

## OHIO TURNPIKE COMMISSION

### Resolution Awarding a Contract for the Purchase of Ultra Low Sulfur Diesel and Ultra Low Sulfur Biodiesel Blend Fuel for a One-Year Period

WHEREAS, the Commission has advertised for bids for Invitation No. 4094 for furnishing to the Commission of Ultra Low Sulfur Diesel Fuel and Ultra Low Sulfur Biodiesel Fuel for a twelve (12) month period, with an option to renew the Contract for two (2) additional one-year periods; and

WHEREAS, the expenditures of the Commission for these types of diesel fuel under Invitation No. 4094 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, bidders were asked to submit bids for four (4) Groups that are based on geographical location of the Commission's maintenance buildings and to state the price differential per gallon that they would charge from the Oil Price Information Service ("OPIS"); and

WHEREAS, the four (4) bids received in response to the Invitation were reviewed by the Maintenance Engineer whose report is before the Commission; and

WHEREAS, the Maintenance Engineer has stated that the lowest responsive and responsible bids for Groups I, II, III and IV were submitted by **Petroleum Traders Corporation of Fort Wayne, Indiana**, and that this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Maintenance Department has estimated the quantities of diesel fuel required for the next year at **465,750 gallons**, and, based on these quantities has been able to estimate expenditures with Petroleum Traders Corporation in the amount of **\$1,931,844**, however, the Maintenance Engineer has recommended that a cushion be built-in to account for the volatility of the diesel fuel market and that the Commission authorize expenditures up to **\$2,500,000**; and

WHEREAS, should the quantities of diesel fuel purchased exceed the number of gallons estimated by the Maintenance Department staff by more than ten percent (10%), or the cost of the diesel fuel exceed the \$2,500,000 in expenditures allocated for the first contract year by more than ten percent (10%), the Commission will be presented with a new resolution to increase said estimated quantities and/or expenditures; and

WHEREAS, the Commission's Director of Contracts Administration has advised the Commission that bids for Invitation No. 4094 were solicited on the basis of the same terms and conditions and the same specifications, that the bids of Petroleum Traders Corporation conform to the requirements of Ohio Revised Code Section 5537.07 and Section 9.312; and that a bid guaranty with good and sufficient surety has been submitted by the aforementioned bidder; and

WHEREAS, the Executive Director has reviewed the reports of both the Maintenance Engineer and the Director of Contracts Administration and, predicated on such analysis, has recommended to the Commission that the Contract for Invitation No. 4094 be awarded to the lowest responsive and responsible bidder for Groups I, II, III and IV, Petroleum Traders Corporation, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of **Petroleum Traders Corporation** for Groups I, II, III and IV under Invitation No. 4094 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the Executive Director and the Director of Contracts Administration, or either of them, is hereby authorized: 1) to execute a Contract with Petroleum Traders Corporation in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 2) to incur expenditures under the Contract in the quantities estimated by the Maintenance Department's staff for the purchase of Ultra Low Sulfur Diesel and Ultra Low Sulfur Biodiesel Blend fuel; 3) to direct the return to the bidders of their bid security at such time as Petroleum Traders Corporation has entered into a Contract; 4) to make a recommendation to the Commission on whether to exercise either of the two renewal options in the event the anticipated annual expenditures exceed \$2,500,000 by more than ten percent (10%); and 5) to take any and all action necessary to properly carry out the terms of said Contract.

**(Resolution No. 21-2008 adopted June 16, 2008)**