

RESOLUTION NO. 1980-174

A RESOLUTION AUTHORIZING A CONTRACT WITH ERNEST F. DONLEY'S SONS, INC. FOR THE CONSTRUCTION OF SUBSTATION BUILDINGS, PROJECT NO. 6, BID PACKAGE B, RECONSTRUCTION OF LIGHT RAIL SYSTEM.
(\$879,700.00 - Capital Improvement Fund OH-03-0054)

WHEREAS, in accordance with Resolution No. 1980-38, adopted February 5, 1980, by the Board of Trustees of the Greater Cleveland Regional Transit Authority, competitive bids were received on March 11, 1980 for the construction of substation buildings, Project No. 6, Bid Package B, reconstruction of the light rail system; and

WHEREAS, Resolution No. 1980-125, adopted April 1, 1980 by the Board of Trustees of the Greater Cleveland Regional Transit Authority, authorized a contract with Progressive Building Methods for the construction of said substation buildings contingent upon compliance by the contractor to the Bid Specification and Addenda, if any; bonding, insurance requirements; and

WHEREAS, the Bid Specification required the furnishing of good and approved bond with one-hundred percent (100%) security conditioned on the carrying out of the contract; and

WHEREAS, Progressive Building Methods, Inc. advised the Greater Cleveland Regional Transit Authority that they are unable to obtain the specified good and approved bond and therefore are unable to execute the contract awarded to them pursuant to Resolution No. 1980-125; and

WHEREAS, Ernest F. Donley's Sons, Inc. bid, received on the 11th day March, 1980 for the construction of substation buildings, project No. 6, bid package B, reconstruction of the light rail system, at the prices set forth in said bid, involving a total expenditure of Eight Hundred Seventy-nine Thousand Seven Hundred & 00/100 (\$879,700.00) Dollars, is the next lowest and best responsible bid;

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

Section 1. That the contract awarded to Progressive Building Methods, Inc. pursuant to Resolution No. 1980-125, is hereby rescinded and that the General Manager is directed to take whatever action is deemed appropriate to make claim against Progressive Building Methods, Inc. and its surety, the Hamilton Mutual Insurance Company, for damages incurred by the Authority resulting from the failure of Progressive Building Methods, Inc. to execute properly the contract awarded for the construction of substation buildings, Project No. 6, Bid Package B, reconstruction of the light rail system.

Section 2. That the bid of Ernest F. Donley's Sons, Inc. received on the 11th day of March, 1980 for the construction of substation building, Project No. 6, Bid Package B, reconstruction of the light rail system, at the prices set forth in said bid, involving a total expenditure of Eight Hundred Seventy-nine Thousand Seven Hundred & 00/100 (\$879,700.00) Dollars, be and the same is hereby approved as the lowest responsive and best responsible bid, and the General Manager of the Authority is hereby authorized to enter into a contract with said bidder for the furnishing of said item.

Section 3. That said contract shall be subject to UMTA concurrence.

Section 4. That said contract shall provide for an expenditure of 80% UMTA funds.

Section 5. That said contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Bid Specification and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 1978-252; bonding, insurance requirements and all applicable laws relating to the contractual obligation of the Authority.

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

Adopted: May 6, 1980

[Signature]
President

Attest: [Signature]
Secretary-Treasurer