

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of The Aero-Mark Company Under Project No. 46-2020 (Rebid) for the Total Amount of \$1,157,157.11

WHEREAS, on March 9, 2020, Governor Mike DeWine issued an Executive Order declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations and, on April 2, 2020, amended the Stay at Home Order so that it shall be in effect through May 1, 2020; and

WHEREAS, under the Stay at Home Order, Essential Activities, Essential Governmental Functions and Essential Businesses and Operations include:

- Essential Infrastructure (Par. 9) – “[I]ndividuals may leave their residence to provide any service or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure,” which includes construction, building management and maintenance, and highways.
- Essential Governmental Functions (Par. 10) – “[A]ll services provided by the State or any...political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, including contractors performing Essential Functions.”
- Essential Businesses and Operations (Par. 12) –
 - Critical Trades – “Building and Construction Tradesmen and Tradeswoman...and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.”
 - Supplies for Essential Businesses and Operations – “Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate....”
 - Essential Critical Infrastructure Workers – The Cybersecurity and Infrastructure Security Agency (CISA) Advisory Memorandum on Identification of Essential Critical Infrastructure During COVID-19 Response, dated March 28, 2020, identifies the following as essential critical infrastructure workers: (1) Transportation and Logistics – “Employees supporting or enabling transportation functions...”; (2) Public Works and Infrastructure Support Services – “Workers who support the operation, inspection, and maintenance of essential public works facilities and operations...”; and (3) Government-Based Operations and Essential Functions – “Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts;” and

WHEREAS, being the fastest east-west corridor in northern Ohio, the Ohio Turnpike performs a critical role in our state and national economy as a vital part of Ohio’s transportation network and a nationally ranked freight corridor and this role is more important now than ever before so that essential medical supplies, food and other necessary goods can reach their destinations to those in need during this COVID-19 pandemic; and

WHEREAS, based on the referenced orders and guidance, the Ohio Turnpike and Infrastructure Commission (the “Commission”) finds that it shall continue operations under the Stay at Home Order as Essential Infrastructure and as Essential Governmental Functions to maintain the supply chain and that the Commission’s contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, based on the foregoing, the Commission finds that the contract approved pursuant to this Resolution is necessary for the Commission to continue operations as Essential Infrastructure and as Essential Governmental Functions and complies with the requirements of and exceptions to the Stay at Home Order; and

WHEREAS, the Commission previously advertised for bids to furnish and apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps from Milepost 0.0 to 241.2, designated as Project No. 46-2020, and received two bids which were rejected pursuant to Commission Resolution No. 15-2020 dated March 16, 2020 because both bids were greater than ten percent over the Engineer's estimate; and

WHEREAS, the Commission rebid Project No. 46-2020 by publishing a notice, in accordance with law, advertising an Invitation for Bids upon a contract to furnish and apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps from Milepost 0.0 to 241.2, designated as Project No. 46-2020 (Rebid) (the "Project"); and

WHEREAS, the Commission received two (2) bids to perform the obligations of the contractor for the Project, and the Commission's Chief Engineer and Deputy Chief Engineer/Director of Field Operations analyzed the bids received, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that The Aero-Mark Company LLC, of Streetsboro, Ohio, submitted the lowest responsive and responsible bid to perform the Contractor's obligations for the Project in the amount of \$1,157,157.11, which bid they recommend be accepted by the Commission; and

WHEREAS, the Manager of the Office of Equity and Inclusion waived the program requirements due to lack of opportunity and availability of certified firms; and

WHEREAS, the Staff Attorney determined that the bids for Project were solicited on the basis of the same terms, conditions and specifications, that The Aero-Mark Company LLC submitted a bid guarantee and performance bond with good and sufficient surety, and that the bid of The Aero-Mark Company LLC conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312, and 153.54; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because expenditures under the contract for the Project will exceed \$150,000.00; and

WHEREAS, the Executive Director concurs with the recommendations of the Chief Engineer and Deputy Chief Engineer/Director of Field Operations and recommends that the Commission award the contract for the Project to The Aero-Mark Company LLC 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 The Aero-Mark Company LLC in the amount of \$1,157,157.11, to furnish and apply retro-reflective pavement markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps under Project No. 46-2020 (Rebid), is selected as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract on the basis of said bid; 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 the result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract awards, 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; and

FURTHER RESOLVED that the awarding of the contract for Project No. 46-2020 to The Aero-Mark Company LLC is necessary as Essential Infrastructure and Essential Governmental Functions under the Stay at Home Order to ensure that the Ohio Turnpike is maintained and improved such that it shall remain the fastest east-west corridor in northern Ohio to provide goods and necessary supplies to those in need during this COVID-19 pandemic.

(Resolution No. 30-2020 adopted April 20, 2020)