

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Awarding a Contract to CrafcO, Inc. for Joint Sealant in the Total Contract Price of \$199,273.50

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, the former 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Guidance and Social Distancing," dated May 29, 2020, and extended by Interim Director of Health, Lance D. Himes, until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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, the Chief Engineer has issued a memorandum to the Commission's contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission's website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Deputy Chief Engineering/Director of Field Operations recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the 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, the Commission advertised an Invitation for Bids to furnish the approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant under Invitation No. 4379; and

WHEREAS, the Commission received two bids in response to the Invitation, and the Commission's Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the timely bids submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that CrafcO, Inc. ("CrafcO"), of Chandler, Arizona, submitted the apparent low bid at a unit price of \$0.33 per pound; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the bid of CrafcO conforms with the bid specifications in all material respects, observed that CrafcO has satisfactorily furnished similar material previously to the Commission, and recommends that the Commission select the bid of CrafcO as the lowest responsible and responsive bid received under

Invitation No. 4379, in the amount of \$0.33 per pound, which may result in a total contract price of \$199,273.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached; and

WHEREAS, the Commission's Staff Attorney has determined that the bids for Invitation No. 4379 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Crafc0 for Invitation to Bid No. 4379 conforms to the requirements of Ohio Revised Code Section 5537.07 and 9.312; and

WHEREAS, the Office of Equity and Inclusion (OEI) Manager determined to waive the program requirements due to lack of opportunity and availability of certified firms; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer/Director of Field Operations and concurs with the recommendation to award the contract for Invitation to Bid No. 4379 to Crafc0 as the lowest responsive and responsible bidder; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws because the amount of the bid received will require an expenditure that exceeds \$150,000.00 to furnish the joint sealant material; and

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Crafc0, Inc. under Invitation No. 4379, to deliver an approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant for its bid price of \$0.33 per pound, which will result in a total contract price of \$199,273.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached, is approved as the lowest responsive and responsible bid received, and that the Executive Director is authorized to execute a contract on the basis of said bid; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the 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

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, 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.

(Resolution No. 81-2020 adopted December 21, 2020)