

RESOLUTION NO. 2023-63

AUTHORIZING AN INCREASE TO CONTRACT NO. 2022-001 WITH THE JOHN F. GALLAGHER PLUMBING COMPANY FOR PROJECT 19.27 – HAYDEN GARAGE HVAC REPLACEMENT IN THE AMOUNT OF \$115,567.00 FOR A TOTAL CONTRACT AMOUNT OF \$602,285.18 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 Greater Cleveland Regional Transit Authority ("Authority") deemed it necessary to procure construction services, as specified, under Project 19.27 – Hayden Garage HVAC Replacement; and

WHEREAS, by Resolution No. 2022-34, the Board of Trustees authorized Contract No. 2022-001 in an amount of \$402,480.00 with The John F. Gallagher Plumbing Company, located at 36360 Lakeland Blvd., Eastlake, OH 44095, for the furnishing of said construction services; and

WHEREAS, the General Manager, Chief Executive Officer has authorized change orders with a net contract value of \$84,238.18, utilizing the change order signing authority prescribed in the Authority's Procurement Policies and Procedures Manual, for a current total contract amount of \$486,718.18; and

WHEREAS, the Authority now requires additional construction services to install service platforms for the HVAC units, under Project 19.27 – Hayden Garage HVAC Replacement; and

WHEREAS, The John F. Gallagher Plumbing Company has offered to provide these additional construction services at a total negotiated cost of \$115,567.00, resulting in a new total contact amount not to exceed \$602,285.18; and

WHEREAS, said increase will exceed the General Manager, Chief Executive Officer's change order signing authority; and

WHEREAS, the General Manager, Chief Executive Officer is seeking Board authority to reinstate her change order signing authority in its entirety; and

WHEREAS, the General Manager, Chief Executive Officer deems acceptance of the offer of The John F. Gallagher Plumbing Company, as negotiated, to be in the best interest of the Authority and recommends acceptance thereof.

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

Section 1. That the negotiated offer of The John F. Gallagher Plumbing Company to provide additional construction services under Project 19.27 – Hayden Garage HVAC Replacement, be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to amend Contract No. 2022-001 with The John F. Gallagher Plumbing Company to include these additional construction services.

Section 3. This change order shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, Capital Grant OH-2021-050-307 in an amount not to exceed \$115,567.00 (\$92,453.60 in federal funds which represents 80% of the change order cost), resulting in a new total contract amount not to exceed \$602,285.18.

Section 4. That the General Manager, Chief Executive Officer's change order signing authority be reinstated in its entirety.

Section 5. That all other terms and conditions of said contract shall remain unchanged.

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

Adopted: August 29, 2023



President

Attest:



Secretary/Treasurer



TITLE/DESCRIPTION: CONTRACT: INCREASE TO CONTRACT NO. 2022-001 FOR PROJECT 19.27 HAYDEN GARAGE HVAC REPLACEMENT VENDOR: THE JOHN F. GALLAGHER PLUMBING COMPANY AMOUNT: NTE \$115,567.00 AND REINSTATEMENT OF GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER SIGNING AUTHORITY	Resolution No.: 2023-63
	Date: August 24, 2023
	Initiator: Engineering & Project Development Department
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 allow the Greater Cleveland Regional Transit Authority ("Authority") to increase Contract No. 2022-001, Project 19.27 – Hayden Garage HVAC Replacement to add an integrated service platform to the HVAC unit curbs to enhance employee safety and to reinstate the General Manager, Chief Executive Officer's change order signing authority.

2.0 **DESCRIPTION/JUSTIFICATION:** This change order will allow the addition of an integrated service platform, which is needed due to an increase in unit height caused by the use of curb adapters for the new HVAC units. The original contract scope did not incorporate a service platform.

3.0 **PROCUREMENT BACKGROUND:** On May 25, 2022, the Board of Trustees, by Resolution No. 2022-34, authorized a contract with The John F. Gallagher Plumbing Company to perform general construction services for the Hayden Garage HVAC Replacement project in an amount of \$402,480.00. There have been five change orders issued to date, which have increased the contract by \$84,238.18. A Change Order Log is attached as reference.

Additional project scope requires that the Authority increase The John F. Gallagher Plumbing Company contract in an amount of \$115,567.00, which will result in a total contract amount of \$602,285.18. This change order will cause the total contract amount to exceed the General Manager, Chief Executive Officer's change order signing authority limit. This action also seeks reinstatement of the General Manager, Chief Executive Officer's change order signing authority.

The Change Order Committee has reviewed this change and recommended it be moved forward for approval.

4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 17% DBE goal was established for this procurement in April 2022. The John F. Gallagher Plumbing Company has agreed to maintain the established DBE participation goal through the use of its existing DBE firm.

5.0 **POLICY IMPACT:** Does not apply.

6.0 **ECONOMIC IMPACT:** This change order shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, Capital Grant OH-2021-050-307 in an amount not to exceed \$115,567.00 (\$92,453.60 in federal funds which represents 80% of the change order cost), resulting in a new total contract amount not to exceed \$602,285.18.

- 7.0 ALTERNATIVES: Rejection of this change order will prevent the addition of a safety measure that would mitigate hazards encountered when performing maintenance on the system.
- 8.0 RECOMMENDATION: It is recommended that this change order be accepted and the resolution passed authorizing the General Manager, Chief Executive Officer to modify the contract.
- 9.0 ATTACHMENTS: Change Order Log.

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

J. M. Wood, Ph.D., Acting

General Manager, Chief Executive Officer

**APPROVED CHANGE ORDERS HAYDEN GARAGE HVAC
REPLACEMENT
PROJECT NO. 19.27**

Contract# 2022-001

Contractor: The John F. Gallagher Plumbing Company

Original Contract Amount: \$402,480.00 Total G.M. C.O. Authority Remaining: \$15,761.82

Total Change Order Amount to Date: \$84,238.18 % Change to Date: 20.9%

C/O NO.	Change Order Description	Approval Date	Change Order Amount	New Contract Value
1	Increase unit size to new DOE Standards	8/19/2022	\$59,009.00	\$461,488.00
2	Emergency Repair Windermere Heating	9/15/2022	\$15,502.00	\$476,990.00
3	Emergency Plumbing Repair at Tower City	1/10/2023	\$2,853.18	\$479,843.18
4	Additional Emergency Repair Windermere Heating	2/27/2023	\$6,875.00	\$486,718.18
5	No cost time extension	7/20/2023	\$0.00	\$486,718.18