

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Accepting Request to Withdraw Low Bid and Rejecting Remaining Bid Received for Contract No. 43-14-06, Bridge Substructure Repairs in Lorain County

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Bridge Substructure Repairs of the Ohio Turnpike over State Route 57 at Milepost 145.1; the Ohio Turnpike over State Route 301 (Abbe Road) at Milepost 147.3; the Ohio Turnpike over U.S. 20 at Milepost 148.0; and the Ohio Turnpike Ramp over the Ohio Turnpike at Milepost 151.8, located in Lorain County, Ohio, herein designated **Contract No. 43-14-06**; and

WHEREAS, expenditures for the award to be made under Contract No. 43-14-06 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 award of the Contract or the rejection of bids; and

WHEREAS, the Commission received two bids via Bid Express for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission's Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer reports that the apparent low bid for the performance of Contract No. 43-14-06 was submitted by **Suburban Maintenance & Construction, Inc.**, of **North Royalton, Ohio**, in the amount of **\$472,761.00**, however, this bidder has requested to withdraw its bid due to a substantial omission in the line item for "jacking and temporary support," and he has further reported that the second low bid from **BECDIR Construction Company**, of **Berlin Center, Ohio**, in the amount of **\$727,833.00**, is in excess of ten percent above the Engineer's Estimate and cannot be considered for award; and

WHEREAS, the Director of Contracts Administration advises that the request by the apparent low bidder, Suburban Maintenance & Construction, Inc., to withdraw its bid has met the requirements of the Bidding Documents, as well as Ohio Revised Code Section 9.31 in that this bidder has indicated that it unintentionally omitted "a substantial quantity of Work, labor or material made directly in the compilation of the Bid amount" as required by Article 4.2.1 of the Instructions to Bidders, and, therefore, the Commission may lawfully accept the request by Suburban Maintenance & Construction, Inc. to withdraw its bid for the aforesaid Contract; and

WHEREAS, the Chief Engineer and Director of Contracts Administration have advised that it is in the best interest of the Commission to approve the Suburban Maintenance & Construction, Inc. request to withdraw its bid; and

WHEREAS, the Commission's Director of Contracts Administration further concurs with the Chief Engineer's recommendation that, pursuant to the Bidding Documents for Contract No. 43-14-06 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject bids if they are greater than ten percent above the Engineer's Estimate; and

WHEREAS, the Chief Engineer and the Director of Contracts Administration, therefore, recommend that the Suburban Maintenance & Construction, Inc. request to withdraw its bid be approved by the Commission and that the remaining bid of BECDIR Construction Company be rejected, and that this contract be re-advertised following review and possible modifications to the specifications; and

WHEREAS, the Commission's Interim Executive Director has reviewed the aforesaid recommendations of the Chief Engineer and Director of Contracts Administration and has predicated her recommendations to the Commission based upon their analysis.

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the request by **Suburban Maintenance & Construction, Inc.**, of **North Royalton, Ohio**, to withdraw its bid in the amount of **\$472,761.00**, for Contract No. 43-14-06, is hereby granted, and the Interim Executive Director and the Director of Contracts Administration, or

either of them, are hereby authorized to notify this bidder in writing of said action, and to return to this bidder its bid security; and

FURTHER RESOLVED that the bid submitted by **Beedir Construction Company**, of **Berlin Center, Ohio**, in the amount of **\$727,833.00**, heretofore received pursuant to the advertisement for bids for the above-mentioned Contract, is hereby rejected, and the Interim Executive Director and the Director of Contracts Administration, or either of them, are hereby authorized to notify this bidder in writing of said action, and to return to this bidder its bid security; and

FURTHER RESOLVED that the Interim Executive Director and Director of Contracts Administration hereby are authorized to take any and all action necessary to re-advertise for bids for **Contract No. 43-14-06** for bridge substructure repairs of the above-mentioned bridges in Lorain County, following review and possible modifications to the specifications.

(Resolution No. 52-2014 adopted August 18, 2014)