

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Elytus, Ltd. to Provide Trash, Recyclables and Tire Debris Removal and Disposal Services Under the DAS Cooperative Purchasing Program in the Maximum Total Estimated Amount of \$500,000.00

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Guidance and Social Distancing,” dated May 29, 2020, and extended by Interim Director of Health, Lance D. Himes, until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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 Deputy Chief Engineer/Director of Field Operations 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, pursuant to Resolution No. 32-2003, adopted on July 21, 2003, the Executive Director is authorized to participate in state contracts under the Ohio Department of Administrative Services (“DAS”) Cooperative Purchasing Program, through which members may purchase supplies, services, equipment and other materials in accordance with Ohio Revised Code Section 125.04; and

WHEREAS, the Commission maintains facilities across northern Ohio that produce trash, recyclable, and tire debris requiring removal and disposal, and prior to 2017, the Commission packaged its trash, recyclable, and tire debris removal and disposal services for competitive bidding, selected multiple contractors to service its facilities, coordinated the various contractors’ pickup and removal activities and verified and reconciled numerous invoices from each contractor for its designated facilities; and

WHEREAS, in 2017, the Engineering Department identified a service available under the DAS Cooperative Purchasing Program from Elytus, Ltd., of Columbus, Ohio (“Elytus”), to provide comprehensive enterprise-wide refuse and recyclable material disposal services through a single contractor that would assume responsibility, as the third-party administrator, for competitively bidding, recommending, coordinating, managing and compensating the companies that provide removal and disposal service at the facilities; and

WHEREAS, pursuant to Resolution No. 76-2018, adopted December 17, 2018, Elytus has provided this service to the Commission, under the DAS Cooperative Purchasing Program through Contract No. CSP909114, Index No. GDC138 which was extended through December 31, 2020, which has resulted in cost savings and freeing staff from performing ancillary administrative tasks that allow them to focus their worktime on performing core aspects of their jobs; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends that the Commission approve authorization for Elytus to continue to perform the Commission’s requirements for trash, recyclable, and tire debris removal and disposal services under new DAS Contract No. CSP902221, Index No. GDC138, for a two-year period, at an estimated cost to the Commission of \$250,000.00, with an option to extend for an additional two-year period; and

WHEREAS, the Chief Engineer and Executive Director reviewed and approved the request of the Deputy Chief Engineer/Director of Field Operations and concur with the recommendation for the Commission to authorize the agreement with Elytus to perform the services necessary to fulfill the Commission’s requirements for trash, recyclable, and tire debris removal and disposal services; 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 Executive Director is authorized to enter into a contract with Elytus, Ltd., of Columbus, Ohio, to provide the third-party administrator services necessary to fulfill the Commission’s requirements for trash, recyclable, and tire debris removal and disposal services during a two-year period, commencing on January 1, 2021, through the DAS Cooperative Purchasing Program under DAS Contract No. CSP902221, Index No. GDC138 in the total estimated amount of \$250,000 for each 2-year period, for a total budgeted cost of \$500,000.00, is approved.

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 contract 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. 84-2020 adopted December 21, 2020)