

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving the Selection of Carpenter Marty Transportation, Inc. for Project No. 71-20-02 in the Total Amount of \$310,360.00**

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D 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, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its 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, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, on March 6, 2020, the Ohio Turnpike and Infrastructure Commission (“Commission”) issued a notice seeking letters of interest in responding to its Request for Proposals (“RFP”) for Engineering and Construction Administration and Inspection Services relating to the Bridge Deck Replacements of the ramp bridge at Toll Plaza 145 over State Route 57 at Milepost 145.1 and the Race Road Bridge over the Mainline at Milepost 149.2 in Lorain County, Ohio, and the Deck Replacement of Stearns Road Bridge over the Mainline at Milepost 154.6 in Cuyahoga County, Ohio (“Project No. 71-20-02”); and

WHEREAS, on March 20, 2020, Letters of Interest were received from seventeen firms expressing their interest to serve as the Commission’s Engineering Consultant for Project No. 71-20-02, three of which were deemed most qualified and invited to submit proposals in response to the RFP, which were due on May 6, 2020; and

WHEREAS, on the basis of the proposals received, the Engineering staff concluded that Carpenter Marty Transportation, Inc., of Columbus, Ohio, is the most qualified firm to perform the necessary services for Project No. 71-20-02, and conducted a Scope of Services meeting to confirm a mutual understanding of the Phase I Services for the Project consisting of Site Inspection, Engineering Report, Design and Plan Preparation Services (“Phase I Services”); and

WHEREAS, Carpenter Marty Transportation, Inc. submitted its fee proposal dated August 2, 2020, to perform the Phase I Services in the not-to-exceed amount of \$310,360.00 which fee proposal the Chief Engineer deemed reasonable and appropriate, and recommends that the Commission approve the award of the Contract based on its technical proposal for Project No. 71-20-02 and fee proposal for Phase I Services; and

WHEREAS, expenditures under the contract to be awarded for professional engineering design and construction administration and inspection services will exceed \$150,000.00 and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission action is necessary for said award; and

WHEREAS, the Commission’s Staff Attorney has determined that the RFP process and the selection of Carpenter Marty Transportation, Inc. conform with the requirements of Ohio Revised Code Sections 153.65 to 153.71, that all legal requirements were performed and that the proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, the Office of Equity and Inclusion Manager determined that Carpenter Marty Transportation, Inc. 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 25% which meets the SBE participation goal of 25% for the Project; and

WHEREAS, the Executive Director has reviewed the recommendation of the Chief Engineer and concurs that the Commission should approve the selection of Carpenter Marty Transportation, Inc. to perform Phase I Services for Project No. 71-20-02; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the selection of Carpenter Marty Transportation, Inc. is approved as the most qualified firm to perform the professional engineering design and construction administration and inspection services necessary for Project No. 71-20-02, and that the Executive Director is authorized to execute a Contract with Carpenter Marty Transportation, Inc. for Phase I Services in the not-to-exceed amount of \$310,360.00; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Commission’s Code of Bylaws to further amend the contract to perform additional Phase I and Phase II services necessary for Project 71-20-02 that does not exceed the greater of the Executive Director’s contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract 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. 58-2020 adopted September 21, 2020)**