

TCS MODERNIZATION PROJECT

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing and Ratifying Modification of Contract with The Shelly Company for Project No. 39-20-03 in the Not-to-Exceed Amount of \$170,815.65

WHEREAS, the Commission, under Resolution No. 52-2020, adopted August 17, 2020, approved a construction contract with The Shelly Company in the amount of \$45,684,293.84 for Project No. 39-20-03, Part A: Mainline Pavement Reconstruction at Milepost 208.17 to Milepost 212.76 and Part B: Toll Plaza 211 Site Construction at Milepost 211.0 on the Ohio Turnpike in Trumbull County, Ohio (the “Project”); and

WHEREAS, under Part A of the Project, the Commission is replacing the pavement westbound in 2021 and the pavement eastbound in 2022; and

WHEREAS, to date, the change orders issued on the Project total \$61,679.53; and

WHEREAS, multiple areas of failed pavement was bringing up soil and water at the edge of the failed pavement which created a safety issue and an extraordinary emergency warranting additional pavement repair work to the Project; and

WHEREAS, during construction of the Project, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations determined it was necessary and reasonable to request The Shelly Company to perform additional full depth and partial depth pavement repairs within the Project limits in the eastbound and westbound lanes; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations requested, and The Shelly Company completed, the pavement repairs in April 2021; and

WHEREAS, the pavement repair work increased the contract by \$170,815.65, which amount exceeds the Executive Director’s contracting authority under Article V, Section 1.00 of the Commission’s Code of Bylaws, and Commission approval is necessary to authorize Change Order 2 for this Project incorporating the fee proposal; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and Deputy Chief Engineer/Director of Field Operations and approves the recommendation to authorize and ratify Change Order 2 for The Shelly Company to perform the pavement repairs on the Project; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission finds and determines that the previous pavement repairs that had failed, bringing up soil and water at the edge of the failed repairs within the Project limits created a safety issue and an extraordinary emergency under Section 5537.07(G) of the Ohio Revised Code warranting adding the pavement repair work to the Project; and

FURTHER RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the Change Order from The Shelly Company dated August 31, 2021, to for pavement repairs (as set forth in said proposal) on the Project in the not-to-exceed amount of \$170,815.65 is authorized and ratified, and the Executive Director is authorized to modify the Construction Contract with The Shelly Company by issuing Change Order 2 to perform such additional services in accordance with the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate amount not to exceed \$45,908,475.52.

(Resolution No. 68-2021 adopted November 15, 2021)