

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract No. 64-09-01

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for LED Variable Message Signs to be installed at 31 Interchanges in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull & Mahoning Counties as part of the new Toll Collection System; and

WHEREAS, expenditures for the award(s) to be made under Contract No. 64-09-01 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; and

WHEREAS, on January 26, 2009, the Commission received bids from six bidders for the performance of Contract No. 64-09-01; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's Consultant for this Project and the Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Commission's Consultant has reviewed the apparent low bid and has reported to the Chief Engineer that the bid, as submitted by **MC Sign Company of Mentor, Ohio**, in the total amount of **\$4,419,522.50**, does not comply with the Specifications set forth in the Contract Documents for this Project and, therefore, is non-responsive; and

WHEREAS, the Commission's Consultant has reviewed the apparent second low bid and has reported to the Chief Engineer that the bid, as submitted by **Miller Cable Company of Green Springs, Ohio**, in the total amount of **\$4,544,000.00**, conforms with the Specifications set forth in the Contract Documents and, therefore, is the lowest responsive and responsible bid received; and

WHEREAS, the Commission has been advised by the Director of Contracts Administration that all bids for Contract No. 64-09-01 were solicited on the basis of the same terms and conditions and the same specifications, that the lowest responsive and responsible bid of Miller Cable Company for Contract No. 64-09-01 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by said bidder; and

WHEREAS, the Director of Contracts Administration has further advised that, pursuant to the Bidding Documents for Contract No. 64-09-01 and Ohio Revised Code Section 5537.07 (A), the Commission expressly reserves the right to reject any and all bids, and that the Commission may reject the bid of MC Sign Company as non-responsive; and

WHEREAS, the Director of Contracts Administration has also indicated that, as provided for in the Bidding Documents and pursuant to Ohio Revised Code Section 9.312, only after the opportunity for objections by the rejected bidder has passed or the Commission affirms the rejection after the conduct of a meeting that may be requested by the rejected bidder, may the Commission then legally enter into a Contract with Miller Cable Company for Contract No. 64-09-01; 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 analysis, has made his recommendation to the Commission that the bid submitted by MC Sign Company be rejected, and that, when appropriate, a Contract be awarded to the lowest responsive and responsible bidder, Miller Cable Company, for Contract No. 64-09-01 in the amount of \$4,544,000.00; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of MC Sign Company is deemed non-responsive and is rejected; and

FURTHER RESOLVED that the bid of **Miller Cable Company of Green Springs, Ohio**, in the total amount of **\$4,544,000.00**, for the performance of Contract No. 64-09-01 is, and is by the Commission, determined to be the lowest responsive and responsible bid received, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) at the earliest time permitted under the Bidding Documents or, in the event objections are filed with the Director of Contracts Administration by the rejected bidder, only after the Commission's affirmation of the rejection, execute a Contract with Miller Cable Company in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to 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 bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **ms consultants, inc. of Youngstown, Ohio**, to Contract No. 64-09-01 for the purpose of performing construction administration services, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and ms consultants, inc.; and

[FURTHER RESOLVED that Project No. 64-09-01 is designated a System Project under the Commission's 1994 Master Trust Agreement.]

(Resolution No. 3-2009 adopted February 9, 2009)