

OHIO TURNPIKE COMMISSION

Resolution Awarding a Contract for a Private Branch Exchange (PBX) Telephone System under Invitation No. 4023

WHEREAS, the Commission advertised for bids for Invitation No. 4023 for the furnishing, installing and testing of a Private Branch Exchange (PBX) telephone system at all Ohio Turnpike Commission facilities; and

WHEREAS, the expenditures by the Commission for the furnishing, installing and testing of a PBX telephone system at all the Ohio Turnpike Commission facilities under Invitation No. 4023 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, the Commission received six (6) bids in response to Invitation No. 4023, and said bids have been reviewed and analyzed by an evaluation committee consisting of the Commission's telecommunications manager and two representatives of the Commission's telecommunications maintenance contractor, TransCore, which committee's report concerning such analysis is before the Commission; and

WHEREAS, the evaluation committee has advised that the apparent low bid submitted by Digital Connections, Inc. ("DCI") of Hendersonville, Tennessee does not comply with the technical specifications as well as certain required terms and conditions of Invitation No. 4023 and, therefore, the DCI bid cannot be considered for award; and

WHEREAS, the evaluation committee further states that the apparent second low bid submitted by Percipia, Inc. of Gahanna, Ohio does not comply with the technical specifications as well as certain required terms and conditions of Invitation No. 4023 and, therefore, the Percipia bid cannot be considered for award; and

WHEREAS, the evaluation committee has stated that the lowest responsive and responsible bid in the total amount of **\$877,840.00, less a 1% term discount (net \$869,061.60)**, was submitted by **Nu-Vision Technologies, Inc. ("Nu-Vision")** of Centerville, Ohio, and this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Commission's director of contracts administration has reviewed the bids received, as indicated in her memorandum to the Commission regarding the subject Invitation, and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 4023 was in accordance with Section 5537.07 and Section 9.312 of the Ohio Revised Code, and that the bid of Nu-Vision Technologies, Inc. of Centerville, Ohio is the lowest responsive and responsible bid received; and

WHEREAS, the director of contracts administration further advises that, pursuant to the bidding documents for Invitation No. 4023 and Ohio Revised Code Section 5537.07 (A), the Commission expressly reserves the right to reject any and all bids, and that the Commission may reject the bids of DCI, Inc. and Percipia, Inc. as non-responsive, however, because of the magnitude of the Contract, final award of the Contract to the lowest responsive, responsible bidder should be authorized only after the opportunity for the rejected bidders to object has occurred, as provided for in the bidding documents; and

WHEREAS, the director of contracts administration further advises that, once such opportunity for objections by the rejected bidders has passed or the Commission affirms either or both of the rejections after the conduct of a meeting that may be requested by the rejected bidders, the Commission may then legally enter into a Contract with Nu-Vision Technologies, Inc. for the furnishing, installing and testing of a PBX telephone system at all the Ohio Turnpike Commission facilities in accordance with Invitation No. 4023; and

WHEREAS, the executive director has also reviewed the reports submitted by the Commission's evaluation committee and director of contracts administration and recommends to the Commission that the bids submitted by DCI, Inc. and Percipia, Inc. be rejected, and that, when appropriate, a contract be awarded to the lowest responsive and responsible bidder, Nu-Vision Technologies, Inc.

NOW, THEREFORE, BE IT

RESOLVED that the bids of DCI, Inc. and Percipia, Inc. are deemed non-responsive and are rejected; and

FURTHER RESOLVED that the bid of **Nu-Vision Technologies, Inc.** of Centerville, Ohio in the total amount of **\$877,840.00, less a 1% term discount (net: \$869,061.60)**, under Invitation No. 4023 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and the chairperson and executive director, or either of them, is hereby authorized to: (1) at the earliest time permitted under the bidding documents, or in the event objections are filed with the director of contracts administration by the rejected bidders then only after the Commission's affirmation of the rejections, execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) to direct the return to the bidders of their bid security at such time as Nu-Vision Technologies, Inc. has entered into a Contract and furnished the requisite performance bond therefor; and (3) to take any and all action necessary to properly carry out the terms of said Contract.

(Resolution No. 35-2005 adopted August 15, 2005)