

# OHIO TURNPIKE COMMISSION

## Resolution Awarding a Contract to Perform Construction for the Noise Mitigation Pilot Project

WHEREAS, the Commission duly advertised according to law for bids under Contract No. 62-09-01 / 62-09-02 for the construction required to perform a Noise Mitigation Pilot Project from Mileposts 158.52 to 158.75, and from Mileposts 163.40 to 163.57, located in Cuyahoga County, Ohio; and

WHEREAS, expenditures for Contract No. 62-09-01 / 62-09-02 will exceed \$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; and

WHEREAS, on April 13, 2009, four (4) bids were received in response to said Construction Invitation, which bids were reviewed and analyzed by the Commission's Chief Engineer, who has submitted his report to the Commission concerning said analysis; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of the work under Contract No. 62-09-01 / 62-09-02 was submitted by **M.P. Dory Company** of Columbus, Ohio in the total amount of **\$479,326.60**, which bid is below the Commission's estimated expenditures for construction of the noise mitigation pilot project, and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Contract No. 62-09-01 / 62-09-02 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of M.P. Dory Company for Contract No. 62-09-01 / 62-09-02 conforms to the requirements of Ohio Revised Code Sections 5537.07, Section 9.312 and Section 153.54, and that a performance bond with good and sufficient surety has been submitted by M.P. Dory Company; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation to the Commission to award Contract No. 62-09-01 / 62-09-02 to the lowest responsive and responsible bidder, M.P. Dory Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **M.P. Dory Company** of **Columbus, Ohio**, in the total amount of **\$479,326.60** for Contract No. 62-09-01 / 62-09-02 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized: 1) to execute Contract No. 62-09-01 / 62-09-02 with M.P. Dory Company in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; 2) to direct the return to the bidders of their bid security, when appropriate; and 3) to take any and all action necessary or proper to carry out the terms of Contract No. 62-09-01 / 62-09-02; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **TranSystems, Inc.** of **Cleveland, Ohio**, to Contract No. 62-09-01 / 62-09-02 for the purpose of performing construction administration and inspection services, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and TranSystems, Inc.; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Solar Testing Laboratories, Inc.**, of **Brooklyn Heights, Ohio** to Contract No. 62-09-01 / 62-09-02 for the purpose of performing materials testing and inspection services, with such assignment in accordance with the 2009-2010 General Engineering Design Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc.

(Resolution No. 13-2009 adopted April 27, 2009)