

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Additional Expenditures with S&ME, Inc. Under Existing Contract for Geotechnical Investigation, Engineering Design and Construction Administration and Inspection Services, (Project No. 71-10-02)

WHEREAS, in July 2011, via Resolution No. 34-2011, the Commission ratified a Contract that was previously awarded to **S&ME, Inc.**, of **Valley View, Ohio** ("**S&ME**"), which firm was engaged to perform Project No. 71-10-02 consisting of Geotechnical Investigation, Engineering Design and Construction Administration and Inspection Services pertaining to failing embankments at the Jacobs Road overpass and potentially other failing embankments located at Turnpike overpasses in Sandusky County, Ohio; and

WHEREAS, the Contract was initially awarded pursuant to a Request for Proposals ("RFP") for Project No. 71-10-02 in the not-to-exceed amount of **\$69,880.01** for the performance of Phase 1 Site Investigation services for the Jacobs Road overpass, and was amended in October 2010 to add **\$42,636.84** to complete Phase 1 of the Project, which included Final Design and Plan Preparation Services for the repair of the Jacobs Road overpass embankments; and

WHEREAS, via Resolution No. 33-2011, S&ME was also authorized to perform Phase 2 Construction Administration and Inspection Services when Construction Contract No. 70-11-01 for the repair of the Jacobs Road overpass was awarded by the Commission; and

WHEREAS, Am. Sub. H.B. 114, of the 129th General Assembly, requires the Commission, on or before December 31, 2014, to repair ten additional sites in Sandusky County where embankment failures have occurred, and the not-to-exceed amount of **\$530,064.45** was, therefore, amended into the S&ME Contract via Resolution No. 34-2011 to add the performance of Phase 1 Site Investigation Services for the ten additional sites located in Sandusky County; and

WHEREAS, S&ME's fee proposal dated January 5, 2012, in the not-to-exceed amount of **\$140,916.63** to perform the Final Design and Plan Preparation Services for the repair of the Four Mile House Road, Carley Road, Karbler Road and Yorktown Road overpass embankments was amended into the Contract via Resolution No. 2-2012, and, via Resolutions Nos. 26-2012 and 43-2012, respectively, the Commission awarded Construction Contract Nos. 70-12-01 and 70-12-02 authorizing the repair of these four overpass embankments, as well as the assignment of S&ME to perform the necessary Construction Administration and Inspection Services for said Projects; and

WHEREAS, S&ME's fee proposal dated December 3, 2012, in the not-to-exceed amount of **\$105,340.30** to perform the Final Design and Plan Preparation Services for the repair of the Fangboner Road, Shiets Road, and the Gibbs/Balsizer Road overpass embankments was amended into the Contract via Resolution No. 61-2012, and via Resolution No. 28-2013, the Commission awarded Construction Contract No. 70-13-01 authorizing the repair of these four overpass embankments, as well as the assignment of S&ME to perform the necessary Construction Administration and Inspection Services for said Projects; and

WHEREAS, S&ME has submitted a fee proposal dated May 30, 2013, to perform the Final Design and Plan Preparation Services for the repair of the remaining three overpass embankments, Shannon Road, Werth Road, and the Township Line Road, in the not-to-exceed amount of **\$100,072.38**, which fee proposal has been reviewed by the Chief Engineer, who has deemed it to be reasonable and acceptable, and he therefore, recommends that the Commission proceed with said additional Services; and

WHEREAS, the continued expenditures by the Commission under the Contract, will be in excess of ten percent of the previously authorized Investigative/Design Phase expenditures, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission authorization of the amendment to the Contract for Project No. 71-10-02 is requested; and

WHEREAS, as necessary, the Commission will be presented with additional resolution(s) to authorize additional expenditures with S&ME, Inc., in order to comply with Am. Sub. H.B. 114; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer, and concurs that the Contract for Project No. 71-10-02 should be amended to allow for the performance of the required additional Final Design and Plan Preparation Services for Shannon Road, Werth Road and Township Line Road in Sandusky County; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Commission concurs that **S&ME, Inc.**, of **Valley View, Ohio**, should perform the required additional Final Design and Plan Preparation Services for Shannon Road, Werth Road and Township Line Road in Sandusky County as contemplated under Project No. 71-10-02, and authorizes the Executive Director and the General Counsel to amend the Contract with S&ME, Inc. to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Project No. 71-10-02, S&ME, Inc.'s response thereto and its fee proposals therefor.

(Resolution No. 49-2013 adopted July 15, 2013)