

RESOLUTION NO. 2005-112

AUTHORIZING CONTRACT NOS. 2005-112 A-H WITH APPROXIMATELY 8 PRIVATE AND PUBLIC UTILITIES ("UTILITIES") IN A TOTAL SUM NOT TO EXCEED \$2,158,894.14 FOR PAYMENT BY THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY OF COSTS ASSOCIATED WITH THE ADJUSTMENT AND/OR RELOCATION OF CERTAIN FACILITIES OWNED AND OPERATED IN THE PUBLIC RIGHT-OF-WAY BY THE UTILITIES, AS NECESSARY FOR THE CONSTRUCTION OF THE EUCLID CORRIDOR TRANSPORTATION PROJECT – CONTRACT 38-CO3 (RTA DEVELOPMENT FUND - EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).

WHEREAS, the Greater Cleveland Regional Transit Authority (GCRTA) proposes to construct the Euclid Corridor Transportation Project – Contract 38-C03 (hereinafter "ECTP") in the public right-of-way the cities of Cleveland and East Cleveland; and

WHEREAS, UTILITIES own, operate and maintain facilities both within the existing public right-of-way and within areas that may be utilized by the ECTP; and

WHEREAS, the construction of the ECTP and the performance of the construction contracts therein may require certain facilities owned and operated in the public right-of-way by the UTILITIES to be adjusted and/or relocated; and

WHEREAS, both UTILITIES and the GCRTA desire to enter into agreements to set forth their mutual understanding and agreement concerning costs and expenses of the adjustments, relocation, replacement, or betterment of UTILITIES' affected facilities, including design and engineering costs associated with Contract 38-C03; and

WHEREAS, the costs GCRTA will be required to pay for the adjustments and relocations of UTILITIES' affected facilities have been determined and negotiated; and

WHEREAS, the sum of all of the costs and expenses of and related to construction of the utility adjustments, relocations and inspection agreed to by all of the UTILITIES shall not to exceed two million one hundred fifty eight thousand eight hundred ninety four and 14/100 dollars (\$2,158,894.14); and

WHEREAS, the General Manager/Secretary-Treasurer deems the cost and expenses to be fair and reasonable 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 General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to negotiate and enter into approximately eight (8) contracts with UTILITIES including Adesta LLC, Broadwing Communications LLC., The Cleveland Electric Illuminating Co., McLeod USA Telecommunications Service Inc., East Ohio Gas Co. dba Dominion East Ohio, MCI Worldcom Network Services, Inc., The Ohio Bell Telephone Co. dba SBC Ohio and XO Communications Inc. for GCRTA to pay costs and expenses of the adjustments and relocations of the facilities the UTILITIES own, operate and maintain, including design and engineering costs and inspecting, where the facilities are within the existing public right-of-way and within areas that may be utilized by the ECTP Contract 38-CO3.

Section 2. That said contracts shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department Budget, including but not limited to Capital Grant OH-03-0247 for a total contract amount not to exceed \$2,158,894.14 (\$1,727,115.32 in Federal funds which represents 80% of the total cost).

Section 3. That the General Manager/Secretary-Treasurer shall report to the GCRTA Board of Trustees monthly regarding contracts entered into that month, and the reports shall include each utility's name, scope of adjustments and relocations, and total amount GCRTA agreed to pay for costs and expenses of the adjustments and relocations of the facilities of that utility, including design and engineering and inspection costs;

Section 4. That each contract shall be binding upon and an obligation of the Authority contingent upon appropriation of funds for the current and future contract years and upon compliance by the utility or contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2005-051; 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.

Attachment A – Summary of Utility Agreements

Adopted: August 23, 2005

  
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President

Attest:   
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CEO, General Manager/Secretary-Treasurer

ATTACHMENT A

EUCLID CORRIDOR TRANSPORTATION PROJECT  
CONSTRUCTION WORK AUTHORIZATION FOR CONTRACT UNIT C-03

UTILITY	AMOUNT
Adesta LLC	\$8,400.00
Broadwing Communications LLC	\$4,608.00
East Ohio Gas Co. dba Dominion East Ohio*	\$130,000.00
First Energy dba The Cleveland Electric Illuminating Company*	\$1,974,290.56
The Ohio Bell Telephone Co. dba SBC Ohio*	\$27,150.00
MCI Worldcom Network Services, Inc.	\$3,920.00
McLeod USA Telecommunications Service, Inc.	\$1,980.00
XO Communications, Inc.*	\$8,545.58
<b>Total</b>	<b>\$2,158,894.14</b>

\* Utility will self perform adjustment and/or relocations