

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Ratifying and Approving Change Order 1 of Contract with J.S. Bova Excavating, LLC for Project No. 69-18-02 in the Amount of \$169,543.00**

WHEREAS, the Commission, under Resolution No. 48-2018, adopted August 20, 2018, approved a construction contract with J.S. Bova Excavating, LLC in the amount of \$278,453.22 for Erosion Repair at Milepost 228.5, Mahoning County, Ohio, designated as Project No. 69-18-02 (the “Project”); and

WHEREAS, the total value of change orders issued on the Project to date is \$184,465.78, bringing the current total contract value to \$462,919.00; and

WHEREAS, the project design intended for only areas of the ditch to receive rock channel protection where erosion was likely to occur; however, during reconstruction of the ditch, significant rain events were observed and despite existing sediment and erosion controls, the soils that remained had become more susceptible to erosion and would not support the proposed soil embankment that was to be installed; and

WHEREAS, the former Chief Engineer determined it was necessary and reasonable to request J.S. Bova Excavating, LLC. to perform additional work on the Project, specifically to place rock channel protection in a substantial area of the reshaped ditch which included removal of unsuitable material, installing filter fabric material, and placing rock channel protection throughout the entire ditch length (the “Change Order 1 Work”); and

WHEREAS, J.S. Bova Excavating, LLC. provided pricing to perform the Change Order 1 Work utilizing negotiated pricing based on comparably bid items from historical information and Engineering staff found the price to be reasonable; and

WHEREAS, the former Chief Engineer requested, and J.S. Bova Excavating, LLC completed the Change Order 1 Work in July of 2019; and

WHEREAS, the Change Order 1 Work increased the contract by \$169,543.00, 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 approve Change Order 1 for this Project; and

WHEREAS, the Chief Engineer and Environmental Engineer recommend that the Commission approve Change Order 1 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 Environmental Engineer and concurs with the recommendation to approve Change Order 1 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 1 from J.S. Bova Excavating, LLC Dated October 8, 2019, for the additional erosion control repair work (as set forth in the recitals above) on the Project in the amount of \$169,543.00 is approved, and the Executive Director’s modification of the Contract with J.S. Bova Excavating, LLC by issuing Change Order 1 is ratified and approved, subject to the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate amount not to exceed \$462,919.00.

**(Resolution No. 14-2022 adopted February 28, 2022)**