

## OHIO TURNPIKE COMMISSION

### Resolution Awarding Contract No. 64-08-02A and Rejecting Contract No. 64-08-02B and Contract No. 64-08-02C

WHEREAS, the Commission has duly advertised according to law for bids upon Contract No. 64-08-02A, Contract No. 64-08-02B and Contract No. 64-08-02C for construction of Aluminum and/or Steel Overhead Sign Support Structures to facilitate the placement of LED signage at all Toll Plazas for the implementation of electronic toll collection on the Turnpike (*E-ZPass*<sup>®</sup>); and

WHEREAS, the Contracts encompass three (3) Groups based on the geographical location of the Toll Plazas, with Group A in the west, Group B in the middle and Group C in the east; and

WHEREAS, expenditures for the Contracts to be awarded 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 said Contracts; and

WHEREAS, on August 29, 2008, the Commission received bids from two (2) bidders for the performance of Contract No. 64-08-02A and one (1) bidder for the performance of Contract No. 64-08-02B and Contract No. 64-08-02C; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's Chief Engineer, and he has submitted a report concerning such analysis, which report is before the Commission; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 64-08-02A was received from **M.P. Dory Company of Columbus, Ohio**, in the amount of **\$596,199.00**, which is below the Engineer's estimate and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 64-08-02A were solicited on the basis of the same terms and conditions and the same specifications, that the bid of M.P. Dory Company for Contract No. 64-08-02A 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 M.P. Dory Company; and

WHEREAS, the Chief Engineer further reports that the lone bids received for the performance of both Contract No. 64-08-02B and Contract No. 64-08-02C exceed the Engineer's estimate by more than ten percent (10%) and, therefore, cannot be considered; and

WHEREAS, the Commission's Director of Contracts Administration further advises that, pursuant to the bidding documents for Contract No. 64-08-02B and Contract No. 64-08-02C 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 (10%) above the Engineer's estimate; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendations to the Commission to award Contract No. 64-08-02A to M.P. Dory Company and to reject the lone bids received for both Contract No. 64-08-02B and Contract No. 64-08-02C; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **M.P. Dory Company of Columbus, Ohio**, in the amount of **\$596,199.00**, for the performance of Contract No. 64-08-02A is, and is by the Commission,

determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized: 1) to execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) to direct the return to the bidders of their bid security, when appropriate, and 3) to take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TTL Associates, Inc. of Toledo, Ohio** to Contract No. 64-08-02A for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2007-2008 General Engineering Services Agreement between the Ohio Turnpike Commission and TTL Associates, Inc.; and

FURTHER RESOLVED that the lone bids heretofore received for the performance of Contract No. 64-08-02B and Contract No. 64-08-02C, be and the same hereby are rejected, and the Executive Director and the Director of Contracts Administration, or either of them, are authorized to: 1) notify the bidder in writing of said action, 2) to return to the bidder its bid security, and 3) take any and all action necessary, at the appropriate time, to re-advertise for bids for said Contracts; and

**[FURTHER RESOLVED that Project No. 64-08-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**(Resolution No. 43-2008 adopted September 15, 2008)**