

OHIO TURNPIKE COMMISSION

Resolution Awarding Contracts for the Purchase of Interior and Exterior Service Plaza Furniture

WHEREAS, the Commission has duly advertised in accordance with law for bids for Invitation No. 4189 for furnishing to the Commission of Interior and Exterior Service Plaza Furniture to be delivered to the newly reconstructed Mahoning Valley and Glacier Hills Service Plazas; and

WHEREAS, expenditures by the Commission for the Contracts to be awarded as a result of Invitation No. 4189 will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Contracts; and

WHEREAS, the Invitation was organized into eight Groups or categories of furniture, and bidders could submit bids for one or all eight Groups; and

WHEREAS, on October 2, 2012, the Commission received five bids in response to the Invitation, and said bids were reviewed and analyzed by the Commission's Highway Engineer and Service Plaza Operations Manager; and

WHEREAS, the General Counsel has reported that the apparent low bids for Groups II, IV and VIII were submitted by Independence Business Supply, Inc. of Cleveland, Ohio, however, this Bidder failed to submit the required bid guaranty, and, therefore, its bids are non-responsive and must be rejected; and

WHEREAS, the Service Plaza Operations Manager and the Highway Engineer have reported that the following companies submitted the lowest responsive and responsible bids for Groups I, II, III, IV, V, VI, VII and VIII:

| <u>Group(s)</u> | <u>Vendor</u> | <u>Dollar Amount</u> |
|---------------------|---|----------------------|
| I & VIII | A & M Outdoor Furniture Columbus, Ohio | \$ 22,686.28* |
| II | Environments 4 Business, LLC Cleveland, Ohio | \$ 56,804.36 |
| III, IV, V & VII | E.M.M. / Black's Distributor Dayton, Ohio | \$136,408.00 |
| VI | Lowe's Home Centers, Inc. Wilkesboro, North Carolina | \$ 26,112.50 |
| | TOTAL | \$242,011.14 |

***The low bidder for Group I was actually Lowe's Home Centers, however, the Ohio based bid of A & M Outdoor Furniture was less than five percent higher, and, therefore, in accordance with the Commission's Domestic and Ohio Preference Policy, Group I must be awarded to the Ohio firm.**

WHEREAS, the Service Plaza Operations Manager and the Highway Engineer have further reported that the bidders propose to furnish furniture, materials and services in accordance with the Commission's Specifications, and they, therefore, have recommended that the Commission proceed with awards of the following Contracts in the amounts indicated above: Groups I & VIII to A & M Outdoor Furniture; Group II to Environments 4 Business, LLC; Groups III, IV, V & VII to E.M.M. / Black's Distributor; and Group VI to Lowe's Home Centers, Inc.; and

WHEREAS, the General Counsel has advised the Commission that all bids qualify for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the General Counsel that all bids for Invitation No. 4189 were solicited on the basis of the same terms, conditions, and specifications, and that the bids of A & M Outdoor Furniture, Environments 4 Business, LLC, E.M.M. / Black's Distributor, and Lowe's Home Centers, Inc. for Invitation No. 4189 conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid guaranty of good and sufficient surety has been submitted by each bidder; and

WHEREAS, the Executive Director has reviewed the reports of the Service Plaza Operations Manager, Highway Engineer and the General Counsel and, predicated upon such analysis, has made his recommendation to the Commission to reject the bids of Independence Business Supply for Groups II, IV and VIII, and that Contracts for Invitation No. 4189 be awarded for Groups I & VIII to A & M Outdoor Furniture; for Group II to Environments 4 Business, LLC; for Groups III, IV, V & VII to E.M.M. / Black's Distributor; and for Group VI to Lowe's Home Centers, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the apparent low bids of Independence Business Supply of Cleveland, Ohio for Groups II, IV and VIII of Invitation No. 4189 are deemed not responsive and are hereby rejected; and

RESOLVED that the bids of the following companies:

| <u>Group(s)</u> | <u>Vendor</u> | <u>Dollar Amount</u> |
|---------------------|---|----------------------|
| I & VIII | A & M Outdoor Furniture Columbus, Ohio | \$ 22,686.28 |
| II | Environments 4 Business, LLC Cleveland, Ohio | \$ 56,804.36 |
| III, IV, V & VII | E.M.M. / Black's Distributor Dayton, Ohio | \$136,408.00 |
| VI | Lowe's Home Centers, Inc. Wilkesboro, North Carolina | \$ 26,112.50 |
| | TOTAL | \$242,011.14 |

for Invitation No. 4189 are, and are by the Commission deemed to be the lowest responsive and responsible bids received, and the Executive Director and General Counsel, or either of them, is hereby authorized to: 1) notify Independence Business Supply that its low bids for Groups II, IV and VIII of Invitation No. 4189 have been rejected; 2) execute a Contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 3) direct the return to the bidders of their bid securities at such time as the successful bidders have each entered into a Contract; and 4) take any and all action necessary to properly carry out the terms of said Contracts.

FURTHER RESOLVED that expenditures under Invitation No. 4189 will be made utilizing Service Plaza Capital Improvement Funds.

(Resolution No. 48-2012 adopted November 19, 2012)