

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving a Modification to the Contract with KS Associates, Inc. to Perform Additional Phase II Construction Administration and Inspection Services Under Project No. 43-22-03 for an Aggregate Not-to-Exceed Amount of \$885,886.03

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) selected KS Associates, Inc. (“KS”), to perform the professional engineering services for the Bridge Removal of the Ohio Turnpike over Abandoned Railroad at Milepost 98.9 and the Bridge Deck Replacement of the Ohio Turnpike Over S.R. 510 at Milepost 99.1, in Sandusky County, Ohio, designated as Project 71-19-02 (the “Project”), on the dates noted and for the scopes of work identified below:

SERVICES/FEES APPROVED TO DATE

| CONTRACT | SERVICES | FEE PROPOSAL | APPROVAL | AMOUNT |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|---------------------|
| Original Contract | Phase I Services – Project No. 71-19-02 – site inspection, engineering report, design and plan preparation services | July 26, 2019 | Resolution 36-2019 | \$324,093.00* |
| First Modification | Additional Phase I Services – Project No. 71-19-02 – design and plan development for the remediation of a slope failure within project limits | January 21, 2020 | Chief Engineer Approval | \$16,533.77 |
| Second Modification | Phase II Services – Project No. 43-22-03 – Construction Administration and Inspection Services | January 7, 2022 | Resolution 3-2022 | \$511,064.94 |
| TOTAL AMOUNT TO DATE: | | | | \$851,691.71 |

PROPOSED SERVICES/FEES

| CONTRACT | SERVICES | FEE PROPOSAL | APPROVAL | AMOUNT |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------|-----------------|---------------------|
| <i>Third Modification</i> | Additional Phase II Services – Project No. 43-22-03 – additional construction administration and inspection services | January 25, 2024 | <i>Proposed</i> | \$34,194.32 |
| TOTAL AMOUNT WITH MODIFICATION: | | | | \$885,886.03 |

* Resolution No 26-2019 authorized an agreement with KS in a not-to-exceed amount of \$382,289.00; however, the executed contract was in a lower amount of \$324,093.00

WHEREAS, KS submitted a fee proposal dated January 25, 2024, in the not-to-exceed amount of \$34,194.32, to perform additional Phase II Construction Administration and Inspection Services on Project No. 43-22-03 which were required due to the extension of the Construction Project’s Substantial and Final Completion dates, which fee proposal the Chief Engineer deemed reasonable and appropriate; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs that the Commission should approve and authorize the additional Phase II Services, as the services are in furtherance of and are necessary for implementing the work required under Project No. 43-22-03; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission’s Code of Bylaws because the proposed contract modification, in addition to the

previously approved modifications, exceeds the greater of \$150,000 or 10% of the original contract amount; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the fee proposal from KS Associates, Inc. dated January 25, 2024 to perform the additional Phase II Construction Administration and Inspection Services, specifically described in the recitals, under Project No. 71-19-02 for Construction Project No. 43-22-03, in the not-to-exceed amount of \$34,194.32, is approved, and the Executive Director is authorized to amend the contract with KS Associates, Inc. to perform the additional Phase II Services in accordance with the terms and conditions of the existing contract and KS Associates, Inc.'s fee proposal dated January 25, 2024, resulting in an aggregate not-to-exceed contract amount of \$885,886.03.

(Resolution No. 18-2024 adopted February 20, 2024)