

OHIO TURNPIKE COMMISSION

Resolution Awarding a Contract for the Purchase of Truck-Mounted Attenuators under Invitation No. 4032

WHEREAS, on August 15, 2005, pursuant to Resolution No. 36-2005, the Commission rejected bids received in response to Invitation No. 4027 for the furnishing to the Commission of sixteen (16) truck-mounted attenuators, and, with slight modifications, on October 6, 2005, the Commission re-advertised for bids under Invitation No. 4032 and

WHEREAS, the expenditures of the Commission for truck-mounted attenuators under Invitation No. 4032 will exceed \$150,000 and, 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 three (3) bids received in response to the Invitation were reviewed and analyzed by the maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer states that the apparent low bid submitted by Site Safe Products, LLC. failed to comply with the Commission's legal and technical specifications and cannot be considered for award; and

WHEREAS, the maintenance engineer has stated that the lowest responsive and responsible bid was submitted by **Baldwin & Sours, Inc.** of Columbus, Ohio, in the total amount of \$236,880.00, and this bidder proposes to furnish equipment and services in accordance with the Commission's specifications; and

WHEREAS, the Commission's director of contracts administration has reviewed the bids received and has advised the Commission that the procedures followed by the Commission in advertising for Invitation No. 4032 were conducted in accordance with Sections 5537.07, 9.312 and 153.54 of the Ohio Revised Code, and that the bid of Baldwin & Sours, Inc. of Columbus, Ohio is the lowest responsive and responsible bid received in response to Invitation No. 4032, and the Commission may legally enter into a Contract with said bidder; and

WHEREAS, the Commission's director of contracts administration further advises that the Commission, pursuant to the bidding documents for Invitation No. 4032 and Ohio Revised Code Section 5537.07(A), expressly reserves the right to reject any and all bids, and that the low bid of Site Safe Products, LLC, which failed to comply with both the legal and technical specifications of the bidding documents, may lawfully be rejected as non-responsive by the Commission; and

WHEREAS, the executive director has reviewed the bids received and has recommended to the Commission that a contract be awarded to the lowest responsive and responsible bidder, Baldwin & Sours, Inc., and that the low bid of Site Safe Products, LLC be formally rejected.

NOW, THEREFORE, BE IT

RESOLVED that the low bid of Site Safe Products, LLC is non-responsive and is rejected, and the bid of **Baldwin & Sours, Inc.** of Columbus, Ohio in the total bid price of **\$236,880.00**, under Invitation No. 4032 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted, and the chairperson and executive director, or either of them, is hereby authorized: (1) to inform Site Safe Products, LLC that its low bid is rejected; (2) to execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (3) to direct the return to the other bidders of their bid security at such time as Baldwin & Sours, Inc has entered into a contract and furnished the performance bond required thereby; and (4) to take any and all action necessary to properly carry out the terms of said contract.

(Resolution No. 48-2005 adopted November 14, 2005)