

# **TCS MODERNIZATION PROJECT**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Ratifying and Approving Change Order 01 of Contract with The Shelly Company-Northeast Division for Project No. 59-20-05 in the Amount of \$327,256.70**

WHEREAS, the Commission, under Resolution No. 51-2020, adopted August 17, 2020, approved a construction contract with The Shelly Company-Northeast Division in the amount of \$2,824,752.85 for Shoulder Repairs and Reconstruction, Eastbound and Westbound Roadways, at Milepost 235.90 to Milepost 240.82, Mahoning County, Ohio, designated as Project No. 59-20-05 (the “Project”); and

WHEREAS, the total value of change orders issued on the Project to date is \$288,881.55, bringing the current total contract value to \$3,113,634.40; and

WHEREAS, removal and reconstruction of the westbound inside shoulder east and west of Toll Plaza 239 and the eastbound inside shoulder west of Toll Plaza 239 (the “Change Order 01 Work”) had been planned to be part of Project No. 39-20-04, but there was insufficient time to reconstruct the shoulders in 2021, so this work was removed from Project No. 39-20-04, added to Project No. 59-20-05, to allow the Commission’s Toll Collection System project to remain on schedule; and

WHEREAS, the former Chief Engineer determined it was necessary and reasonable to request The Shelly Company-Northeast Division to perform the Change Order 1 Work; and

WHEREAS, The Shelly Company-Northeast Division provided pricing to perform the Change Order 01 Work utilizing existing bid unit pricing and 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 The Shelly Company-Northeast Division completed, the Change Order 01 Work in November 2020; and

WHEREAS, the Change Order 01 Work increased the contract by \$327,256.70, 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 01 for this Project; and

WHEREAS, the Chief Engineer and Roadway Engineer recommend that the Commission approve Change Order 01 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 Roadway Engineer and concurs with the recommendation to approve Change Order 01 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 01 from The Shelly Company dated November 2, 2020, for the shoulder work at TP 239 as set forth in the recitals above on the Project in the amount of \$327,256.70 is approved, and the Executive Director’s modification of the Contract with The Shelly Company by issuing Change Order 01 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 \$3,113,634.40.

**(Resolution No. 15-2022 adopted February 28, 2022)**