

RESOLUTION NO. 2023-41

AUTHORIZING CONTRACT NO. 2023-2 WITH BURGESS & NIPLE, INC. FOR PROJECT 19.63 – ENGINEERING SERVICES FOR SPECIAL BRIDGE INSPECTIONS FOR A PERIOD OF 24 MONTHS IN AN AMOUNT NOT TO EXCEED \$348,521.72 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Greater Cleveland Regional Transit Authority (“Authority”) requires special bridge inspection services; and

WHEREAS, the proposal of Burgess & Niple, Inc., with an office located at 330 Rush Alley, Suite 700, Columbus, Ohio 43215, to perform said services was received on February 16, 2023 in response to a competitive solicitation; and

WHEREAS, after negotiations, Burgess & Niple, Inc. has agreed to perform the required services in an amount not to exceed \$348,521.72 for a period of 24 months; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of Burgess & Niple, 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 Burgess & Niple, Inc. to provide services under Project 19.63 – Engineering Services for Special Bridge Inspections for a period of 24 months, 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 Burgess & Niple, 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 100% local funds, in an amount not to exceed \$348,521.72.

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 that Burgess & Niple, Inc. will attempt to exceed the 15% minimum DBE goal assigned to this procurement.

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

Adopted: June 27, 2023



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: PROJECT 19.63 ENGINEERING SERVICES FOR SPECIAL BRIDGE INSPECTIONS VENDOR: BURGESS & NIPLE, INC. AMOUNT: NTE \$348,521.72 FOR A PERIOD OF 24 MONTHS	Resolution No.: 2023-41
	Date: June 22, 2023
	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 resolution will allow the Greater Cleveland Regional Transit Authority (“Authority”) to enter into a contract for Project 19.63 – Engineering Services for Special Bridge Inspections.
- 2.0 **DESCRIPTION/JUSTIFICATION:** As required by federal and state bridge inspection standards, the Authority must have a biennial special inspection program to document findings of those bridges considered to have non-redundant, steel tension members carrying primary load paths from the service loads. In addition, and in accordance with Ohio Revised Code §5523.17, the Authority’s structures must be inspected on an annual basis to determine the physical and functional condition of the structure and confirm continuity of service requirements.
- 3.0 **PROCUREMENT BACKGROUND:** The Request for Proposals (“RFP”) was posted on the Authority’s Procurement website and advertised in the local newspapers. Thirty-five interested parties, including potential subcontractors, downloaded the solicitation package. These 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 Burgess & Niple, Inc., the first ranked firm, and an acceptable price was reached.

Burgess & Niple, Inc. has successfully completed projects for the Authority, Oklahoma DOT, Summit County, and Ohio DOT, among others.

The Procurement Department performed a cost analysis and determined the proposed pricing from Burgess & Niple, Inc., in an amount not to exceed \$348,521.72 for a period of 24 months, to be fair and reasonable to the Authority. This negotiated price is approximately 0.4% below the Independent Engineer’s Estimate of \$350,000.00.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 15% DBE goal was established for this procurement. Burgess and Niple, Inc., has committed to achieving the DBE participation goal through the utilization of 2LMN, Inc. (Subcontinent Asian male-owned) in the amount of \$38,055.00, and Denise's Flagging and Construction (African American female-owned) in the amount of \$15,000.00 for a total of \$53,055.00 or 15%.
- 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 100% local funds, in an amount not to exceed \$348,521.72.
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer will prevent the Authority from meeting federal and state regulatory requirements.
- 8.0 RECOMMENDATION: This procurement was discussed by the Board of Trustees at the June 6, 2023 Operational Planning & Infrastructure Committee meeting. It is recommended that the offer from Burgess & Niple, Inc. 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.



General Manager, Chief Executive Officer