

# **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

## **Resolution to Award a Contract for Emergency Slope Failures in the Total Estimated Amount of \$1,000,000.00**

WHEREAS, about 400 feet of embankment at MP 222 on the Ohio Turnpike in Mahoning County is sliding and the slope at or near MP 222 is failing (“Slope Failure”); and

WHEREAS, the Chief Engineer has inspected and has determined that the Slope Failure is a potentially dangerous and unsafe condition requiring immediate repair; and

WHEREAS, the Chief Engineer has determined that the Slope Failure is an extraordinary circumstance that requires the immediate action by the Commission to protect the traveling public; and

WHEREAS, the Chief Engineer has caused the Slope Failure to be inspected and consulted with National Engineering & Architectural Services, Inc. (“NEAS”) to design and propose a solution to the Slope Failure; and

WHEREAS, NEAS’ solution requires the Commission to purchase steel beams to support the slope, the cost of said steel beams is estimated to be between \$0.4375 and \$0.62 per pound rolled and delivered to the project site; and

WHEREAS, the Chief Engineer has estimated that the Slope Repair Contract will require approximately 500,000 pounds of steel beams, and is seeking bids for said steel beams from Triad Metal International, Inc., Steel Dynamics, Inc., and Skyline Steel, LLC; and

WHEREAS, the Chief Engineer is working to purchase the steel beams for the Slope Repair Contract in the most expeditious and cost effective manner; and

WHEREAS, the Chief Engineer is seeking bids from Shelly & Sands Co., Kokosing Construction Company and Great Lakes Construction Company, to construct the necessary repairs pursuant to a Slope Repair Contract to correct the Slope Failure as designed by NEAS; and

WHEREAS, per Ohio Revised Code Section 5537.07 (G), the Commission may contract without public bidding for extraordinary emergency circumstances, as determined by the Commission; and

WHEREAS, Commission action is necessary to approve the Slope Repair Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the low bid received will require expenditures that will exceed \$150,000.00; and

WHEREAS, the Executive Director has reviewed the recommendations of the Chief Engineer and concurs with the recommendation that the Slope Failure constitutes an extraordinary emergency necessitating immediate action by the Commission and to award the Slope Repair Contract on said emergency basis; and

WHEREAS, the Commission has duly considered such recommendation.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Ohio Turnpike and Infrastructure Commission hereby determines that the Slope Failure at or near MP 222 in Mahoning County is an extraordinary emergency necessitating emergency repairs; and

**FURTHER RESOLVED** that the Executive Director or the Chief Engineer is hereby authorized and directed to accept the lowest and most responsive bid of Shelly & Sands Co., Kokosing Construction Company or Great Lakes Construction Company or any combination thereof or any such comparably reputable construction company in the total estimated amount of \$1,000,000.00 for the performance of the emergency repairs pursuant to the Slope Repair Contract, and the Executive Director or the Chief Engineer is authorized to execute said Contract on the basis of said bid as determined by the Executive Director or the Chief Engineer in their professional

judgment, provided that said contractor shall be and hereby is required to submit a performance bond with good and sufficient surety and all other documentation required by the General Counsel; and

FURTHER RESOLVED that the Executive Director or Chief Engineer is hereby authorized and directed to accept the best value bid and shall purchase the steel beams from Triad Metal International, Inc., Steel Dynamics, Inc., or Skyline Steel, LLC or any combination thereof or any such comparably reputable company in the total estimated amount of \$250,000.00 necessary for the completion of the emergency repairs pursuant to the Slope Repair Contract; and

FURTHER RESOLVED that the Commission approves the Executive Director or the Chief Engineer assigning NEAS to perform the necessary construction inspection, material testing and administration services for the correction of the Slope Failure 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 to approve such extra work or change orders under said contracts as a result of an increase in necessary 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.

**(Resolution No. 46-2019 adopted October 21, 2019)**