

## OHIO TURNPIKE COMMISSION

### Resolution Concerning Award of Contract Pursuant to Invitation No. 4053

WHEREAS, the Commission has advertised for bids under Invitation No. 4053 for furnishing to the Commission all services for removal, transportation, disposal and testing of slag leachate wastewater from three (3) locations along the Ohio Turnpike, under Invitation No. 4053; and

WHEREAS, in accordance with an Ohio EPA directive, the Commission has continued with remediation activities to resolve problems associated with leachate run-off via a hydrogen peroxide treatment method, and, in the meantime, the Commission must continue disposing of slag leachate wastewater; and

WHEREAS, it is anticipated that the expenditures of the Commission for disposal of slag leachate wastewater under Invitation No. 4053 shall exceed \$150,000.00 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, three (3) bids were received in response to Invitation No. 4053, and such bids have been reviewed and analyzed by the Commission's maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer reports that, based on estimated quantities of slag leachate wastewater removal, two identical low bids were submitted in the amount of \$197,500.00 from both **CleanHarbors Environmental Services of Norwell, Massachusetts** (with a Cleveland-based office) and **AKE Laboratories, Inc. of Bedford, Ohio**, and that both bidders propose to furnish services in accordance with the Commission's specifications and have satisfactorily provided such services to the Commission in the past; and

WHEREAS, because of the unusual circumstance of having identical low bids that were equally responsive, the executive director conducted a tie-breaking coin-flip on July 20, 2006 in the presence of both low bidders, and as a result, **CleanHarbors Environmental Services** has been deemed the apparent winner by the flip of a coin; and

WHEREAS, the maintenance engineer also reports that, due to the potential for large fluctuations of precipitation during the term of the Contract, it is possible that the estimated quantity may be exceeded, and he, therefore, recommends that a blanket order dollar amount be established at \$250,000.00 under Invitation No. 4053; and

WHEREAS, the maintenance engineer, therefore, recommends that the Commission authorize the executive director to award a blanket order Contract in the amount of \$250,000.00 to CleanHarbors Environmental Services; and

WHEREAS, the Commission has also been advised by its director of contracts administration that all bids for Invitation No. 4053 were solicited on the basis of the same terms, conditions and specifications, that the bid of CleanHarbors Environmental Services conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond of good and sufficient surety has been submitted by said bidder; and

WHEREAS, the executive director has reviewed the reports of both the maintenance engineer and the director of contracts administration and, predicated upon such analysis and also the ensuing tie-breaker, has recommended to the Commission that a blanket order Contract in the amount of \$250,000.00 be awarded to CleanHarbors Environmental Services; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of **CleanHarbors Environmental Services of Norwell, Massachusetts** and **AKE Laboratories, Inc. of Bedford, Ohio** in the amount of \$197,500.00 under Invitation No. 4053 are, and are by the Commission deemed to be the lowest responsive and responsible bids received, and by virtue of the tie-breaker conducted by the executive director in the presence of both low bidders, the bid of **CleanHarbors Environmental Services** is deemed accepted, and the chairperson and executive director, or either of them, is hereby authorized: (1) to execute a blanket order Contract in the amount of **\$250,000.00** 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 CleanHarbors Environmental Services has entered into a Contract; and (3) to take any and all action necessary to properly carry out the terms of said Contract.

**(Resolution No. 33-2006 adopted July 31, 2006)**