

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Awarding Contract for Furnishing Two Portable Asphalt Recycling Machines and Eight Asphalt Hotbox/Reclaimer Trailers under Invitation No. 4224

WHEREAS, the Commission has advertised in accordance with law for bids in response to Invitation No. 4224 for the furnishing to the Commission of two portable asphalt recycling machines (*Group I*); and eight asphalt hotbox/reclaimer trailers (*Group II*); and

WHEREAS, expenditures for the Contract to be awarded under Invitation No. 4224 will exceed \$150,000, 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 June 26, 2014, the Commission received two bids for *Group I*, and five bids for *Group II* in response to the Invitation, and said bids were reviewed and analyzed by the Commission's Maintenance Engineer, who has submitted a report concerning said analysis; and

WHEREAS, the Maintenance Engineer has reported that the apparent low bid for *Group I* was submitted by **KM International**, of **North Branch, Michigan**, in the amount of **\$147,000.00 (two, at \$73,500.00 each)**, and that this bidder proposes to furnish equipment and services in accordance with the Specifications; and

WHEREAS, the Maintenance Engineer has reported that the two lowest bidders for *Group II* (Falcon Road Maintenance Equipment, of Midland, Michigan, and Spaulding MFG., Inc., of Saginaw, Michigan) did not submit a bid for equipment that meets specifications or an Approved Equal as required in the Bid Invitation, therefore, they are deemed non-responsive and cannot be considered for award; and

WHEREAS, the Maintenance Engineer has further reported that the apparent third low bidder for *Group II* was submitted by **KM International**, of **North Branch, Michigan**, in the amount of **\$250,588.00 (eight, at \$31,323.50 each)**, and that this bidder proposes to furnish equipment and services in accordance with the Commission's Specifications, and he has, therefore, recommended award of the Contract for *Group II* to KM International; and

WHEREAS, this equipment is new to the Commission and, therefore, it is not replacing any existing equipment and there is no property subject to disposal; and

WHEREAS, the Commission has been advised by the Director of Contracts Administration that bids for Invitation No. 4224 were solicited on the basis of the same terms and conditions and the same specifications, that the bids of KM International for both *Group I* and *Group II* conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, that a bid guaranty with good and sufficient surety has been submitted by the aforementioned bidder, and that this bidder qualifies for consideration under the Commission's Domestic and Ohio Preference Policy; and

WHEREAS, the Director of Contracts Administration has also indicated that, as provided for in the Bidding Documents, only after the opportunity for objections by the rejected bidders for *Group II* has passed, or the Commission affirms the rejection after the conduct of a meeting that may be requested by the rejected bidders, the Commission may then legally enter into a Contract with KM International for *Group II*; 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 reject the bids of Falcon Road Maintenance Equipment and Spaulding MFG., Inc., for *Group II*, and that a contract for both *Group I* and *Group II* should be awarded to KM International; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of Falcon Road Maintenance Equipment and Spaulding MFG., Inc. for *Group II* of Invitation No. 4224 are deemed not responsive and are hereby rejected; and

RESOLVED that the bids of **KM International**, of **North Branch, Michigan**, in the total amount of **\$397,588.00 (\$147,000.00** for furnishing two portable asphalt recycling machines under *Group I*, and **\$250,588.00** for furnishing eight asphalt hotbox/reclaimer trailers under *Group II*) for Invitation No. 4224, are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and the Executive Director and the Director of Contracts Administration, or either of them, hereby is authorized to: 1) notify Falcon Road Maintenance Equipment and Spaulding MFG, Inc. that their bids for *Group II* have been rejected; 2) at the earliest time permitted under the Bidding Documents or, in the event objections are filed with the Director of Contracts Administration by the rejected bidders for *Group II*, only after the Commission's affirmation of the rejection, execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bids; 3) direct the return to the bidders of their bid security when appropriate; and 4) take any and all action necessary or proper to carry out the terms of said Contract.

(Resolution No. 47-2014 adopted July 21, 2014)