

OHIO TURNPIKE COMMISSION

Resolution Concerning Award of Contract Pursuant to Invitation No. 4073

WHEREAS, in accordance with an Ohio EPA directive, the Commission has continued remediation activities to resolve problems associated with leachate run-off, by containing and disposal of slag leachate wastewater; and

WHEREAS, the Commission has advertised for bids under Invitation No. 4073 for furnishing to the Commission all services for collection, transportation, testing and disposal of slag leachate wastewater from three (3) locations along the Ohio Turnpike, under Invitation No. 4073; and

WHEREAS, it is anticipated that the expenditures of the Commission for disposal of slag leachate wastewater under Invitation No. 4073 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, four (4) bids were received in response to Invitation No. 4073, 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, the apparent low bid was submitted in the amount of \$187,250.00 by **AKE Laboratory, Inc. of Bedford, Ohio**, however, this bidder failed to submit the required Power of Attorney with its bid guaranty and, therefore, its bid is non-responsive and cannot be considered for award; and

WHEREAS, the maintenance engineer further reports that the second low bid was submitted by **CleanHarbors Environmental Services of Norwell, Massachusetts** (with a Cleveland-based office) in the amount of \$191,250.00, and that this bidder proposes to furnish services in accordance with the Commission's specifications and has satisfactorily provided such services to the Commission in the past; 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. 4073; 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 been advised by its director of contracts administration that, in order for the required bid guaranty/performance bond to be considered as valid, the Bidding Documents for all Invitations specifically require under the Instructions to Bidders that "the appropriate Power of Attorney must accompany said bond or the bid shall be rejected," and that AKE Laboratory's failure to provide the required Power of Attorney with its bid, therefore, makes the bid non-responsive and requires its rejection; and

WHEREAS, the Commission has also been further advised by its director of contracts administration that all bids for Invitation No. 4073 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 bid guaranty/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, has recommended to the Commission that the bid of AKE Laboratory be rejected and 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 bid of AKE Laboratory is deemed non-responsive and is rejected; and

FURTHER RESOLVED that the bid of **CleanHarbors Environmental Services of Norwell, Massachusetts** in the amount of \$191,250.00 under Invitation No. 4073 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 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. 27 - 2007 adopted August 20, 2007)