

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Awarding a Contract to Valley Freightliner, Inc. dba Western Star Trucks of Cleveland for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway Engines Under Bid Invitation No. 4393 in the Total Not-to-Exceed Amount of \$160,000.00**

WHEREAS, on June 28, 2021, the Commission advertised an Invitation for Bids to Furnish its requirements for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway Engines for a term of one (1) year (“Invitation No. 4393”); and

WHEREAS, Invitation No. 4393 was divided into two Groups: Group I – Western Division – Delivery Location – Elmore Maintenance Building; and Group II – Eastern Division- Delivery Location – Hiram Maintenance Building and the bidders were given the option to submit bids for one or both Groups; and

WHEREAS, on July 13, 2021, the Commission received two bids in response to the Invitation No. 4393, and the Commission’s Chief Engineer and Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the bids timely submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that the lowest responsive and responsible bid for furnishing the Commission’s requirements for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway Engines under Invitation No. 4393 was submitted by Valley Freightliner, Inc. dba Western Star Trucks of Cleveland (“Western Star”) of Cleveland, Ohio, in the total not-to-exceed amount of \$160,000.00 (\$80,000.00 for Group I and \$80,000.00 for Group II) for a term of one year, based on the anticipated requirements of the Commission throughout the term of the contract and the pricing offered under the bid; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Western Star has furnished the Commission’s requirements for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway Engines in the past and has performed satisfactorily; and, therefore, the Acting Chief Engineer recommends that the Commission award a contract for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway Engines to Western Star as the lowest responsible and responsive bidder; and

WHEREAS, the Staff Attorney determined that the bids for Invitation No. 4393 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Western Star for Invitation No. 4393 conforms to the requirements of Ohio Revised Code Sections 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, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the bid received may require expenditures that will exceed \$150,000.00 if the Commission’s requirements for pavement sweeping services surpass the estimated quantities; and

WHEREAS, the Commission’s Executive Director recommends that the Commission award Western Star the contract for Invitation No. 4393 as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the bid of Valley Freightliner, Inc. dba Western Star Trucks of Cleveland in the total not-to-exceed amount of \$160,000.00 (\$80,000.00 for Group I and \$80,000.00 for Group II) to furnish the Commission’s requirements for Diagnostic Services and Repair/Replacement Parts for Cummins Bridgeway

Engines, for a one (1) year, 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 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. 52-2021 adopted August 16, 2021)**