

## OHIO TURNPIKE COMMISSION

### Resolution Accepting Request to Withdraw Bid and Rejecting Bids Received for Contract No. 43-05-03, Part A and B

WHEREAS, the Commission has duly advertised according to law for bids upon a contract for bridge reconstruction (*Contract No. 43-05-03, Part A*) and bridge parapet rehabilitation and expansion joint replacement (*Contract No. 43-05-03, Part B*) of the following bridges:

<u>Bridge</u>	<u>Milepost</u>	<u>County</u>	<u>Contract</u>
Meander Reservoir	221.3	Mahoning	43-05-03, Part A
Diagonal Road (CR 155)	191.2	Portage	43-05-03, Part B
Coit Road (TWP RD. 210)	192.4	Portage	43-05-03, Part B

WHEREAS, on November 29, 2005, the Commission received three (3) bids for the performance of said Contract; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the director of contracts administration advises that the low bidder, A. P. O'Horo Company, submitted a bid in the amount of \$3,098,000.00, and on December 1, 2005, advised the Commission that an error was made in its bid and requested to withdraw its bid; and

WHEREAS, the Commission has been advised by its director of contracts administration that A. P. O'Horo Company has met the statutory requirements for bid withdrawal, and therefore, the Commission may lawfully accept the request by A. P. O'Horo to withdraw its bid for the aforesaid Contract; and

WHEREAS, the chief engineer and director of contracts administration have advised that it is in the best interest of the Commission to approve A. P. O'Horo's request to withdraw its bid; and

WHEREAS, the chief engineer further advises that the bids submitted by the J. D. Williamson Construction Co., Inc. in the amount of \$4,083,479.91 and The Great Lakes Construction Company in the amount of \$4,477,951.08 are in excess of 10% above the consulting engineer's estimate and cannot be considered for award; and

WHEREAS, the Commission's director of contracts administration concurs with the chief engineer's recommendations and has submitted a report advising the Commission that, pursuant to the bidding documents for Contract No. 43-05-03 (Part A and B) and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject all bids if they are greater than ten percent above the engineer's estimate; and

WHEREAS, the chief engineer and the director of contracts administration, therefore, recommend that all bids be rejected and that this contract be re-advertised following review and possible modifications to the specifications; and

WHEREAS, the Commission's executive director has reviewed the aforesaid recommendations of the chief engineer and director of contracts administration and has predicated his recommendations to the Commission based upon their analysis.

NOW, THEREFORE, BE IT

RESOLVED that the request by the A. P. O'Horo Company to withdraw its bid in the amount of \$3,098,000.00, which bid was received pursuant to the advertisement for bids upon the above-mentioned bridge renovation Contract, herein designated as Contract No. 43-05-03 (Part A and Part B) is hereby granted, and the executive director is authorized to notify the bidder in writing of said action, and to return to the bidder its bid security; and

FURTHER RESOLVED that the bids submitted by J. D. Williamson Construction Co., Inc. in the amount of \$4,083,479.91, and The Great Lakes Construction Company in the amount of \$4,477,951.08, heretofore received pursuant to the advertisement for bids for the above-mentioned contract, are hereby rejected, and the executive director is authorized to notify these bidders in writing of said action, and to return to the bidders their bid security; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to take any and all action necessary to re-advertise for bids for **Contract No. 43-05-03, Part A and Part B** for bridge reconstruction and bridge parapet rehabilitation and expansion joint replacement of the above-mentioned bridges over the Ohio Turnpike, following review and possible modifications to the specifications.

**(Resolution No. 52-2005 adopted December 19, 2005)**