

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Agreement with RKS Management, Inc. for Routine and Incident Based COVID-19 Decontamination Services in the Maximum Amount of \$750,000.00 for a 1 Year Term

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by f “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other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 Director of Administration 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 is currently performing Incident Based COVID-19 Decontamination Services pursuant to the expenditure approved by the Commission under Resolution No. 55-2020, adopted on August 17, 2020, and, on September 16, 2020, the Commission issued its Request for Proposals No. 6-2020 (“RFP”) to select a company to perform Routine and Incident Based COVID-19 Decontamination Services for an initial agreement term of one year, which may be extended for two additional, one-year periods; and

WHEREAS, on October 27, 2020, sixteen companies submitted proposals to provide Routine and Incident Based COVID-19 Decontamination Services to the Commission; and

WHEREAS, an Evaluation Team comprised of the Director of Administration, Director of Toll Operations, Safety Services Manager and Maintenance Operations Engineer II conducted the technical review of the proposals submitted; and

WHEREAS, based on the technical review, the Evaluation Team awarded the highest technical score to RKS Management, Inc. (“RKS”), of Ravenna, Ohio, a female-owned small business enterprise; and

WHEREAS, after the respondents were ranked by technical scores, the Evaluation Team reviewed the fee proposals submitted and, as a result of this competitive process, concluded that the proposal submitted by RKS delivers the best value in terms of service and price and recommends that an Agreement be entered into with that company for an initial term of one (1) year, with two additional one (1) year renewal terms, in the aggregate maximum total amount of \$2,250,000.00 (or \$750,000.00 per 12-month term); and

WHEREAS, expenditures under the Agreement to be awarded for Routine and Incident Based COVID-19 Decontamination Services will exceed \$150,000.00 and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission action is necessary for said award; and

WHEREAS, the Staff Attorney has determined that all legal requirements have been performed and that the aforesaid proposals were solicited on the basis of the same terms, conditions and specifications with respect to all respondents, that RKS has provided evidence of its ability to provide all required insurance, and that the Commission may legally enter into an agreement with said company; and

WHEREAS, the Office of Equity and Inclusion Manager determined there were no available companies listed in the DAS or UCP registries and, on this basis, waived the SBE goal for this contract; and

WHEREAS, the Executive Director has reviewed the report of the Evaluation Committee and concurs with the recommendation that the agreement for Routine and Incident Based COVID-19 Decontamination Services be awarded to RKS; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the proposal submitted by RKS is determined to deliver the best value in terms of service and price of all proposals received in response to the Commission’s RFP No. 6-2020 for Routine and Incident Based COVID-19 Decontamination Services and is hereby accepted; and

FURTHER RESOLVED that the Executive Director and/or General Counsel hereby are authorized to execute a contract with RKS Management, Inc. of Ravenna, Ohio for an initial one-year term in the maximum amount of \$750,000.00, in the form prescribed by the Commission pursuant to the RFP, provided that such changes to the form of agreement may be made when recommended by the Commission’s General Counsel; and to take any and all action necessary or proper to carry out the terms of said contract.

FURTHER RESOLVED that the Commission finds and determines that the agreement 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 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 Projects or increase its costs.

(Resolution No. 9-2021 adopted February 22, 2021)