

TCS MODERNIZATION PROJECT

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of A.P. Horo Company for Project No. 58-21-02 (Rebid) for the Total Amount of \$20,284,000

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published a notice in accordance with law to advertise an invitation to bid on a contract to construct a new mainline toll plaza facility, utility buildings, toll booths and canopies at Milepost 211 in Trumbull County, Ohio and toll booth renovations at Milepost 239 in Mahoning County, as part of the Commission’s Toll Collection System Modernization, and designated as Project No. 58-21-02 (Rebid); and

WHEREAS, the Commission received one bid on Project No. 58-21-02 which was 35.4% above the Engineer’s Estimate and pursuant to Resolution No. 32-2021, adopted June 21, 2021, the Commission decided to reject the bid and readvertise the project; and

WHEREAS, the Commission published a notice in accordance with law readvertising its invitation to bid upon a contract to construct a new mainline toll plaza facility, utility buildings, toll booths and canopies at Milepost 211 in Trumbull County, Ohio and toll booth renovations at Milepost 239 in Mahoning County, Ohio, now designated as Project No. 58-21-02 (Rebid) (hereinafter the “Project”); and

WHEREAS, the Commission received one (1) bid to perform the Contractor’s obligations on the Project; and

WHEREAS, the lone bid is in excess of ten percent (10%) above the Engineer’s estimate and, pursuant to Article V of the Instructions to Bidders, the Commission shall convene a Construction Contracts Award Committee (“CCAC”) to determine if the bid prices are within reasonable conformance with the Engineer’s estimate and a bid price may be accepted by the Commission upon a recommendation by the Committee; and

WHEREAS, the CCAC met on August 6, 2021, and after considering the Commission consultant’s evaluation memorandum and information provided by the Engineering staff, the CCAC determined that the apparent low bid submitted by A.P. O’Horo Company (“A.P. O’Horo”), of Youngstown, Ohio, is within reasonable conformance with the Engineer’s estimate and should be accepted for the reasons set forth in the CCAC memo dated August 6, 2021, which is before the Commission and summarized below:

- The Project has twice received only one bid despite reasonable efforts to publicize the project to potential bidders;
- Failure to award this contract will have negative impacts on other key projects;
- The bid received appears balanced;
- The Commission has the funds available to cover the additional cost of the higher bid;
- The bidder has committed to meeting the SBE goal for the Project;
- The bidder appears to have the capacity to perform the Project;
- Due to market volatility, it is uncertain whether a rebid will result in higher, lower or similar pricing; and

WHEREAS, the CCAC reports that A.P. O’Horo submitted the apparent low bid on the Project in the total bid amount of \$20,284,000.00 which it recommends the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Commission’s General Counsel advises that it is in the best interest of the Commission to obtain builder’s risk insurance for this Project and recommends that the Commission approve the purchase of such insurance for the Project; and

WHEREAS, the Staff Attorney 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 A.P.

O'Horo conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and A.P. O'Horo submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion Manager has found that A.P. O'Horo has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment to meet the SBE participation goal of 15% 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 the Project that will exceed \$150,000.00; and

WHEREAS, the CCAC recommends the Commission select A.P. O'Horo as the lowest responsive and responsible bidder for the Project; and

WHEREAS, the Commission's Executive Director concurs with the CCAC's recommendation that the Commission approve the award of the Project to A.P. O'Horo 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 A.P. O'Horo Company for Project No. 58-21-02 Rebid in the amount of \$20,284,000.00 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 Executive Director or the General Counsel, individually, is authorized to obtain builder's risk insurance for the Project, after obtaining competitive quotes, for the Project; 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. 47-2021 adopted August 16, 2021)