

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing a Modification to the Contract with Fishbeck, Thompson, Carr & Huber, Inc. to Perform Phase II Construction Administration and Inspection Services Under Project No. 43-21-02 in an Amount Not-to-Exceed \$552,649.00 For a Total Aggregate Contract Amount of \$912,793.00

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, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract modification approved pursuant to this Resolution is necessary for the Commission to continue its operations and that the work to be performed under the contract shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission selected Northwest Consultants, Inc., of Toledo, Ohio, now Fishbeck, Thompson, Carr & Huber, Inc., of Toledo, Ohio, (“Fishbeck”) to perform professional engineering services for the Deck Replacements for Fangboner Road Bridge over the Ohio Turnpike at Mile Post 91.1 and Ohio Turnpike Ramp Bridge over the Ohio Turnpike at Mile Post 91.6, and the removal of the Ohio Turnpike Ramp Bridge over State Route 53 at Mile Post 92.0 in Sandusky County, Ohio (“Project 71-18-07”) pursuant to the adopted resolution, on the date noted and for the scope of work identified below:

CONTRACT ITERATION	SERVICES	FEE PROPOSAL	RESOLUTION NO.	NOT TO EXCEED AMOUNT
Original Contract	Phase I Services – Design and Plan Preparation Services	August 3, 2018	46-2018	\$193,231.00
First Modification	Phase IB Services - preparation of plans for the preferred alternative of bridge removal and replacement with a roundabout at Mile Post 92.0	October 30, 2019	57-2019	\$166,913.00

TOTAL EXPENDED: \$360,144.00

CONTRACT ITERATION	SERVICES	FEE PROPOSAL	RESOLUTION NO.	NOT TO EXCEED AMOUNT
<i>Second Modification</i>	<i>Construction Administration and Inspection Services under Project No. 43-21-02</i>	April 6, 2021	<i>proposed</i>	<i>\$552,649.00</i>

TOTAL WITH 2nd MODIFICATION: \$912,793.00

WHEREAS, the Commission selected a contractor to make the public improvements that Fishbeck designed as part of its Phase I Services, and Fishbeck submitted a fee proposal dated April 6, 2021, in the not-to-exceed amount of \$552,649.00, to perform the necessary Phase II Construction Administration and Inspection Services (“Phase II Services) under Design Project No. 71-18-07 for Construction Project No. 43-21-02, which the Chief Engineer deemed reasonable and appropriate; and

WHEREAS, the Executive Director has reviewed the recommendations for the Fee Proposal submitted by the Chief Engineer and concurs that the Commission should approve and authorize obtaining the Phase II Construction Administration and Inspection Services from Fishbeck as described in the Fee Proposal dated April 6, 2021 (copy of which is attached here), as the services are in furtherance of and are necessary for implementing the bridge work required under Project No. 43-21-02; and

WHEREAS, Commission action is necessary to approve the modification to the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount described in the fee proposal from Fishbeck, dated April 6, 2021, to perform the required Phase II Construction Administration and Inspection Services will increase the Contract by an amount that exceeds \$150,000.00;

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the Fee Proposal from Fishbeck, Thompson, Carr & Huber, Inc., dated April 6, 2021, to perform the required Phase II Construction Administration and Inspection under Project No. 43-21-02, for the not-to-exceed amount of \$552,649.00 is accepted and approved, for a total maximum contract amount of \$912,793.00; and

FURTHER RESOLVED, that the Executive Director is authorized to amend the Contract with Fishbeck, Thompson, Carr & Huber, Inc. to incorporate the proposal dated April 6, 2021 and increase the total not-to-exceed amount payable under the agreement to \$552,649.00 in accordance with the terms and conditions of the Commission’s Request for Proposals and Fishbeck, Thompson, Carr & Huber, Inc technical responses and accepted fee proposals to perform the professional engineering services identified therein in furtherance of Project No. 43-21-02; and

FURTHER RESOLVED, that the Commission finds and determines that that the contract modification approved pursuant to this Resolution is necessary for the Commission to continue its operations and that the work to be performed under the contract shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 22-2021 adopted April 19, 2021)