

RESOLUTION 2022-22

AUTHORIZING AN AMENDMENT TO AN EXISTING UTILITY AGREEMENT WITH CLEVELAND ELECTRIC ILLUMINATING COMPANY TO RELOCATE AN EXISTING DUCT BANK IN CONJUNCTION WITH EXTENDING ELECTRIC SERVICE TO THE NEW WARRENSVILLE VAN AKEN SUBSTATION (PROJECT NO. 60B) IN AN AMOUNT NOT TO EXCEED \$163,777.12

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") is constructing the Warrensville Van Aken Substation at a new location north and west of the former location at the end of the Blue Line in Shaker Heights, Ohio; and

WHEREAS, Cleveland Electric Illuminating Company ("CEI") is the electricity supplier at this location; and

WHEREAS, GCRTA has a need for electric service to be extended to the new location of the Warrensville Van Aken Substation; and

WHEREAS, GCRTA executed a utility agreement with CEI to extend electric service to the new substation for a total price not to exceed \$850,520.03.00; and

WHEREAS, GCRTA and the City of Shaker Heights need to relocate an existing CEI utility duct bank to facilitate transit-oriented development just east of the terminus of the Blue Line; and

WHEREAS, GCRTA must amend the utility agreement with CEI in order to perform this relocation, and CEI is willing to amend the agreement for a net increase of \$163,777.12, and to perform the duct bank relocation; and

WHEREAS, the Ohio Revised Code Section 306.43(H)(2) provides that competitive bidding is not required when the expenditure is for goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available; and

WHEREAS, CEI has been determined to be the only source for this work; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of CEI to be in the best interest of GCRTA 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 offer of CEI to relocate an existing duct bank in conjunction with the extension of electric service to the new Warrensville Van Aken Substation north and west of the terminus of the Blue Line in Shaker Heights, Ohio is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer be and is hereby authorized to amend the agreement with CEI to relocate the duct bank while constructing the extension of electric service to the new Warrensville Van Aken Substation.

Section 3. That said contract should be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to Capital Grant OH-2018-027, in an amount not to exceed \$49,479.97 (\$39,583.98 in federal funds which represents 80% of the cost), additional GCRTA local funding of \$32,408.59, and a contribution of \$81,888.56 from the City of Shaker Heights.

Section 4. That said agreement shall be binding upon and an obligation of the Authority contingent upon appropriation of funds; compliance by the contractor to the Specifications and Addenda thereto, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements, as applicable; and all applicable laws relating to contractual obligations of the Authority.

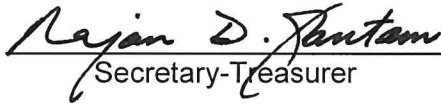
Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: February 15, 2022



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: CONTRACT: AMENDMENT TO UTILITY AGREEMENT TO EXTEND ELECTRIC SERVICE TO THE NEW WARRENSVILLE VAN AKEN SUBSTATION VENDOR: CLEVELAND ELECTRIC ILLUMINATING COMPANY ("CEI") AMOUNT: \$163,777.12	Resolution No.: 2022-22
	Date: February 10, 2022
	Initiator: Engineering & Project Management
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 resolution seeks Board approval for an amendment to a utility agreement with the Cleveland Electric Illuminating Company ("CEI") for the purpose of relocating an existing duct bank in conjunction with extending electric service to the new Warrensville Van Aken Substation located north and west of the terminus of the Blue Line in Shaker Heights, Ohio.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The existing duct bank crosses a parcel owned by the City of Shaker Heights ("City") that is available for transit-oriented development. Amending the utility agreement and relocating the existing duct bank into the right-of-way of Chagrin Road and Tuttle Road will facilitate the potential for transit-oriented development. It will also prevent future disruption of electrical service to the new Warrensville/Van Aken substation.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Does not apply.
- 6.0 **ECONOMIC IMPACT:** Amending the utility agreement will increase the cost of the electrical service installation by \$163,777.12. It is payable through the RTA Development Fund, Engineering and Project Development Department budget, including but not limited to Capital Grant OH-2018-027 for a total amount of \$49,479.97 (\$39,583.98 in federal funds which represents 80% of the cost), additional GCRTA local funding of \$32,408.59, and a contribution of \$81,888.56 from the City of Shaker Heights.
- 7.0 **ALTERNATIVES:** The RTA can refrain from amending the utility agreement with CEI at this time and utilize the existing duct line to install utility cabling and equipment. This approach would interfere with the City's plans for redevelopment of the site. Also, this approach would be inconsistent with the 1975 Mass Transit Transfer Agreement between Shaker Heights and GCRTA and the 2016 amendments thereto. Relocating the duct bank when the transit-oriented development site is under construction would interrupt electrical service to the new substation.

- 8.0 RECOMMENDATION: The amendment to the utility agreement was discussed with the Board of Trustees at the January 11, 2022 Operational Planning & Infrastructure Committee meeting and at the January 25, 2022 Committee of the Whole meeting. It is recommended that the Board of Trustees approve the resolution authorizing the General Manager, Chief Executive Officer to execute the amendment to the utility agreement with CEI.
- 9.0 ATTACHMENTS: None.

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



General Manager, Chief Executive Officer