

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving the Selection of Miller Brothers Construction, Inc. for Project No. 43-20-02 A&B for the Total Amount of \$3,537,497.40 and Approving E.L. Robinson Engineering of Ohio and CTL Engineering to Perform Professional Services on the Project**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a contract for bridge deck repair and rehabilitation work at Tedrow-Morenci Road (C.R. 17-3) over Ohio Turnpike M.P. 31.4, Winameg-Lyons Road (T.R. 11) over Ohio Turnpike M.P. 38.3, and Heller-Lyons Road (T.R. 10) over Ohio Turnpike M.P. 39.3, in Fulton County (“Part A”) and bridge repairs at Tedrow-Morenci Road (C.R. 17-3) over Ohio Turnpike M.P. 31.4 and Hartman-Inlet Road (T.R. 17) over Ohio Turnpike M.P. 32.2, in Fulton County (“Part B”), (collectively “Project No. 43-20-02 A&B”); and

WHEREAS, the Commission received two bids to perform the Contractor’s obligations on Project No. 43-20-02 A&B and the report of the Commission’s Chief Engineer, Deputy Chief Engineer and Bridges and Structures Engineer concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer report that Miller Brothers Construction, Inc. (“Miller Brothers”), of Archbold, Ohio, submitted the apparent low bid on Project No. 43-20-02 A&B in the total bid amount of \$3,537,497.40, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Staff Attorney has determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of Miller Brothers conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Miller Brothers submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion Manager has found that Miller Brothers has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 12.09% which meets the SBE participation goal of 12% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the bids received will require expenditures under Contract No. 43-20-02 A&B that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer recommend the Commission select Miller Brothers as the lowest responsive and responsible bidder for Project No. 43-20-02 A&B; and

WHEREAS, the Commission’s Executive Director concurs with the Chief Engineer and Deputy Chief Engineer’s recommendation that the Commission approve the award of the Project to Miller Brothers as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Miller Brothers Construction, Inc. for Project No. 43-20-02 A&B in the amount of \$3,537,497.40 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer authorizing E.L. Robinson Engineering of Ohio, Inc. to perform all necessary Phase 2 construction services in accordance with the professional engineering services contract previously authorized for its services on the Project and assigning CTL Engineering, Inc. to perform all necessary materials testing and inspection services in accordance with the

Miscellaneous Professional Services Agreement between the Ohio Turnpike and Infrastructure Commission and said firm; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

**(Resolution No. 3-2020 adopted January 27, 2020)**