

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Granting Request of J.D. Williamson Construction Company to Withdraw its Bid and Approving the Selection of Kokosing Construction Company to Perform the Repairs and Rehabilitation of Four Bridges in Erie and Lorain Counties (Project No. 43-17-03) for the Total Amount of \$4,770,825.00 and Approving the Assignments of Osborn Engineering and CTL Engineering to Perform the Professional Services for Constructing the Project**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Bridge Deck Repair and Rehabilitation of Arlington Road over the Ohio Turnpike at Milepost 122.3, Joppa Road over the Ohio Turnpike at Milepost 128.5, Dean Road over the Ohio Turnpike at Milepost 132.4, and West River Road over the Ohio Turnpike at Milepost 145.8, located in Erie and Lorain Counties, Ohio, herein designated Contract No. 43-17-03; and

WHEREAS, expenditures for the award to be made under Contract No. 43-17-03 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for award of the Contract or the rejection of bids; and

WHEREAS, the Commission received three bids via Bid Express for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission's Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer reports that the apparent low bid for the performance of Contract No. 43-17-03 was submitted by J.D. Williamson Construction Company of Tallmadge, Ohio ("J.D. Williamson"), in the amount of \$3,799,476.25, however, the bidder requests to withdraw its bid due to a substantial omission in the concrete and falsework bid items; and

WHEREAS, the Director of Contracts Administration advises that the request of J.D. Williamson Construction to withdraw its bid meets the requirements of the Bidding Documents by demonstrating that it unintentionally omitted a substantial quantity of work through a clerical mistake and, therefore, the Commission may lawfully accept the request to withdraw its bid; and

WHEREAS, the Chief Engineer and Director of Contracts Administration advise that it is in the best interest of the Commission to grant the request of J.D. Williamson Construction to withdraw its bid, and the Chief Engineer and Assistant Chief Engineer report that Kokosing Construction Company of Columbus, Ohio submitted the lowest responsive and responsible bid to perform the Contractor's obligations for the Project in the total bid amount of \$4,770,825.00, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Director of Contracts Administration advises that bids for Project No. 43-17-03 were solicited from all bidders on the basis of the same terms, conditions and specifications, that the bid of Kokosing Construction Company for Project No. 43-17-03 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that Kokosing Construction Company submitted a performance bond with good and sufficient surety and made a good faith effort to attain the participation of disadvantaged businesses in the Project; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer, Assistant Chief Engineer and the Director of Contract Administration and concurs in the recommendation to select Kokosing Construction Company as the lowest responsive and responsible bidder for Project No. 43-17-03; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the request by J.D. Williamson to withdraw its bid is granted, and that the bid of Kokosing Construction Company in the amount of \$4,770,825.00 for Project No. 43-17-03 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a Contract based on said bid; and

FURTHER RESOLVED that the Executive Director and the Chief Engineer are authorized to assign Osborn Engineering, of Cleveland, Ohio, to perform all necessary construction administration and inspection services in accordance with its contract previously authorized under Resolution No. 1-2016, and to assign CTL Engineering, Inc. to perform the materials testing services in accordance with the 2017-2018 Miscellaneous Engineering Services Agreement; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts as a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

**(Resolution No. 3-2017 adopted January 23, 2017)**