

# **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

## **Resolution Approving the Selection of Firelands Supply Company to Furnish Guardrail Materials for the Total Amount of \$177,120.00**

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and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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 advertised Invitation to Bid No. 4376 to furnish defined quantities of various guardrail materials; and

WHEREAS, the Commission received three bids in response to the Invitation, and the Commission’s Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the bids timely submitted and 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 to furnish the guardrail materials was submitted by Firelands Supply Company, of Norwalk, Ohio, in the amount of \$177,120.00, based on the estimated quantities to be ordered by the Commission as set forth in the Invitation; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends that the Commission award a contract to Firelands Supply Company as the lowest responsible and

responsive bidder based on its offer to deliver the materials in accordance with the Specifications and its history of satisfactorily supplying the Commission's requirements for guardrail materials under prior agreements; and

WHEREAS, the Commission's Staff Attorney determined that the bids for Invitation No. 4376 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Firelands Supply Company for Invitation to Bid No. 4376 conforms to the requirements of Ohio Revised Code Section 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 the contract for Invitation to Bid No. 4376 to Firelands Supply Company as the lowest responsive and responsible bidder; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws because the amount of the bid received will require an expenditure that exceeds \$150,000.00 to furnish the guardrail materials; 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 Firelands Supply Company to furnish guardrail materials under Invitation to Bid No. 4376 for the total amount of \$177,120.00 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

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 to approve such extra work or change orders under said contracts 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. 73-2020 adopted November 16, 2020)**