

RESOLUTION NO. 2021-84

RATIFYING CHANGE ORDER NO. 6 TO CONTRACT NO. 2020-163 WITH THE RUHLIN COMPANY FOR THE EMERGENCY SHORING OF THE WATERFRONT LINE BRIDGE IN AN AMOUNT NOT TO EXCEED \$717,100.00 FOR A TOTAL CONTRACT VALUE OF \$7,054,622.00 AND REINSTATING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER SIGNING AUTHORITY IN ITS ENTIRETY (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed it necessary to acquire construction services, as required, under Project 61F – Triskett Garage CNG Infrastructure Upgrades; and

WHEREAS, on December 15, 2020, the Board of Trustees approved Resolution No. 2020-92 authorizing Contract No. 2020-163 with The Ruhlin Company, located at 6931 Ridge Road, Sharon Center, Ohio 44274, in an amount not to exceed \$6,262,000.00; and

WHEREAS, in accordance with emergency procedures specified in the GCRTA Procurement Manual, an agreement was reached with The Ruhlin Company to work with GCRTA personnel and outside consultants to perform emergency shoring activities on the Waterfront Line Bridge; and

WHEREAS, on August 26, 2021, the President of the Board of Trustees gave approval to the General Manager, Chief Executive Officer for an emergency change order to Contract No. 2020-163 with The Ruhlin Company, in an amount not to exceed \$717,100.00, and ratification by the Board of Trustees of the emergency change order, Change Order No. 6, is necessary.

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

Section 1. That the Board of Trustees hereby ratifies the actions of the General Manager, Chief Executive Officer to execute Change Order No. 6 to Contract No. 2020-163 with The Ruhlin Company to provide construction services on an emergency basis without competitive procedures, pursuant to Ohio Revised Code Section 306.43 (H)(1)(a) for the emergency shoring of the Waterfront Line Bridge.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to execute a change order with The Ruhlin Company for the emergency shoring of the Waterfront Line Bridge, thereby increasing Contract No. 2020-163 in an amount not to exceed \$717,100.00.

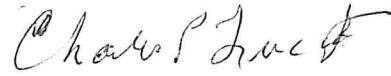
Section 3. That said increase shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to 100% Local funds, and pending Capital Grant OH-2021-050-307 in an amount not to exceed \$717,100.00, for a total contract value of \$7,054,622.00 (\$573,680.00 in federal funds which represents 80% of the total cost).

Section 4. That the General Manager, Chief Executive Officer's change order authority be reinstated in its entirety, in the amount of \$500,000.00.

Section 5. That all other terms and conditions of this contract will remain unchanged.

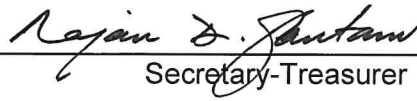
Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: September 14, 2021



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: RATIFICATION OF CHANGE ORDER TO CONTRACT NO. 2020-163 FOR EMERGENCY SHORING OF THE WATERFRONT LINE BRIDGE AND REINSTATEMENT OF THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S ORIGINAL SIGNING AUTHORITY VENDOR: THE RUHLIN COMPANY AMOUNT: \$717,100.00	Resolution No.: 2021-84
	Date: September 9, 2021
	Initiator: Engineering & Project Development
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 action will ratify an emergency change order, Change Order No. 6, to Contract No. 2020-163 with The Ruhlin Company and reinstate the General Manager, Chief Executive Officer's original signing authority. The Board of Trustees approved Resolution No. 2020-092 on December 15, 2020 with The Ruhlin Company for Triskett Garage CNG Infrastructure Upgrades. This change order is for emergency work to provide structural support to the Waterfront Line Bridge.

2.0 **DESCRIPTION/JUSTIFICATION:** GCRTA's Engineering Department, in conjunction with outside consultants, had determined that the health, safety, and ability of GCRTA to deliver transportation services were compromised by the structural cracking in the box beams of the Waterfront Line Bridge. Revenue service was stopped effective October 26, 2020.

On May 25, 2021, Resolution No. 2021-46 was approved by the Board of Trustees authorizing Contract No. 2020-197 with Hardesty & Hanover, LLC for Project 27Z-Engineering Services for the Waterfront Line Bridge Rehabilitation. During their initial review of bridge stability, Hardesty & Hanover, LLC identified four locations where shear cracks were increasing in size and length. On August 23, 2021, they advised the Authority that if the shear cracks continue to grow, the cracks could cause a sudden catastrophic failure.

3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(H)(1)(a) states that competitive solicitation is not required when an emergency exists that affects safety, welfare, or the ability to deliver transportation services. The GCRTA Procurement Manual contains procedures for emergency procurements. It states that upon receipt of a request for emergency procurement, the Procurement Department shall ascertain whether similar services, as requested, are currently under order as a result of a competitive procurement procedure. If a contract is already in place, the Procurement Department will contact the contractor to ascertain whether they can accommodate the emergency. The Ruhlin Company was already under contract with the Authority for similar work and agreed to work with internal GCRTA personnel and outside consultants to perform emergency actions to install structural supports to the bridge.

In accordance with procedures contained in the GCRTA Procurement Manual, on August 26, 2021, the need for the emergency work was presented to the President of the GCRTA Board of Trustees by GCRTA's Director of Procurement through delegation by the General Manager, Chief Executive Officer. Approval was given to proceed with the emergency change order to Contract No. 2020-163 with The Ruhlin Company, pending ratification by the Board of Trustees.

This action also seeks reinstatement of the General Manager, Chief Executive Officer's change order signing authority in the amount of \$500,000.00.

- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: An Affirmative Action review was not conducted and a DBE participation goal was not considered for this change order due to the nature of this emergency procurement.
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This increase shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to 100% Local funds and pending Capital Grant OH-2021-050-307, in an amount not to exceed \$717,100.00, for a total contract value of \$7,054,622.00 (\$573,680.00 in federal funds which represents 80% of the total cost).
- 7.0 ALTERNATIVES: Rejection of this action will allow for potential collapse of the bridge, as well as impairing ability to deliver transportation services to those passengers who depend on the Waterfront Line.
- 8.0 RECOMMENDATION: This emergency procurement was discussed by the Board of Trustees at the September 14, 2021 Operational Planning and Infrastructure Committee meeting. It is recommended that the Board of Trustees ratify Change Order No. 6 to Contract No. 2020-163 with The Ruhlin Company.
- 9.0 ATTACHMENT: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


General Manager, Chief Executive Officer