

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Rejecting the Bids Received for Contract No. 43-14-02, Bridge Rehabilitation, Youngstown & Southeastern Railroad Bridge in Mahoning County

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Bridge Rehabilitation of Youngstown & Southeastern Railroad Bridge over the Ohio Turnpike at Milepost 233.3, located in Mahoning County, Ohio, herein designated **Contract No. 43-14-02**; and

WHEREAS, the estimated value of Contract No. 43-14-02 is in excess of \$150,000.00 and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Contract or the rejection of bid(s) for said Contract; and

WHEREAS, the Commission received three bids for the performance of said Contract from **APBN, Inc., of Campbell, Ohio, Eagle Industrial Painting, LLC, of Magnolia, Ohio,** and **Vimas Painting Company, Inc., of Lowellville, Ohio**; and

WHEREAS, the bids have been reviewed and analyzed by the Commission's Chief Engineer, whose report concerning said analysis is before the Commission; and

WHEREAS, the Commission's Chief Engineer reports that the lowest bid from **Eagle Industrial Painting, LLC**, in the amount of **\$1,497,760.00**, was more than ten percent over the Engineer's estimate and he, therefore, recommends that all bids be rejected and that the staff be directed to review the Invitation and re-advertise for bids for Contract No. 43-14-02 as soon as practicable; and

WHEREAS, the Commission's Director of Contracts Administration concurs with the Chief Engineer's analysis and has submitted a report advising the Commission that, pursuant to Ohio Revised Code Section 153.12, "[n]o contract . . . shall be entered into if the price of the contract, . . . for the project, is in excess of ten percent above the entire estimate thereof," and further that the Commission specifically has reserved the right to reject any and all bids under the Bidding Documents for Contract No. 43-14-02 and Ohio Revised Code Section 5537.07(A); and

WHEREAS, predicated upon the analysis of the reports submitted by both the Chief Engineer and the Director of Contracts Administration, the Executive Director concurs with their recommendation to reject all bids and re-advertise for new bids under Contract No. 43-14-02 as soon as possible; and

WHEREAS, the Commission has duly considered said recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned bids heretofore received pursuant to the advertisement for bids upon Contract No. 43-14-02, be and the same hereby are rejected, and the Director of Contracts Administration is authorized to notify the bidders in writing of said action, and to return to the bidders their bid security; and

FURTHER RESOLVED that the Chief Engineer and the Director of Contracts Administration hereby are authorized to take any and all action necessary, at the appropriate time, to re-advertise for bids for Contract No. 43-14-02.

(Resolution No. 34-2014 adopted June 16, 2014)