

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of Gerken Paving, Inc. for Project No. 59-20-02 A&B for the Total Amount of \$11,994,772.56 and Approving GPD Group and Solar Testing Laboratory, Inc. to Perform Professional Services on the Project**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a contract for Repairs and Resurfacing Eastbound and Westbound Roadways from Milepost 118.80 to Milepost 127.23 in Erie County (“Part A”) and Slope Repairs on Eastbound Roadways at Milepost 121.2 and Milepost 123.1 in Erie County (“Part B”), (collectively “Project No. 59-20-02 A&B”); and

WHEREAS, the Commission received two bids to perform the Contractor’s obligations on Project No. 59-20-02 A&B and the report of the Commission’s Chief Engineer, Deputy Chief Engineer/Director of Field Operations and Roadway Engineer concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Gerken Paving, Inc. (“Gerken”), of Napoleon, Ohio, submitted the apparent low bid on Project No. 59-20-02 A&B in the total bid amount of \$11,994,772.56, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Staff Attorney has 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 Gerken conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Gerken submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion Manager has found that Gerken 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 11.5% which meets the SBE participation goal of 11% 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 Contract No. 59-20-02 A&B that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Gerken as the lowest responsive and responsible bidder for Project No. 59-20-02 A&B; and

WHEREAS, the Commission’s Executive Director concurs with the Chief Engineer and Deputy Chief Engineer/Director of Field Operations’ recommendation that the Commission approve the award of the Project to Gerken 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 Gerken Paving, Inc. for Project No. 59-20-02 A&B in the amount of \$11,994,772.56 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 Commission approves the Executive Director and the Chief Engineer assigning GPD Group to perform the necessary construction administration and inspection services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm and assigning Solar Testing Laboratories, Inc. to perform all necessary testing services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm; 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. 8-2020 adopted February 24, 2020)**