

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Authorizing the Executive Director to Execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company for Bridge Deck Rehabilitation Project No. 43-22-02 for a Total Aggregate Not-To-Exceed Amount of \$679,690.00**

WHEREAS, during the phase of property acquisition to build the Ohio Turnpike, the Indiana & Ohio Railway Company's ("Railroad") predecessor granted the Ohio Turnpike and Infrastructure Commission ("Commission") an easement to construct a bridge over a railroad currently referred to as the Indiana & Ohio Railway, and which easement requires the Commission to coordinate with the Railroad for construction and maintenance projects and to reimburse or cause to be reimbursed, the Railroad, for the wages and expenses of such trainmen or flagmen; and

WHEREAS, the coordination includes the Railroad performing engineering review services for construction and maintenance projects, providing Construction Engineering and Engineering Inspection, and providing flagging during construction periods on the Project; and

WHEREAS, under Resolution 35-2019 the Ohio Turnpike and Infrastructure Commission selected DGL Consulting Engineers, LLC to perform the professional engineering design necessary for design project 71-19-01 in an amount not to exceed \$466,638.00; and

WHEREAS, on April 27, 2021, the Commission and the Railroad entered into an agreement for the Railroad to provide the engineering review services prior to bidding the project at a total cost of \$22,425.00; and

WHEREAS, on December 15, 2021, a Construction and Maintenance Agreement was executed with the Railroad, which contained a Force Account Estimate; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Bridge Deck Rehabilitation, on the Ohio Turnpike over State Route 109 at Milepost 40.3, and on the Ohio Turnpike over Indiana & Ohio Railway at Milepost 40.5 in Fulton County, Ohio, designated as Project No. 43-22-02 (hereinafter the "Project"); and

WHEREAS, the construction bidding documents specified a construction schedule of April 1, 2022 through October 31, 2023, with a winter shutdown period of November 22, 2022 through March 14, 2023; and

WHEREAS, during the bidding phase, the Commission modified the specified construction schedule of the Project, extending it from a one year project to a two year project; and

WHEREAS, the Commission awarded the Project to Kokosing Construction Company ("Contractor") in the amount of \$10,517,753.17 under Resolution No. 5-2022 at the January 24, 2022 Commission meeting; and

WHEREAS, on March 10, 2022 the Commission received a revised Force Account Estimate from the Railroad to provide the Construction Engineering and Engineering Inspection along with additional flagging during the modified construction schedule; and

WHEREAS, the revised Force Account Estimate will require the Commission to make expenditures in the estimated aggregate amount of \$679,690.00 to the Railroad over the two year project as part of the Construction and Maintenance Agreement; and

WHEREAS, inasmuch as expenditures under the Agreement exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary to agree to the expenditures under the Agreement; and

WHEREAS, the Chief Engineer recommends to the Commission that, with the adoption of this Resolution, the Construction and Maintenance Agreement with the Ohio & Indiana Railway Company be approved in an aggregate amount not to exceed \$679,690.00; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director is authorized to execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company, in the aggregate total not-to-exceed amount of \$679,690.00, for the performance of construction and maintenance costs related to the bridge deck widening and replacement of the mainline bridges over State Route 109, Milepost 40.3 and over the Indiana & Ohio Railway, Milepost 40.5, both in Fulton County, Ohio, designated as Project No. 43-22-02.

**(Resolution No. 38-2022 adopted May 16, 2022)**