

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Amending Resolution No. 38-2017 to Rescind and to Re-Award the Contract for the Removal and Disposal of Waste, Storm and Floor Drain Water and Rejecting All Bids Received for Items 1 and 3 Under Invitation to Bid No. 4299

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) advertised by public notice an Invitation for Bids to provide its requirements for furnishing removal, transport and disposal of wastewater sludge and floor drain/storm water treatment waste for a twelve-month period under Invitation to Bid No. 4299; and

WHEREAS, the Commission received three bids in response to the Invitation, and under Resolution No. 38-2017 adopted August 21, 2017, the Commission selected Bear Environmental, LLC for award of Item 2 and Group B of Items 4, 5, 6 and 7 in the total estimated amount of \$187,660.00 and selected Adkins Sanitation, Ltd. for award of Item 1 and Item 3 and Group A of Items 4, 5, 6, and 7 in the estimated amount of \$126,290.00; and

WHEREAS, under the terms of the Invitation to Bid No. 4299 the selected bidders are afforded ten days after notice of award to fulfill the conditions precedent for contract execution, and Adkins was issued notice that Commission selected its bid for award on August 22, 2017; and

WHEREAS, the Department of Contracts Administration made multiple follow up attempts to obtain the documentation necessary for contract execution after the ten-day deadline expired, and the Commission received notice on September 11, 2017 that Adkins was dishonoring its bid pricing and refusing to execute the contract based on the bid previously accepted and approved for award; and

WHEREAS, Adkins failure to fulfill the conditions precedent and execute the awarded contract entitles the Commission to reject and rebid or select the next lowest bid as the lowest responsive and responsible bidder for award, and further entitles the Commission retain the bid guaranty that Adkins Sanitation furnished to secure its execution of the contract as liquidated damages resulting from the difference in price and/or rebidding the contract for the services required under Invitation No. 4299; and

WHEREAS, the Maintenance Engineer reports in a memorandum dated September 12, 2017 that the second low bids received for Item 1 and Item 3 significantly exceed the budgeted estimate, but the second low bids received from Bear Environmental for Group A of Items 4, 5, 6 and 7 reasonably conform to budget estimates and awarding those items to Bear Environmental rather than Adkins Sanitation based on its disavowed bid will result in an \$8,510.00 increase to the estimated costs for the services; and

WHEREAS, the Maintenance Engineer recommends rescinding the selection of Adkins Sanitation previously made under Resolution 38-2017, amending the award to Bear Environmental to include Group A of Items 4, 5, 6 and 7, in addition to the Items previously awarded for Item 2 and Group B of Items 4, 5, 6 and 7, as the lowest responsive and responsible bidder for those Items, and rejecting all bids received under Invitation No. 4299 for Items 1 and 3; and

WHEREAS, the Executive Director reviewed the report of the Maintenance Engineer and concurs with the recommendation to approve rescinding the award to Adkins Sanitation, amending the selection of Bear Environmental as the lowest responsive and responsible bidder to include Group A of Items 4, 5, 6, and 7 and rejecting all bids received for Item 1 and Item 3; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that Resolution No. 38-2017 is amended to rescind the award to Adkins Sanitation, Ltd., modify the selection of Bear Environmental, LLC as the lowest responsive and responsible bidder to include Group A of Items 4, 5, 6 and 7 in addition to those previously awarded for Item 2 and Group B of Items 4, 5, 6 and 7, and reject all bids received under Invitation No. 4299 for Item 1 and Item 3; and

FURTHER RESOLVED unless modified under this Resolution or otherwise necessary to effectuate its intent, all provisions contained in Resolution No. 38-2017 and not inconsistent with this Resolution shall remain unchanged and in full force and effect.

(Resolution No. 47-2017 adopted September 18, 2017)