

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Approving the Selection of Lykins Energy Solutions and Ports Petroleum to Supply the Commission's Requirements for Diesel Fuel and Unleaded Gasoline**

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and Social Distancing," dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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, the Commission advertised an Invitation to Bid No. 4372 to furnish its requirements for approximately 390,000 gallons of ultra low sulfur diesel fuel (Group I - West and Group II - East) and approximately 420,000 gallons of unleaded gasoline/ethanol blend (Group III - West and Group IV - East) to the Commission's maintenance facilities for a one-year term, with two options to renew for one-year periods each; and

WHEREAS, bidders were asked to submit bids for four Groups that are based on the geographical location of the Commission's maintenance buildings and, for each Group, to state the price differential per gallon they would charge from the weekly reports published by the Oil Price Information Service ("OPIS") Cleveland, Ohio; and

WHEREAS, the Commission received six bids in response to the Invitation, and the Commission's Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the bids timely submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the lowest responsive and responsible bid received for Groups I, II and III under Invitation No. 4372 was submitted by Lykins Energy Solutions, of Milford, Ohio; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the lowest responsive and responsible bid received for Group IV under Invitation No. 4372 was submitted by Ports Petroleum, of Wooster, Ohio; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that Lykins Energy Solutions proposes to furnish materials and services for Groups I, II and III in accordance with the Specifications, and recommends that the Commission award a contract to Lykins Energy Solutions for Groups I, II and III on the basis of its bid to furnish the Commission's requirements for the materials throughout the term of the contract; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that Ports Petroleum proposes to furnish materials and services for Group IV in accordance with the Specifications, and recommends that the Commission award a contract to Ports Petroleum for Group IV on the basis of its bid to furnish the Commission's requirements for the materials throughout the term of the Contract; and

WHEREAS, the Commission's staff attorney has determined that the bids for Invitation No. 4372 were solicited on the basis of the same terms and conditions and the same specifications, and that the bids from Lykins Energy Solutions and Ports Petroleum for Invitation No. 4372 conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer/Director of Field Operations and concurs with the recommendation to award Lykins Energy Solutions the contract for Invitation No. 4372 as the lowest responsive and responsible bidder for Groups I, II and III and to award Ports Petroleum the contract for Invitation No. 4372 as the lowest responsive and responsible bidder for Group IV; and

WHEREAS, Commission action is requested to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bid received will require expenditures under Invitation No. 4372 that will exceed \$150,000.00; 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 Lykins Energy Solutions for Groups I, II and III under Invitation No. 4372 to furnish the Commission's requirements for ultra low sulfur diesel fuel for eight (8) maintenance buildings and unleaded gasoline/ethanol blend for four (4) maintenance buildings for a period of one year in the annual estimated amount of \$1,415,000.00 is approved 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 to exercise up to two, one-year options to renew the contract; and

FURTHER RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Ports Petroleum for Group IV under Invitation No. 4372 to furnish the Commission's requirements for unleaded gasoline/ethanol blend for four (4) maintenance buildings for a period of one year in the annual estimated amount of \$470,000.00 is approved 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 to exercise up to two, one-year options to renew the contract; and

FURTHER RESOLVED that the Commission finds and determines that the contracts 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 to approve such extra work or change orders under said contracts as a 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 contract services or increase its costs.

**(Resolution No. 61-2020 adopted September 21, 2020)**