

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00

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, the 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and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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 is authorized to participate in contracts awarded by the Ohio Department of Transportation (“ODOT”) under its Cooperative Purchasing Program for the purchase of machinery, materials, supplies, or other articles in accordance with Section 5513.01(B) of the Ohio Revised Code; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have determined that the purchase of liquid deicer is necessary for snow and ice removal during the 2020-2021 winter season; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have recommended that Meltdown Apex-C provides excellent melting performance at lower temperatures and have further recommended purchasing the liquid deicer for delivery to all maintenance sections in loads of 4,000 to 4,300 gallons per load at the following locations and unit prices:

Kunkle, Swanton, T.P. 59, Elmore, River Road - at \$1.15 per gallon;

Castalia, Humm Road, Amherst - at \$1.19 per gallon;

Boston, T.P. 187, Hiram, T.P. 218, Canfield - at \$1.25 per gallon

T.P. 161 - at \$1.22 per gallon; and

WHEREAS, Meltdown Apex-C is available through the ODOT Cooperative Purchasing Program, and the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have determined that the lowest cost to obtain the liquid deicer is under ODOT Contract Number 124-21 from EnviroTech Services, Inc., of Greeley, Colorado, as described in the pricing dated September 14, 2020 and listed above, for the total estimated cost of \$375,000.00; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission's Code of Bylaws because the expenditure required to purchase Meltdown Apex-C exceeds \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend that the Commission purchase the Meltdown Apex-C from EnviroTech Services, Inc. under the ODOT Cooperative Purchasing Program, which recommendation the Executive Director has reviewed and approved; and

WHEREAS, the Commission has duly considered such recommendation and approval.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the purchase of Meltdown Apex-C from EnviroTech Services, Inc., through the ODOT Cooperative Purchasing Program under ODOT Contract Number 124-21, as described in the pricing dated September 14, 2020, in the total estimated amount of \$375,000, is approved and the Legal Department is authorized and directed to issue a purchase order for this purpose; 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 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 work or increase its costs.

(Resolution No. 72-2020 adopted November 16, 2020)