

DECLARING AN EMERGENCY AND AUTHORIZING THE GENERAL MANAGER TO AWARD A CONTRACT FOR REPAIRS TO THE CNG FUELING FACILITY AT THE HAYDEN DISTRICT GARAGE IN AN AMOUNT NOT TO EXCEED \$300,000.00 (RTA DEVELOPMENT FUND – PROJECT DEVELOPMENT & ENGINEERING DEPARTMENT BUDGET)

WHEREAS, the compressed natural gas fueling station at the Hayden District Garage is shut down due to equipment malfunctions; and

WHEREAS, as a result of the station remaining inoperable, components of the system are deteriorating, causing physical damage to the facility; and

WHEREAS, the inoperability of the Hayden facility could lead to an inability to fuel the Authority's CNG coaches, preventing them from being used in revenue service, thereby disrupting said revenue service, and,

WHEREAS, such conditions create an emergency as defined in Ohio Revised Code Section 306.43(H)(1); and

WHEREAS, the Authority believes that all or part of the equipment malfunctions are attributable to the contractor which installed the CNG fuelling system, and has filed a claim against the contractor's bond; and

WHEREAS, to date no resolution has been reached with the contractor or its surety; and

WHEREAS, it is necessary to enable the General Manager to take immediate action to prevent further deterioration of the fueling facility or disruption of revenue service.

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

Section 1. That a real and present emergency exists, pursuant to Section 306.43(H)(1) of the Ohio Revised Code, as a result of the inoperability of the compressed natural gas fueling system at the Hayden District Garage.

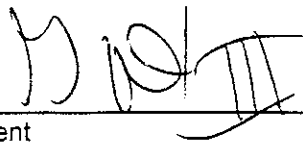
Section 2. That the General Manager of the Authority be and hereby is authorized to enter into a contract for repair of said fueling station, pending resolution of the Authority's claim against the installer of the fueling station and its surety.

Section 3. That any such contract shall be payable out of the RTA Development Fund, 100% local funds, Project Development & Engineering Department Budget, in an amount not to exceed three hundred thousand and 00/100 dollars (\$300,000).

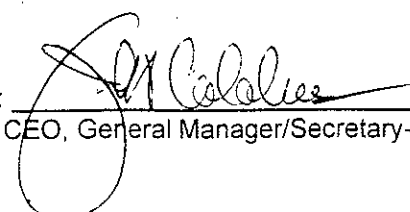
Section 4. That any such contract shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor with the Specifications and Addenda thereto, if any; the Affirmative Action Plan adopted by the Board of Trustees in resolution 2000-065; bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: February 27, 2001



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President

Attest:   
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CEO, General Manager/Secretary-Treasurer