The other half is payable when all work is completed and the car is fully tested, recommissioned, and returned to revenue service. A cost/price analysis was performed, and the Procurement Department determined the negotiated price to be fair and reasonable to the Authority.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: All Affirmative Action requirements have been met. A 10% DBE goal was established for this procurement when the contract was originally awarded in 2001. At the time, a total of five DBE firms (all out-of-state) were included on the contract as subcontractors. Only two (2) of the firms, Transit Air, Inc. (Asian Indian-owned) based in Hornell, NY, and Raul V. Bravo & Associates (Hispanic-owned) based in Reston, VA are presently certified DBE firms under the Ohio UCP. Bombardier has agreed to the utilization of Transit Air in the amount of \$79,692 to assist with HVAC overhaul work.

- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: That said ratification and change order shall be payable from the RTA Development Fund, Rail District Department budget, including but not limited to 100% Local funds at a price not to exceed \$1,019,429.00 and including but not limited to Capital Grant OH-05-0094, Line 12.15.20, at a price not to exceed \$2,285,889.00 (\$1,302,956.70 in Federal funds which represents 57% of the total cost) for a total increase not to exceed \$3,231,819.00. The portion funded by 100% local funds may be applied to a capital grant subject to FTA concurrence.
- 7.0 ALTERNATIVES: Reject this offer: Rejection of this change order will not provide the the Authority with the extended useful life of the Light Rail vehicles required to meet service objectives.
- 8.0 RECOMMENDATION: It is recommended that the offer of Bombardier Mass Transit Corporation, as negotiated, be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to issue the change order.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

CEO, General Manager/Secretary-Treasurer