

OHIO TURNPIKE COMMISSION

**Resolution Authorizing the Executive Director to Reject
Bids and Take Action Concerning Award of Contract No. 43-01-02**

WHEREAS, the Commission has duly advertised according to law for bids upon a contract for reconstruction of CSX railroad bridge over the Ohio Turnpike at Milepost 157.2 located in Cuyahoga County, Ohio which contract has been designated Contract No. 43-01-02;

WHEREAS, on July 13, 2001, the Commission received eight bids for the performance of said contract;

WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director/chief engineer and its executive director, and they have reported thereon and have made recommendations with respect thereto;

WHEREAS, the deputy executive director has recommended that the bids be rejected and the subject project be re-advertised to revise of the scope of the work taking into account revised specifications and fabrication methods;

WHEREAS, the Commission's general counsel has reviewed said bids and concurs in the recommendations of the deputy executive director/chief engineer;

WHEREAS, the Commission has been advised by its general counsel that it may lawfully reject all bids for the aforesaid invitation;

WHEREAS, the purchasing agent advises that the new bid opening date is tentatively scheduled for August 17, 2001, and the next regularly scheduled meeting of the Commission is scheduled for the latter part of September 2001;

WHEREAS, the Commission's deputy executive director-chief engineer advises that awarding the subject contract at the September Commission Meeting would jeopardize the construction schedule of the CSX project and cause delays in the overall schedule of the third lane program;

WHEREAS, the Commission desires to delegate to the executive director authority to take action on behalf of the Commission concerning the award of a contract for reconstruction of CSX railroad bridge over the Ohio Turnpike at Milepost 157.2 located in Cuyahoga County, Ohio, if such action is deemed necessary prior to the next Commission meeting;

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned bids hereto received pursuant to the advertisement for bids upon Contract No. 43-01-02, for reconstruction of CSX railroad bridge over the Ohio Turnpike at Milepost 157.2 located in Cuyahoga County, Ohio, be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by it; and

FURTHER RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to re-advertise for bids for Contract No. 43-01-02 for reconstruction of CSX railroad bridge over the Ohio Turnpike at Milepost 157.2 located in Cuyahoga County, Ohio, forthwith; and

FURTHER RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute a contract with the lowest responsive and responsible bidder;

FURTHER RESOLVED that the executive director may take such action aforesaid, provided that the deputy executive director/chief engineer concurs in the recommendation of award and that the general counsel issues an opinion that the successful bidder complies with all statutory requirements of the State of Ohio and complies with the policies of the Commission; and

FURTHER RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award and execution of Contract No. 43-01-02 for reconstruction of CSX railroad bridge over the Ohio Turnpike at Milepost 157.2 located in Cuyahoga County, Ohio, prior to the next meeting of the Commission, including the award of contract for such invitation or the rejection of the bids received in response thereto.

(Resolution No. 20-2001 adopted July 23, 2001)