

OHIO TURNPIKE COMMISSION

Resolution Rejecting Bids for the Purchase of Ten Truck Cabs and Chassis; Rejecting Bids for the Purchase of Ten Dump Bodies, Front and Wing Plows, Central Hydraulic and Control Systems and Lighting Systems; and Awarding a Contract for the Purchase of Eight Trailer Mounted Plows and Hopper Bodies under Invitation No. 4135

WHEREAS, via Resolution 30-2009, the Commission accepted a National Clean Diesel Funding Assistance Grant in conjunction with the American Recovery and Reinvestment Act of 2009, which funds are to be used for the purpose of reducing fuel consumption, operating vehicles on biodiesel fuel, and reducing fuel emissions; and

WHEREAS, under the final grant agreement executed by and between the Ohio Turnpike Commission and the Ohio Department of Development, up to \$600,000 of the Grant is to be utilized for offsetting the cost for new tandem-axle dump trucks having an improved snow plow design that meet 2010 emission standards; and

WHEREAS, in accordance with the final grant agreement, the Commission advertised for bids under Invitation No. 4135 for the furnishing to the Commission of ten truck cabs and chassis (**Group I**); furnishing and installing ten dump bodies, front and wing plows, central hydraulic and control systems, and lighting systems (**Group II**); and furnishing eight trailer mounted plows and hopper bodies (**Group III**).

WHEREAS, the Commission received nine bids in response to the various Groups within Invitation No. 4135; and

WHEREAS, expenditures for the Contracts to be awarded under Invitation No. 4135 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 and/or rejection of said Contracts; and

WHEREAS, said bids were reviewed and analyzed by the Commission's Maintenance Engineer, whose report concerning said analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that none of the six bids received for the **Group I** truck cabs and chassis comply with the Commission's Technical Specifications, and he, therefore, recommends that the Commission reject all six bids and re-advertise for them as soon as possible; and

WHEREAS, the Maintenance Engineer further reports that, due to the fact that the **Group II** dump bodies, front and wing plows, etc. are integral components to the Group I cab and chassis, he also recommends that the Commission reject the two bids received for Group II and re-advertise for them as soon as possible; and

WHEREAS, the Maintenance Engineer reports that the sole bid for the **Group III** trailer mounted plows and hopper bodies was submitted by **Viking Cives of Harrisville, New York**, in the total amount of **\$781,720.00** (eight each at \$97,715.00) and, because this bidder proposes to furnish equipment and services in accordance with the Specifications, he recommends that a Contract be awarded to Viking Cives for Group III; and

WHEREAS, the Commission's Director of Contracts Administration has submitted a report advising the Commission that, pursuant to the Bidding Documents for Invitation No. 4135 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids and, therefore, may lawfully reject the bids submitted for both Group I and Group II; and

WHEREAS, the Commission has been further advised by the Director of Contracts Administration that bids for Invitation No. 4135 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Viking Cives for Group III qualifies for consideration under the Commission's "Buy Ohio Bid Preference" policy and conforms to the

requirements of Ohio Revised Code Section 5537.07 and Section 9.312, and that a bid guaranty with good and sufficient surety has been submitted by the aforementioned bidder; 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, concurs that all bids for Group I and Group II be rejected, and that a Contract under Invitation No. 4135 for Group III be awarded to the lowest responsive and responsible bidder, Viking Cives; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the six bids received for **Group I** and the two bids received for **Group II** of Invitation No. 4135, be and the same hereby are rejected, and the Executive Director and the Director of Contracts Administration, or either of them, is authorized to: 1) notify the bidders in writing of said action, 2) to return to the bidders the bid security they furnished in response to said Invitation, and 3) to re-advertise for bids for Group I and Group II as soon as possible; and

FURTHER RESOLVED that the bid of **Viking Cives of Harrisville, New York** in the total amount of **\$781,720.00** for **Group III** under Invitation No. 4135 (for furnishing eight trailer mounted plows and hopper bodies) is, and is by the Commission, determined to be the lowest responsive and responsible bid received for Group III, and is accepted, and the Executive Director and the Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the bidder of its bid security when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said Contract; and

FURTHER RESOLVED that the Executive Director and the General Counsel, or either of them, hereby are authorized to execute an amendment to the final grant agreement executed by and between the Ohio Turnpike Commission and the Ohio Department of Development to adjust delivery timelines in the event such changes become necessary.

(Resolution No. 17-2010 adopted May 3, 2010)