

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract No. 53-10-01 and 53-10-02

WHEREAS, the Commission has duly advertised according to law for bids upon Contracts for the reconstruction of the previously demolished Service Plazas, known as the Indian Meadow and Tiffin River Service Plazas, located at Milepost 20.8 in Williams County, Ohio, designated as **Contract No. 53-10-01 and 53-10-02**; and

WHEREAS, the subject Service Plaza Reconstruction Project was divided into Bid Packages representing five (5) trades: Site Work (Bid Package A), General Trades (Bid Package B), HVAC/Mechanical (Bid Package C), Plumbing (Bid Package D), Electrical (Bid Package E), and bidders were given the option to submit a "Combination Bid" for all of the aforementioned Packages to perform all the work at both Service Plaza locations (Bid Package F); and

WHEREAS, the Contract Documents for the Project's Site Work (Bid Package A) also requested alternate bids for asphaltic concrete pavement (Pavement Alternate A) and/or roller compacted concrete pavement (Pavement Alternate B); and

WHEREAS, expenditures for the award(s) to be made under Contract No. 53-10-01 and 53-10-02 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(s); and

WHEREAS, on February 23, 2010, the Commission received bids from sixteen (16) bidders for the performance of the various Prime Contracts (Bid Packages A through E), but no Combination Bids for the Project were received; and

WHEREAS, the Director of Contracts Administration has advised the Commission that the apparent low bidder for the Electrical Trades (Bid Package E), Vaughn Industries, LLC, timely requested to withdraw its bid due to an unintentional clerical error that resulted in a major \$418,500.00 mathematical error in the preparation of that company's bid; and

WHEREAS, the Director of Contracts Administration further advises that the Vaughn Industries' request appears to meet the requirements of Article 4 of the Instructions to Bidders for the Project as well as Ohio Revised Code Section 9.31 governing bid withdrawals in that: 1) the Vaughn Industries Bid was substantially lower than the other bids received for Bid Package E, 2) the bid appears to have been made in good faith, and 3) the request properly explains the error that caused the bid to be substantially lower, and she has, therefore, recommended that the Commission approve the withdrawal request; and

WHEREAS, the remaining apparent low 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 advises that the following bids for the performance of Bid Packages A, B, C, D and E under Contract No. 53-10-01 and 53-10-02 are all below the Engineer's estimate and have been determined to be the lowest responsive and responsible bids received:

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
A - Site Work	Miller Brothers Construction Company, Inc. Archbold, Ohio	\$13,463,850.75*
B - General Trades	Rudolph/Libbe, Inc. Walbridge, Ohio	9,990,000.00
C - HVAC/Mechanical	L.R. Babcock Plumbing & Heating, Inc. Napoleon, Ohio	2,183,000.00
D - Plumbing	L.R. Babcock Plumbing & Heating, Inc. Napoleon, Ohio	1,123,000.00
E - Electrical	Romanoff Electric Company, LLC Toledo, Ohio	3,018,789.00
Total Awards		\$29,778,639.75

**The Site Work Bid includes the award of Roller Compacted Concrete Pavement (Pavement Alternate B) for the Project site, as set forth in the Contract Documents.*

WHEREAS, the Commission has been advised by the Director of Contracts Administration that: 1) all bids for Contract No. 53-10-01 and 53-10-02 were solicited on the basis of the same terms and conditions and the same specifications, 2) the low bids of the above-identified contractors for each Bid Package under Contract No. 53-10-01 and 53-10-02 conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and 3) a bid guaranty and performance bond of good and sufficient surety has been submitted by each low bidder; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission that it approve the withdrawal request of Vaughn Industries, LLC for Bid Package E, and award Contract No. 53-10-01 and 53-10-02 Bid Package A with Pavement Alternate B to Miller Brothers Construction Company, Inc., Bid Package B to Rudolph/Libbe, Inc., Bid Packages C and D to L.R. Babcock Plumbing and Heating, Inc., and Bid Package E to Romanoff Electric Company, LLC; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid withdrawal request of Vaughn Industries, LLC for the Electrical Trades Work (Bid Package E), is deemed to be in accordance with the requirements of Article 4 of the Instructions to Bidders for Contract No. 53-10-01 and 53-10-02, as well as Ohio Revised Code Section 9.31, which govern bid withdrawals, and is hereby approved; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,778,639.75** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-10-01 and 53-10-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc. of Archbold, Ohio** in the amount of **\$13,463,850.75**, the General Trades Contract with **Rudolph/Libbe, Inc. of Walbridge, Ohio** in the amount of **\$9,990,000.00**, the Plumbing Contract and the HVAC/Mechanical Contract with **L.R. Babcock Plumbing and Heating, Inc. of Napoleon, Ohio** in the respective amounts of **\$2,183,000.00** and **\$1,123,000.00**, and the Electrical Contract with **Romanoff Electric Company, LLC of Toledo, Ohio** in the amount of **\$3,018,789.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of 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 bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **dck north america, LLC of Large, Pennsylvania** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and dck north america, LLC, as previously authorized by the Commission on this date; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc. of Cleveland, Ohio** (the Project Architect) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 39-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CT Consultants of Willoughby, Ohio** (the Project Site Design Consultant) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and CT Consultants, as previously authorized by Resolutions 10-2007 and 40-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hull & Associates of Toledo, Ohio** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering

Services Agreement specific to this Project between the Ohio Turnpike Commission and Hull & Associates, as previously authorized by Resolutions 24-2006 and 4-2007; 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. 53-10-01 and 53-10-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2009-2010 General Engineering Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc.; and

[FURTHER RESOLVED that Project No. 53-10-01 and 53-10-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]

(Resolution No. 10-2010 adopted March 22, 2010)