

RESOLUTION NO. 2001 -184

AUTHORIZING THE GENERAL MANAGER TO UTILIZE THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF NATURAL GAS AT A COST NOT TO EXCEED \$1,500,000.00 FOR A PERIOD NOT TO EXCEED 18 MONTHS (GENERAL FUND – BUS EQUIPMENT & FACILITIES MAINTENACE DEPARTMENT BUDGET.

WHEREAS, on June 19, 2001 by Resolution 2001-81 the Board of Trustees authorized contract 2001-003 with Enron Energy Services/Clinton Energy for the supply of natural gas; and

WHEREAS, the Parent Company of Enron Energy Services, Clinton Energy and many of its subsidiaries have declared bankruptcy; and

WHEREAS, the bankruptcy filing creates a possibility that Enron Energy Services /Clinton Energy may be unable to provide natural gas under said contract; and

WHEREAS, it may be necessary to put a contract in place to assure an uninterrupted supply of natural gas to the Authority's buses and facilities; and

WHEREAS, the Cooperative Purchasing Act provides political subdivisions within the State of Ohio with the opportunity to participate in contracts executed by the State of Ohio, Department of Administrative Services, Office of State Purchasing, for the purchase of materials, services, equipment and certain supplies including natural gas; and

WHEREAS, Section 306.43(H)(4) of the Ohio Revised Code permits trustees of a regional transit authority to enter into agreements with state participants in said program; and

WHEREAS, the Board of Trustees authorized utilization of the State of Ohio Cooperative Purchasing Program in Resolution 1990-69; and

WHEREAS, the General Manager-Secretary Treasurer has deemed it in the best interest of the Authority to utilize the State of Ohio Cooperative Purchasing Program for the purchase of natural gas in the event that Enron energy/Clinton energy is unable to deliver natural gas.

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

Section 1. That the General Manager be and he is hereby authorized to enter into a contract with the contractor selected by the State of Ohio for the furnishing of natural gas in the event that he reasonably believes that Enron Energy Services/Clinton Energy will be unable to fulfill its obligations under contract 2001-003.

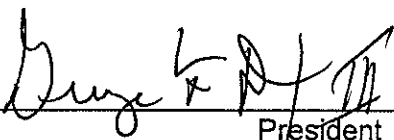
Section 2. That said authorization is granted under the authority granted by the Ohio Revised Code, Section 306.43(H)(4)

Section 3. That said contract shall be payable from the General Fund, Bus Equipment & Facilities Maintenance Department budgets, in an amount not to exceed one million five hundred thousand & 00/100 dollars (\$1,500,000.00) for a period not to exceed eighteen (18) months.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon funding for future years; compliance by the contractor to the Specification and Addenda, if any; the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2001-064; bonding and insurance requirements and all applicable laws relating to the contractual obligations of the Authority.

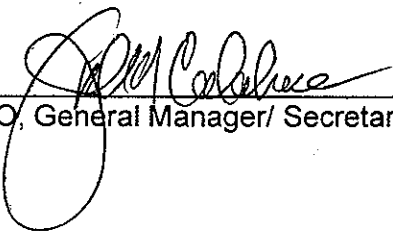
Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: December 18, 2001



President

Attest:



CEO, General Manager/ Secretary-Treasurer