

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract No. 53-11-01 and 53-11-02

WHEREAS, the Commission has duly advertised according to law for bids upon Contracts for the reconstruction of the Mahoning Valley and Glacier Hills Service Plazas, located at Milepost 237.2 in Mahoning County, Ohio, designated as **Contract No. 53-11-01 and 53-11-02**; and

WHEREAS, the subject Service Plaza Reconstruction Project was divided into Bid Packages representing five (5) trades: Site Work (Bid Package A), General Trades (Bid Package B), HVAC/Mechanical (Bid Package C), Plumbing (Bid Package D), Electrical (Bid Package E), and bidders were given the option to submit a "Combination Bid" for all of the aforementioned Packages to perform all the work at both Service Plaza locations (Bid Package F); and

WHEREAS, the Contract Documents for the Project's Site Work (Bid Package A) also requested alternate bids for roller compacted concrete pavement (Pavement Alternate A) and/or asphaltic concrete pavement (Pavement Alternate B); and

WHEREAS, expenditures for the award(s) to be made under Contract No. 53-11-01 and 53-11-02 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 said Contract award(s); and

WHEREAS, on December 17, 2010, the Commission received bids from twenty-six (26) bidders for the performance of the various Prime Contracts (Bid Packages A through E), but no Combination Bids for the Project were received; and

WHEREAS, the Director of Contracts Administration has advised the Commission that the apparent low bidder for both the HVAC/Mechanical (Bid Package C) and the Plumbing Trades (Bid Package D), **W. G. Tomko, Inc., LLC, of Finleyville, Pennsylvania**, submitted Contract Bonds for both Packages that have been determined to be deficient and unacceptable, and, therefore these bids are not responsible and must be rejected; and

WHEREAS, the remaining apparent low 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 advises that the following bids for the performance of Bid Packages A, B, C, D and E under Contract No. 53-11-01 and 53-11-02 are all below the Engineer's estimate and have been determined to be the lowest responsive and responsible bids received:

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
A - Site Work	Miller Brothers Construction Company, Inc. Archbold, Ohio	\$12,686,701.39*
B - General Trades	Reginella Construction Company, Ltd. Pittsburgh, Pennsylvania	9,930,730.00
C - HVAC/Mechanical	Roth Bros., Inc. Youngstown, Ohio	2,399,660.00
D - Plumbing	The Conti Corporation Lowellville, Ohio	1,209,622.00
E - Electrical	Penn-Ohio Electrical Company Masury, Ohio	3,426,369.00
<i>Total Awards</i>		<u>\$29,653,082.39</u>

**The Site Work Bid includes the award of Roller Compacted Concrete Pavement (Pavement Alternate A) for the Project site, as set forth in the Contract Documents.*

WHEREAS, the Commission has been advised by the Director of Contracts Administration that: 1) all bids for Contract No. 53-11-01 and 53-11-02 were solicited on the basis of the same terms and conditions and the same specifications, 2) the identified lowest responsive and responsible bids of the above-identified contractors for each Bid Package under Contract No. 53-11-01 and 53-11-02 conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and 3) a bid

guaranty and performance bond of good and sufficient surety has been submitted by each such bidder; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission that it reject the bids of W. G. Tomko, Inc. for Bid Package C and Bid Package D, and award Contract No. 53-11-01 and 53-11-02 Bid Package A with Pavement Alternate A to Miller Brothers Construction Company, Inc., Bid Package B to Reginella Construction Company, Ltd., Bid Package C to Roth Bros., Inc., Bid Package D to The Conti Corporation, and Bid Package E to Penn-Ohio Electrical Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of W. G. Tomko, Inc. for the HVAC/Mechanical Trades Work (Bid Package C) and for the Plumbing Trades Work (Bid Package D), are deemed non-responsible and are hereby rejected in accordance with Article 6 of the Instructions to Bidders for Contract No. 53-11-01 and 53-11-02, as well as Ohio Revised Code Section 153.54, which govern Contract Bonding requirements; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,653,082.39** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-11-01 and 53-11-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc. of Archbold, Ohio** in the amount of **\$12,686,701.39**, the General Trades Contract with **Reginella Construction Company, Ltd. of Pittsburgh, Pennsylvania** in the amount of **\$9,930,730.00**, the HVAC/Mechanical Trades Contract with **Roth Bros., Inc. of Youngstown, Ohio** in the amount of **\$2,399,660.00**, the Plumbing Trades Contract with **The Conti Corporation of Lowellville, Ohio** in the amount of **\$1,209,622.00**, and the Electrical Contract with **Penn-Ohio Electrical Company of Masury, Ohio** in the amount of **\$3,426,369.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of the bidders of their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hill International of North Canton, Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and Hill International as previously authorized by Resolution 41-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc. of Cleveland, Ohio** (the Project Architect) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 27-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **ms consultants, inc. of Youngstown, Ohio** (the Project Site Design Consultant) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and ms consultants, inc., as previously authorized by Resolution 4-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Brownfield Restoration Group, LLC of , Akron Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering Services Agreement specific to this Project between the Ohio Turnpike Commission and Brownfield Restoration Group, LLC, as previously authorized by Resolution 28-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CTL Engineering, Inc.**, of **Columbus, Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2011-2012 General Engineering Services Agreement between the Ohio Turnpike Commission and CTL Engineering, Inc.; and

[FURTHER RESOLVED that Project No. 53-11-01 and 53-11-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]

(Resolution No. 1-2011 adopted January 24, 2011)