

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Selection of ECS Midwest, LLC for General Material Testing and Quality Control Services for Project No. 99-21-05 in the Not-to-Exceed Amount of \$2,500,000

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WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social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 9, 2021 and April 27, 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 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, on March 30, 2021, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice of its Request for Letters of Interest (“LOI”) 6-2021 for General Material Testing and Quality Control Services, referencing Project Nos. 99-21-04, 91-21-05, and 99-21-06; and

WHEREAS, on April 20, 2021 Letters of Interest were received from six firms expressing their desire to serve as the Commission’s Engineering Consultant for General Material Testing and Quality Control Services for the Projects; and

WHEREAS, an Evaluation Team consisting of Major Projects Engineer, Bridge & Structures Engineer, and Roadway Engineer convened to independently review, evaluate, and score the submissions in accordance with the LOI Evaluation Process and the Commission’s Contracts Policy in order to rank the submissions; and

WHEREAS, on the basis of the Letters of Interest received, the Evaluation Team concluded that ECS Midwest, LLC (“ECS”), of Brooklyn Heights, Ohio, is the most qualified firm to perform the necessary services for Project No. 99-21-05 (Milepost 80.0 to Milepost 160.0 - Central Region); and

WHEREAS, the Evaluation Team recommends that an agreement be established for performance of the services as set forth in LOI 6-2021 as it relates to Project No. 99-21-05, for a period that shall continue through the completion of all assignments, in the not-to-exceed amount of \$2,500,000 for all assignments issued therefrom; and

WHEREAS, the Commission’s Staff Attorney has determined that the LOI process and the selection of ECS conform with the requirements of Ohio Revised Code Sections 153.65 to 153.71, that all legal requirements were performed and that the Letters of Interest were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, the Office of Equity and Inclusion Manager has found that ECS has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 25% which meets the SBE participation goal of 25% for the Project; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer, and concurs that the Commission should approve the selection of ECS to perform Services for Project No. 99-21-05; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount estimated in LOI 6-2021 for Project No. 99-21-05 to perform the required General Material Testing and Quality Control Services is anticipated to exceed \$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 selection of ECS Midwest, LLC is approved as the most qualified firm to perform the required general material testing and quality control services under Project No. 99-21-05, and that the Executive Director is authorized to execute a contract with ECS Midwest, LLC in the not-to-exceed amount of \$2,500,000 for all assignments issued therefrom; and

FURTHER RESOLVED, that the Commission finds and determines that that the contract 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

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(s) or increase its costs.

(Resolution No. 29-2021 adopted May 17, 2021)