

RESOLUTION NO. 2024-20

AUTHORIZING AN INCREASE TO CONTRACT NO. 2023-030 WITH SUBURBAN MAINTENANCE & CONSTRUCTION, INC. FOR PROJECT 62A – REHABILITATION OF TRACK/PLATFORM BRIDGES OVER W. 117TH STREET IN THE AMOUNT OF \$765,000.00 FOR A TOTAL CONTRACT AMOUNT OF \$8,352,660.93 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 62A – Rehabilitation of Track/Platform Bridges over W. 117th Street; and

WHEREAS, by Resolution No. 2023-36, the Board of Trustees authorized Contract No. 2023-030 in the amount of \$7,563,549.00 with Suburban Maintenance & Construction, Inc., located at 16330 York Road, North Royalton, Ohio 44133, for the furnishing of said construction services; and

WHEREAS, the General Manager, Chief Executive Officer has authorized change orders with a net additional contract value of \$24,111.93, utilizing the change order signing authority prescribed in the Authority's Procurement Policies and Procedures Manual, for a current total contract amount of \$7,587,660.93; and

WHEREAS, work to be completed by Norfolk Southern Railroad was not completed in 2023, resulting in project delays; and

WHEREAS, the unexpected and unforeseeable delays require the Authority to increase the cost of the contract with Suburban Maintenance & Construction, Inc., under Project 62A – Rehabilitation of Track/Platform Bridges over W. 117th Street; and

WHEREAS, Suburban Maintenance & Construction, Inc. has offered to an extended project completion schedule at a total negotiated cost of \$765,000.00, resulting in a new total contract amount of \$8,352,660.93; 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 Suburban Maintenance & Construction, Inc., 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 Suburban Maintenance & Construction, Inc. to extend the schedule by 254 days for Project 62A – Rehabilitation of Track/Platform Bridges over W. 117th Street, 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. 2023-030 with Suburban Maintenance & Construction, Inc. to include these accumulated and unforeseen delay costs to Suburban Maintenance & Construction, Inc.


Section 3. This change order shall be payable from the RTA Development Fund, Engineering & Project Development Department budget, including 100% local funds in an amount not to exceed \$765,000.00, for a new total contract amount of \$8,352,660.93.

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: March 19, 2024



President

Attest: 

Secretary-Treasurer



TITLE, DESCRIPTION: CONTRACT: INCREASE TO CONTRACT NO. 2023-030 FOR PROJECT 62A REHABILITATION OF TRACK/PLATFORM BRIDGES OVER W. 117 TH STREET VENDOR: SUBURBAN MAINTENANCE & CONSTRUCTION, INC. AMOUNT: NOT TO EXCEED \$765,000.00 AND REINSTATEMENT OF GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER SIGNING AUTHORITY	Resolution No.: 2024-20
	Date: March 14, 2024
	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. 2023-030, Project 62A – Rehabilitation of Track/Platform Bridges over W. 117th Street and to reinstate the General Manager, Chief Executive Officer's change order signing authority.

- 2.0 **DESCRIPTION, JUSTIFICATION:** This change order is necessary to compensate Suburban Maintenance & Construction, Inc. for unexpected delays. Due to Norfolk Southern Railway work that was not completed in 2023, the project did not proceed as planned. That delay caused the project to run into the December 15-April 1 winter shutdown required by the City of Cleveland. A 254-calendar day extension (120 days for the winter shutdown) was added to the project's schedule as a result of these delays, moving the project completion into the end of 2025. The negotiated costs of this change are to compensate the contractor for this delay.

- 3.0 **PROCUREMENT BACKGROUND:** On May 16, 2023, the Board of Trustees, by Resolution No. 2023-36, authorized a contract with Suburban Maintenance & Construction, Inc. to perform construction services for the rehabilitation of the track/platform bridges over W. 117th Street in an amount of \$7,563,549.00. Change orders to date have included additions in the amount of \$24,111.93, resulting in a current contract total amount of \$7,587,660.93.

 The above-described delays will increase the cost of the contract with Suburban Maintenance & Construction, Inc. by an amount not to exceed \$765,000.00, which exceeds the General Manager, Chief Executive Officer's change order signing authority. Approval of this change order will increase the amount of this contract to \$8,352,660.93. This action also seeks reinstatement of the General Manager, Chief Executive Officer's change order signing authority. A Change Order Log is attached as reference.

 This change order was reviewed and recommended by the Change Order Committee.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. A 13% DBE goal was established for this procurement in May 2023. Suburban Maintenance & Construction, Inc. has agreed to maintain the established DBE participation goal through the use of its existing DBE firms.

- 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 100% local funds in an amount not to exceed \$765,000.00, for a new contract total amount of \$8,352,660.93.

- 7.0 ALTERNATIVES: Rejection of this change order would further delay this project and prolong completion.
- 8.0 RECOMMENDATION: This change order was presented to the Board of Trustees Operational Planning and Infrastructure Committee on March 5, 2024. It is recommended that this change order be accepted, and the resolution adopted 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.



General Manager, Chief Executive Officer

**APPROVED CHANGE ORDERS
REHABILITATION OF TRACK/PLATFORM BRIDGES OVER W. 117TH STREET**

Contract # 2023-030

Contractor: Suburban Maintenance & Construction, Inc.

Original Contract Amount: \$7,563,549.00

Total GM CO Authority Remaining: \$475,888.07

Total Change Order Amount to Date: \$24,111.93

%Change to Date: Less than 1%

CO No.	CO Description	Approval Date	CO Amount	Contract Value
1	Removal and installation of NeoGraf data line.	8/10/2023	\$16,524.00	\$7,580,073.00
2	Removal and installation of eleven platform speakers.	11/20/2023	\$4,196.92	\$7,584,269.92
3	Additional Rebar	11/22/2023	\$3,391.01	\$7,587,660.93