

TCS MODERNIZATION PROJECT

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving Change Orders on the Contract with The Beaver Excavating Company for Project No. 39-20-01 for an Aggregate Total Contract Amount of \$80,717,677.30

WHEREAS, pursuant to Resolution No. 59-2020, approved on September 21, 2020, the Ohio Turnpike and Infrastructure Commission (the “Commission”) approved a construction contract with The Beaver Excavating Company in the amount of \$67,594,181.85 for Part A - Mainline Pavement Reconstruction at Milepost 0.00 to Milepost 7.26, Part B - Toll Plaza 4 Site Construction at Milepost 3.5, and Part C - Toll Plaza 4 Wetland Construction, at Milepost 3.6, all in Williams County, Ohio, designated as Project No. 39-20-01 (the “Project”); and

WHEREAS, the parties entered into a First Amendment to the Contract dated October 19, 2020, to incorporate the IRT Concession Company LLC Property Waiver of Liability, Assumption of Risk and Indemnity Agreement, required because a portion of the work occurred on the Indiana Toll Road; and

WHEREAS, pursuant to Resolution No. 42-2021, approved on July 19, 2021, the Commission approved change orders on the Project in the amount of \$242,379.10, bringing the total contract value to \$67,836,560.95; and

WHEREAS, the Executive Director approved change orders in the amount of \$6,511,799.47, each of which was separately approved by the Executive Director or Chief Engineer/Deputy Executive Director under the authority of Article V, Section 1.00 of the Code of Bylaws, bringing the total contract value to \$74,348,360.42; and

WHEREAS, the Commission’s Engineering staff reports there are three pending change orders that have yet to be approved on the Project with a net value of \$6,369,316.88, which includes costs related to an additional time needed to complete the project; and

WHEREAS, Commission approval is necessary because the value of the pending change order in combination with the value of the previously approved change orders result in a total change order value on the Project of \$13,123,495.45 which exceeds the greater of \$150,000 or 10% of the original contract amount; and

WHEREAS, the Construction Engineer recommends that the Commission approve the change order described above, and her report is currently before the Commission; and

WHEREAS, the Chief Engineer/Deputy Executive Director and the Executive Director have reviewed the recommendation submitted by the Construction Engineer and concur with the recommendation to approve the change order as described above; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the pending change orders on the Project, as set forth in the recitals above, in the amount of \$6,369,316.88 are approved, and the Executive Director is authorized to modify the construction contract with The Beaver Excavating Company by issuing such change orders, subject to the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate contract amount not to exceed \$80,717,677.30.

(Resolution No. 84-2024 adopted August 19, 2024)