

TCS MODERNIZATION PROJECT

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Action Contractors, LLC for Project No. 58-22-03 (REBID) for the Total Amount of \$2,784,204.67

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published a notice in accordance with law to advertise an invitation to bid on a contract for the Toll Plaza 152 Expansion at Milepost 152.2, Lorain County, Ohio, as part of the Commission’s Toll Collection System Modernization, and designated as Project No. 58-22-03; and

WHEREAS, the Commission received no bids on Project No. 58-22-03; and

WHEREAS, the Commission published a notice in accordance with law readvertising its invitation to bid upon a contract for the Toll Plaza 152 Expansion at Milepost 152.2, Lorain County, Ohio, as part of the Commission’s Toll Collection System Modernization, and now designated as Project No. 58-22-03 (REBID) (hereinafter the “Project”); and

WHEREAS, the Commission received three (3) bids to perform the Contractor’s obligations on the Project; and

WHEREAS, all three bids were in excess of ten percent (10%) above the Engineer’s estimate and, pursuant to Article V of the Instructions to Bidders, the Commission shall convene a Construction Contracts Award Committee (“CCAC”) to determine if the bid prices are within reasonable conformance with the Engineer’s estimate and a bid price may be accepted by the Commission upon a recommendation by the Committee; and

WHEREAS, the CCAC met on March 11, 2022, and after considering the Commission consultant’s evaluation memorandum and information provided by the Engineering staff, the CCAC determined that the apparent low bid submitted by Action Contractors, LLC, of Bedford, Ohio, is within reasonable conformance with the Engineer’s estimate and should be accepted for the reasons set forth in the CCAC memo dated March 11, 2022, which is before the Commission and summarized below:

- The project was initially bid in the Spring of 2021 with a similar project located at Toll Plaza 64, as Project 58-21-03. The Commission did not receive any bids. It was decided to split Toll Plaza 64 and Toll Plaza 152 into individual projects and bid them out separately. Toll Plaza 152 was advertised in January this year, and the Commission received zero bids. The Project was advertised again on February 4, 2022, and the Commission received three bids;
- The bid received appears balanced;
- The items with the largest disparities were Maintenance of Traffic (MOT) and the Sitework/General Trades/Roadway bid item:
 - the Commission’s consultant acknowledged it underestimated certain inherent risks in the MOT lump sum item;
 - the Commission’s consultant identified variables (e.g., rebid, time of year, supply chain, labor shortages) that likely led to higher unit prices for Sitework/General Trades/Roadway bid item;
- Delaying the Project will likely delay portions of the Toll Collection System Modernization project;
- A rebid would not likely attract more bidders or result in lower bids;
- The next lowest bid was 8.7% higher;
- Awarding this Project to Action Contractors, LLC will not adversely affect the Commission’s Capital Program or financial condition;
- The bidder has committed to meeting the SBE goal for the Project; and
- The bidder appears to have the capacity to perform the Project.

WHEREAS, the CCAC reports that Action Contractors, LLC submitted the apparent low bid on the Project in the total bid amount of \$2,784,204.67 which it recommends the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Commission's Acting General Counsel advises that it is in the best interest of the Commission to obtain builder's risk insurance for this Project and recommends that the Commission approve the purchase of such insurance for the Project; and

WHEREAS, the Director of Contracts Administration determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of Action Contractors, LLC conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Action Contractors, LLC submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion has found that Action Contractors, LLC has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 23.8% which meets the SBE participation goal of 15% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under the Project that will exceed \$150,000.00; and

WHEREAS, the CCAC recommends the Commission select Action Contractors, LLC as the lowest responsive and responsible bidder for the Project; and

WHEREAS, the Commission's Executive Director concurs with the CCAC's recommendation that the Commission approve the award of the Project to Action Contractors, LLC as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the bid of Action Contractors, LLC for Project No. 58-22-03 (REBID) in the amount of \$2,784,204.67 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED, that the Executive Director or the General Counsel, individually, is authorized to obtain builder's risk insurance for the Project, after obtaining competitive quotes, for the Project.

(Resolution No. 26-2022 adopted March 21, 2022)