

# OHIO TURNPIKE COMMISSION

## Resolution Awarding Contract No. 39-12-02

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Westbound Right Two (2) Lanes and Shoulder Reconstruction from Milepost 164.82 to Milepost 169.74 located in Cuyahoga County, Ohio, herein designated **Contract No. 39-12-02**; and

WHEREAS, the Contract Documents for the Project also requested alternate bids for excavation, mainline pavement, shoulder pavement, aggregate and temporary access credit; and

WHEREAS, expenditures for the award to be made under Contract No. 39-12-02 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 said Contract award; and

WHEREAS, the Commission received four (4) bids for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission's Deputy Executive Director/Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Executive Director/Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 39-12-02 was submitted by **The Shelly Company of Twinsburg, Ohio**, in the total Alternate bid amount of **\$11,059,344.23**, consisting of asphalt roadway and shoulder pavement and virgin shoulder aggregate, as allowed for in the Bidding Documents; and

WHEREAS, the Deputy Executive Director/Chief Engineer reports that the second lowest responsive and responsible bid for the performance of Contract No. 39-12-02 was also submitted by **The Shelly Company**, in the total Alternate bid amount of **\$11,256,048.23**, consisting of asphalt roadway and shoulder pavement and recycled shoulder aggregate, as allowed for in the Bidding Documents, and he further indicates that, as a part of this Alternate bid, the Commission would be provided with 10,000 cubic yards of recycled aggregate for use in future projects; and

WHEREAS, the Deputy Executive Director/Chief Engineer, therefore, recommends that the second lowest Alternate bid of The Shelly Company in the total amount of **\$11,256,048.23**, consisting of asphalt roadway and shoulder pavement and recycled shoulder aggregate, be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the General Counsel that bids for Contract No. 39-12-02 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of The Shelly Company for Contract No. 39-12-02 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by The Shelly Company; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Deputy Executive Director/Chief Engineer and the General Counsel and, predicated upon such analysis, has made his recommendation to the Commission to award Contract No. 39-12-02 to the lowest responsive and responsible bidder, The Shelly Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **The Shelly Company of Twinsburg, Ohio**, in the amount of **\$11,256,048.23** for the performance of Contract No. 39-12-02 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the bidders of

their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Deputy Executive Director/Chief Engineer to assign **Resource International, Inc.** of **Cleveland, Ohio** to Contract No. 39-12-02 for the purpose of performing construction administration services in accordance with the Agreement specific to this Project as previously authorized under Resolution No. 35-2011, and to assign **Solar Testing Laboratories, Inc.**, of **Brooklyn Heights, Ohio** for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2011-2012 Miscellaneous Engineering Services Agreement between the Ohio Turnpike Commission and said engineering firm; and

**FURTHER RESOLVED that Project No. 39-12-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.**

**(Resolution No. 13-2012 adopted March 19, 2012)**