

RESOLUTION NO. 2023-74

DELEGATING TO THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER  
THE AUTHORITY TO AUTHORIZE CHANGE ORDERS UP TO \$6,500,000.00  
UNDER CONTRACT NO. 2021-125 - THE PURCHASE OF REPLACEMENT RAIL  
CARS

WHEREAS, the Board of Trustees of the Greater Cleveland Regional Transit Authority ("Authority"), under Resolution No. 2023-26, authorized Contact No. 2021-125 for the purchase of replacement rail cars in an amount not to exceed \$163,920,115.00; and

WHEREAS, the Codified Rules and Regulations of the Authority ("Code Book") Section 410.01 (8);, Delegation of Authority, authorizes the General Manager Chief Executive Officer to approve change orders on contracts in a net amount not to exceed five hundred thousand (\$500,000.00) for contracts over five million dollars (\$5,000,000.00); and

WHEREAS, Code Book Section 410.01(8) also states that the Board may, by resolution, vary these limits for particular contracts or projects; and

WHEREAS, delay in the approval of change orders under Contract No. 2021-125 will negatively impact the procurement of new rail cars by causing delays in delivery schedules and cost increases; and

WHEREAS, staff recommends an increase in the delegation of change order authority to the General Manager, Chief Executive Officer under Contract No. 2021-125 up to the amount of \$6,500,000.00.

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 delegates to the General Manager, Chief Executive Officer the authority to authorize change orders up to the amount of \$6,500,000.00 under Contract No. 2021-125 -- the purchase of replacement rail cars.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to approve change orders on said contract at the new established limit.

Section 3. That this resolution shall become effective immediately upon its adoption.

Adopted: September 26, 2023



\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary-Treasurer



TITLE/DESCRIPTION: INCREASING THE GENERAL MANAGER, CHIEF EXECUTIVE OFFICER'S CHANGE ORDER AUTHORITY TO \$6,500,000.00 FOR CONTRACT NO. 2021-125 – PURCHASE OF REPLACEMENT RAIL CARS	Resolution No.: <b>2023-74</b>
	Date: September 21, 2023
	Initiator: Executive 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: Through this resolution, the Board of Trustees of the Greater Cleveland Regional Transit Authority (“Authority”) will delegate to the General Manager, Chief Executive Officer the ability to approve change orders under Contract No. 2021-125, the purchase of replacement rail cars, up to an amount not to exceed \$6,500,000.00, in aggregate.
- 2.0 DESCRIPTION/JUSTIFICATION: On April 18, 2023, the Board of Trustees authorized Resolution No. 2023-26 with Siemens Mobility, Inc. for the Design, Manufacture and Delivery of up to Twenty-Four (24) High Floor Light Rail Vehicles, Spare Parts, Tooling, and Training, with an option to procure up to Thirty-Six (36) additional High Floor Light Rail Vehicles to be exercised within Seven (7) years of Contract Signature in an amount not to exceed \$163,920,115.00. Pursuant to the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority (“Code Book”) Section 410.01(8), Delegation of Authority, the General Manager is authorized to “...approve change orders on contracts in a net amount not to exceed five hundred thousand (\$500,000.00) for contracts over five million dollars (\$5,000,000.00).” It also provides that “[t]he Board may, by resolution, vary these limits for particular contracts or projects.” This resolution will authorize an increase in the change order authority only for Contract No. 2021-125 up to an amount not to exceed \$6,500,000.00, in aggregate.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This action is consistent with the Board’s Policy on Delegation of Authority, Section 401.01(8) of the Code Book.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Reject this request. Rejection of this request would leave the Authority without the ability to facilitate timely change orders, thereby negatively impacting the procurement of new rail cars by causing delays in delivery schedules and cost increases.
- 8.0 RECOMMENDATION: This request was discussed by the Board of Trustees at the September 12, 2023 Committee of the Whole meeting. It is recommended that the resolution be adopted.
- 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