

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution to Authorize Payment for Emergency Fumigation Services in the Maximum Total Amount of \$300,000.00

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, upon the recommendation of Matthew Cole, Director of Administration, the Executive Director authorized the Commission to enter into a contract with RKS Management Bio Hazard Division of Ravenna, Ohio (“RKS”) to decontaminate work locations at Commission facilities to prevent the spread of COVID-19 without having publish a notice in a newspaper of general circulation as permitted for emergency situations pursuant to Section 5537.07(G)(3) of the Ohio Revised Code (the “RKS Contract”); and

WHEREAS, RKS uses a hospital grade disinfectant to sanitize workspaces to prevent the spread of COVID-19 and other infectious diseases; and

WHEREAS, beginning April 13, 2020, the Commission has requested and RKS has provided fumigation services to disinfect all eight maintenance buildings, all 31 toll plazas, and all three Ohio State Highway Patrol posts located on the Turnpike as well as other buildings on the Turnpike, as needed, Commission and OSHP vehicles and 12 Ohio State Highway Patrol work stations; and

WHEREAS, the total cost of fumigation services provided by RKS to the Commission is \$149,795.00 through July 10, 2020; and

WHEREAS, the Commission finds that the contract with RKS approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Director’s Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the requirements of the Director’s Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, per Section 5537.07(G)(3) of the Ohio Revised Code, the Commission may contract without public bidding for extraordinary emergency circumstances, as determined by the Commission; and

WHEREAS, Commission action is necessary to approve the RKS Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the emergency fumigation services received plus future fumigation services will require expenditures that will exceed \$150,000.00 in payment to RKS; and

WHEREAS, the Executive Director has reviewed the recommendations of the Director of Administration and concurs with the recommendation that the need to have work stations disinfected on a regular basis as well as having a fumigation service available for on demand services as a result of the highly contagious COVID-19 pandemic constitutes an extraordinary emergency necessitating immediate action by the Commission and to award the RKS Contract on said emergency basis; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike and Infrastructure Commission hereby determines that the need for fumigation services for work locations for both Commission employees as well as Ohio State Highway Patrol personnel assigned to patrol the Turnpike are extraordinary emergencies necessitating emergency contract; and

FURTHER RESOLVED that the Executive Director or the Director of Administration is hereby authorized and directed to enter into the contract with RKS or any such comparably reputable janitorial company in the maximum total amount of \$300,000.00 to provide disinfectant application services to prevent the spread of COVID-19 and other contagious diseases, and the Executive Director is authorized to execute said Contract as determined by the Executive Director in his professional judgment, provided that said contractor shall be and hereby is required to submit a performance bond with good and sufficient surety and all other documentation required by the General Counsel; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

FURTHER RESOLVED that the services to be provided under the RKS Contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 55-2020 adopted August 17, 2020)