

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## Resolution Awarding a Contract for the Purchase of Hot-Pour, Ready-Mixed Joint Sealant under Invitation No. 4261

WHEREAS, the Commission advertised an Invitation for Bids to furnish the approximate quantity of 540,000 pounds of hot-pour, ready-mixed joint sealant under Invitation No. 4261; and

WHEREAS, the Commission received four bids in response to the Invitation, and the Commission's Maintenance Engineer reviewed and analyzed the timely bids submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that McAsphalt Industries Limited, of Toronto, Ontario ("McAsphalt"), submitted the apparent low bid at a unit price of \$0.2889 per pound, and CrafcO, Inc., of Chandler, Arizona ("CrafcO"), submitted the second low bid in the amount of \$0.2987 per pound; and

WHEREAS, the Commission established a Buy Ohio Policy under the authority of Section 125.11(E) of the Ohio Revised Code through Resolution No. 26-2008, adopted June 16, 2008, as revised under Resolution No. 30-2012, adopted June 18, 2012, which emulates the model system of preferences set forth in Section 123:5-1-11 of the Ohio Administrative Code to give a preference to an Ohio bidder offering a bid price that does not exceed the lowest non-Ohio bidder by more than five percent; and

WHEREAS, McAsphalt does not produce its joint sealant in Ohio, does not have any Ohio employees or otherwise have a significant economic presence in Ohio, while CrafcO manufactures the joint sealant in Ohio and offers a bid price that is only 3.4% higher than the apparent low bid of McAsphalt; and, consequently, CrafcO is eligible to receive the preference under the Buy Ohio Policy over McAsphalt; and

WHEREAS, the Director of Contract Administration advises that CrafcO qualifies for consideration as the lowest responsive and responsible bidder under the application of the Commission's Buy Ohio Policy, that all bids were solicited on the basis of the same terms, conditions and specifications, and that the bid of CrafcO was accompanied by a bid guaranty with good and sufficient surety and complies with the requirements of Sections 5537.07 and 9.312 of the Ohio Revised Code; and

WHEREAS, the Maintenance Engineer reports that the bid of CrafcO conforms with the bid specifications in all material respects, observed that CrafcO has satisfactorily furnished similar material previously to the Commission, and recommends that the Commission select the bid of **CrafcO, Inc.** as the lowest responsive and responsible bid received on Invitation No. 4261, in the amount of \$0.2889 per pound, which may result in a total contract price of **\$169,362.90** if the maximum delivery variance of five percent from the approximate quantity of 540,000 pounds is reached; and

WHEREAS, the amount of the bids received identify expenditures under Invitation No. 4261 that will exceed \$150,000.00, and Commission action is necessary to execute the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of **CrafcO, Inc.**, of **Chandler, Arizona**, on Invitation No. 4261, to deliver an approximate quantity of 540,000 pounds of hot-pour, ready-mixed joint sealant for its bid price of \$0.2987 per pound, which may result in a total contract price of **\$169,362.90** if the maximum delivery variance of five percent from the approximate quantity of 540,000 pounds is reached, is approved as the lowest responsive and responsible bid received, and that the Executive Director is authorized to execute a Contract on the basis of said bid.

**(Resolution No. 15-2016 adopted February 16, 2016)**