

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing a Modification to the Contract with ms consultants, inc. to Perform Additional Phase II Services Under Project No. 71-18-08 in the Aggregate Not-to-Exceed Amount of \$1,273,351.58

WHEREAS, the Commission and ms consultants, inc. entered into a Contract for Professional Engineering Services necessary for the deck replacement and widening of two bridges at Milepost 222.7 and Milepost 222.8 in Mahoning County, Ohio, known as Design Project No. 71-18-08 (the “Project”), and the Commission authorized Phase I-Site Inspection, Engineering Report, Design and Plan Preparation Services (“Phase I Services”) on the Project for the not-to-exceed amount of \$381,079.00 under Resolution No. 53-2018, approved September 17, 2018; and

WHEREAS, the Chief Engineer determined it was necessary to modify the scope of the Phase I Services to include additional field survey work and revisions to the roadway plans, bridge plans and the bid form and engineer’s estimate (“Additional Phase I Services”), and ms consultants, inc. submitted a fee proposal dated July 14, 2020, in the not-to-exceed amount of \$29,607.00, which the Chief Engineer approved as reasonable and appropriate and accepted for incorporation into the Contract under the authority of Article V, Section 1.00 of the Code of Bylaws; and

WHEREAS, the Commission selected a contractor to make the public improvements that m s c consultants, inc. designed as part of its Phase I Services, and ms consultants, inc. submitted a fee proposal dated December 8, 2020, in the not-to-exceed amount of \$586,299.12, to perform the necessary Phase II – Construction Administration and Inspection Services (“Phase II Services”) under Design Project No. 71-18-08 for Construction Project No. 43-20-03, which the Chief Engineer deemed reasonable and appropriate, the Executive Director approved, and the Commission authorized for incorporation into the Contract under Resolution No. 70-2020, approved on November 16, 2020; and

SERVICES/FEEES APPROVED TO DATE

CONTRACT	SERVICES	FEE PROPOSAL	APPROVAL	AMOUNT
Original Contract dated October 22, 2018	Phase I Services – Deck replacement and widening of two bridges at MP 222.7 and MP 222.8 in Mahoning County, Ohio	September 5, 2018	Res. 53-2018	\$381,079.00
First Modification September 1, 2020	Additional Phase I Services – additional field survey work and revisions to the roadway plans, bridge plans and the bid form	July 14, 2020	Chief Engineer	\$29,607.00
Second Modification January 19, 2021	Phase II – Construction Administration and Inspection Services – Project No. 43-20-03	December 8, 2020	Res. 70-2020	\$586,299.12

TOTAL AMOUNT OF MODIFICATIONS TO DATE: \$996,985.12

CONTRACT	SERVICES	FEE PROPOSAL	APPROVAL	AMOUNT
Third Modification	Additional Phase II Services for Construction Administration and Inspection Services – Project No. 43-20-03	April 13, 2022	<i>Proposed</i>	\$276,366.46

TOTAL AMOUNT OF MODIFICATIONS TO DATE: \$1,273,351.58

WHEREAS, ms consultants, inc. submitted a fee proposal dated April 13, 2022, in the not-to-exceed amount of \$276,366.46 to perform additional Phase II Services, including procuring and using the ProCore Construction Management Software Program, hours worked during the Winter period, and additional personnel and hours required during the Spring, which the Chief Engineer finds reasonable and appropriate; and

WHEREAS, Commission action is necessary to approve the modification to the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount described in the fee proposal from ms consultants, inc., dated April 13, 2022, to perform the Additional Phase II Services will increase the Contract by an amount that exceeds the greater of 10% or \$150,000.00; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs that the Commission should approve and authorize obtaining the Additional Phase II Services from ms consultants, inc. as described in the Fee Proposal dated April 13, 2022; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the proposal from ms consultants, inc. dated April 13, 2022, to perform the Additional Phase II Services, specifically described in the Recitals, under Contract No. 71-18-08, Construction Project No. 43-20-03, in the not-to-exceed amount of \$276,366.46 is approved; and

FURTHER RESOLVED, the Executive Director is authorized to amend the Contract with ms consultants, inc. to perform such additional services in accordance with the terms and conditions of the existing Contract and ms consultants, inc.'s fee proposal dated April 13, 2022, in the aggregate not-to-exceed amount of \$1,273,351.58.

(Resolution No. 59-2022 adopted August 15, 2022)