

OHIO TURNPIKE COMMISSION

Resolution Concerning Award of Contract Pursuant to Invitation No. 4077 Purchase of Eight (8) Current Model, Full Size Cargo Vans and the Disposal of Eight (8) Existing Cargo Vans

WHEREAS, the Commission has advertised for bids under Invitation No. 4077 for the purchase of eight (8) current model, full sized cargo vans to the Commission under Invitation No. 4077; and

WHEREAS, Ohio Revised Code Section 125.832 (effective July 6, 2006) grants “exclusive authority” to the Ohio Department of Administrative Services (“ODAS”) “over the acquisition and management of all motor vehicles [under 12,000 lb. GVWR] used by state agencies.” The definition of “state agencies” pursuant to this Code section includes the Ohio Turnpike Commission; and

WHEREAS, unless delegated by ODAS to a state agency, such exclusive authority includes the requirement that the Commission obtain approval from ODAS prior to the purchase or lease by the Commission of any motor vehicles; and

WHEREAS, ODAS has authorized the Commission to proceed with the proposed purchases of the eight (8) cargo vans via a separate Invitation because the vehicles, as specified, are not available under ODAS State Term Contract; and

WHEREAS, the expenditures of the Commission for the purchase of the eight (8) cargo vans under Invitation No. 4077 will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, four (4) bids were received in response to Invitation No. 4077, and such bids have been reviewed and analyzed by the Commission’s Maintenance Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that the apparent low bid was submitted by **White Allen Chevrolet of Dayton, Ohio** in the total amount of \$159,200.00 (with unit prices for the vans totaling \$19,900.00 each), however, this bidder’s bid did not meet the specifications requiring that the side and rear window be capable of opening and, therefore, is non-responsive and cannot be considered for award; and

WHEREAS, the Maintenance Engineer further reports that the second low bid was submitted by **Whiteside Chevrolet Olds, Inc. of St. Clairsville, Ohio** in the total amount of **\$159,920.00** (with unit prices for the vans totaling \$19,990.00 each), and that this bidder proposes to furnish the cargo vans in accordance with the Commission’s specifications; and

WHEREAS, the eight (8) existing cargo vans identified for replacement shall be disposed of in accordance with the Commission’s Property Disposal Policy; and

WHEREAS, the Commission has been advised by its Director of Contracts Administration that the low bidder, White Allen Chevrolet, failed to sign the Bid Guaranty as principal and also failed to properly sign and have notarized the Bidder’s Affidavit, and coupled with its failure to propose a cargo van that meets the Commission’s specifications, the bid is not responsive and not responsible and, therefore, should be rejected; and

WHEREAS, the Commission has also been further advised by its Director of Contracts Administration that all bids for Invitation No. 4077 were solicited on the basis of the same terms, conditions and specifications, that the bid of Whiteside Chevrolet Olds, Inc. conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a bid guaranty/performance bond of good and sufficient surety has been submitted by said bidder; and

WHEREAS, the Executive Director has reviewed the reports of both the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has recommended to the Commission that the bid of White Allen Chevrolet be rejected and that a Contract in the amount of \$159,920.00 be awarded to Whiteside Chevrolet Olds, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **White Allen Chevrolet** of **Dayton, Ohio** is deemed not responsive and not responsible and is rejected; and

FURTHER RESOLVED that the bid of **Whiteside Chevrolet Olds, Inc.** of **St. Clairsville, Ohio** in the amount of \$159,920.00 under Invitation No. 4077 is, and is by the Commission deemed to be the lowest responsive and responsible bid received, and is accepted, and the Chairperson and Executive Director, or either of them, is hereby authorized: (1) to execute a Contract in the amount of **\$159,920.00** with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) to direct the return to the bidders of their bid security at such time as Whiteside Chevrolet Olds, Inc. has entered into a Contract; and (3) to take any and all action necessary to properly carry out the terms of said Contract.

FURTHER RESOLVED that the Commission's Executive Director and Purchasing Manager are authorized to proceed with the disposal of the eight (8) cargo vans identified for replacement by the Commission's Maintenance Engineer in accordance with the Commission's Property Disposal Policy.

(Resolution No. 43 - 2007 adopted October 15, 2007)