

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Ratifying and Approving Change Orders 16 and 18 of Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-18-05 in the Amount of \$1,638,382.76

WHEREAS, the Commission, under Resolution No. 34-2018, adopted June 18, 2018, approved a construction contract with Suburban Maintenance and Construction, Inc. in the amount of \$6,284,083.20 for a Bridge Replacement at Milepost 223.0, in Mahoning County, Ohio, designated as Project No. 43-18-05 (the "Project"); and

WHEREAS, the total value of change orders issued on the Project to date is \$2,574,916.91 bringing the current total contract value to \$8,859,000.11; and

WHEREAS, the former Chief Engineer determined it was necessary and reasonable to request Suburban Maintenance and Construction, Inc. to perform additional work on the Project, specifically to replace the shoulders in an approximately two and one-half mile area which were failing and needed to be replaced in order to maintain a single lane of traffic in each direction during Phase 2 of the Project (the "Change Order 16 Work"); and

WHEREAS, Suburban Maintenance and Construction, Inc. provided pricing to perform the Change Order 16 Work utilizing negotiated pricing based on comparably bid items from historical information which Engineering staff reviewed and found to be reasonable when compared to bid items of similar scope and quantity; and

WHEREAS, the former Chief Engineer requested, and Suburban Maintenance and Construction, Inc. completed the Change Order 16 Work in May of 2020; and

WHEREAS, the Project was originally contracted as a two-year project, but due to a slope failure near the Project during the second year (2019), work was suspended while the slope failure was addressed and work on the Project resumed in 2020; and

WHEREAS, the former Chief Engineer determined a change order was necessary to compensate Suburban Maintenance and Construction, Inc. for demobilizing, remobilizing, extending the duration of maintenance of traffic and other items, as well as extending the work into the next calendar year (the "Change Order 18 Work"); and

WHEREAS, Suburban Maintenance and Construction, Inc provided pricing to perform the Change Order 18 Work utilizing negotiated reasonable value pricing based on comparably bid items and ODOT specifications for delay costs which Engineering staff reviewed and found the price to be reasonable; and

WHEREAS, the Change Order 16 Work increased the contract by \$733,643.69 and the Change Order 18 Work increased the contract by \$904,739.07, both of which exceed 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 approve and ratify Change Order 16 and Change Order 18 for this Project; and

WHEREAS, the Chief Engineer and the Bridge and Structures Engineer recommend that the Commission approve and ratify Change Order 16 and Change Order 18 for the Project and their report is currently before the Commission; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and the Bridge and Structures Engineer and concurs with the recommendation to approve and ratify Change Order 16 and Change Order 18 as described above; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that Change Order 16 from Suburban Maintenance and Construction, Inc. dated April 27, 2020, for the additional

shoulder replacement work (as set forth in the recitals above) on the Project in the amount of \$733,643.69 is approved and ratified, and the Executive Director's modification of the Contract with Suburban Maintenance and Construction, Inc. by issuing Change Order 16 is approved and ratified, subject to the terms and conditions of the existing contract; and

FURTHER RESOLVED, by the Ohio Turnpike and Infrastructure Commission that Change Order 18 from Suburban Maintenance and Construction, Inc dated July 15, 2020, for the additional work by suspension of the Project due to the slope failure (as set forth in the recitals above) in the not-to-exceed amount of \$904,739.07 is approved and ratified, and the Executive Director's modification of the Contract with Suburban Maintenance and Construction, Inc. by issuing Change Order 18 is approved and ratified, subject to the terms and conditions of the existing contract; and

FURTHER RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-18-05, together with all amendments, including Change Order No. 16 and Change Order No. 18, shall be in the total aggregate amount not to exceed \$8,859,000.11.

(Resolution No. 13-2022 adopted February 28, 2022)