

OHIO TURNPIKE COMMISSION

Resolution Awarding a Contract to Furnish, Install and Test SONET Fiber Optic Telecommunications System Equipment at all Ohio Turnpike Commission Facilities under Invitation No. 4065

WHEREAS, the Commission has duly advertised for bids for Invitation No. 4065 for the furnishing, installing and testing of a SONET Fiber Optic Telecommunications System ("SONET System") at all Ohio Turnpike Commission facilities; and

WHEREAS, the expenditures by the Commission for the furnishing, installing and testing of a SONET System at all the Ohio Turnpike Commission facilities under Invitation No. 4065 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 two (2) bids in response to Invitation No. 4065, and said bids have been reviewed and analyzed by the Commission's consultant for this Project, HNTB Ohio, and the Commission's chief engineer whose reports concerning such analysis are before the Commission; and

WHEREAS, the Commission's director of contracts administration has also reviewed said bids for compliance with the legal requirements of Invitation No. 4065 and has advised that the apparent low bid submitted by AT&T of Columbus, Ohio does not comply with the legal requirements of Invitation No. 4065 and, therefore, the AT&T bid cannot be considered for award; and

WHEREAS, HNTB has reviewed the second low bid and has reported to the chief engineer that the lowest responsive and responsible bid in the total amount of **\$3,998,082.31**, was submitted by **Telsource Corporation of Fairfield, New Jersey**, and that this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Specifications contained in the Contract documents provide for the purchase of "Optional Bid Items" that may be exercised at the discretion of the Commission; and

WHEREAS, in his report, the chief engineer recommends the purchase of "Optional Bid Items" in the amount of **\$154,424.75**, as requested by the Commission's telecommunications manager; and

WHEREAS, the Commission has also been advised by the director of contracts administration that all bids for Invitation No. 4065 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Telsource Corporation for Invitation No. 4065 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by Telsource Corporation; and

WHEREAS, the director of contracts administration has further advised that, pursuant to the bidding documents for Invitation No. 4065 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 bid of AT&T 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 bidder to object has occurred, as provided for in the Bidding Documents; and

WHEREAS, the director of contracts administration has indicated that, once such opportunity for objections by the rejected bidder has passed or the Commission affirms

the rejection after the conduct of a meeting that may be requested by the rejected bidder, the Commission may then legally enter into a Contract with Telsource Corporation for the furnishing, installing and testing of a SONET System at all the Ohio Turnpike Commission facilities in accordance with Invitation No. 4065; and

WHEREAS, the executive director has also reviewed the reports submitted by the Commission's chief engineer and director of contracts administration and, predicated on their analysis, recommends to the Commission that the bid submitted by AT&T be rejected, and that, when appropriate, a Contract be awarded to the lowest responsive and responsible bidder, Telsource Corporation; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of AT&T is deemed non-responsive and is rejected; and

FURTHER RESOLVED that the bid of **Telsource Corporation of Fairfield, New Jersey** in the total amount of **\$4,152,507.06 (\$3,998,082.31 base bid, \$154,424.75 optional bid items)**, under Invitation No. 4065 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 bidder then only after the Commission's affirmation of the rejection, 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 **Telsource Corporation** has entered into a Contract; and (3) to take any and all action necessary to properly carry out the terms of said Contract.

FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **HNTB Ohio of Cleveland, Ohio** to Invitation No. 4065 for the purpose of performing construction administration services, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and HNTB Ohio.

(Resolution No. 13-2007 adopted May 21, 2007)