

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Duro-Last, Inc. for Maintenance Building Roof Repairs Under TIPS Cooperative Purchasing Program in the amount of \$388,719.46

WHEREAS, on March 9, 2020, Governor Mike DeWine issued an Executive Order declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations and, on April 2, 2020, amended the Stay at Home Order so that it shall be in effect through May 1, 2020; and

WHEREAS, under the Stay at Home Order, Essential Activities, Essential Governmental Functions and Essential Businesses and Operations include:

- Essential Infrastructure (Par. 9) – “[I]ndividuals may leave their residence to provide any service or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure,” which includes construction, building management and maintenance, and highways.
- Essential Governmental Functions (Par. 10) – “[A]ll services provided by the State or any...political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, including contractors performing Essential Functions.”
- Essential Businesses and Operations (Par. 12) –
 - Critical Trades (Par. 12(k)) – “Building and Construction Tradesmen and Tradeswoman...and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.”
 - Supplies for Essential Businesses and Operations – “Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate....”
 - Essential Critical Infrastructure Workers – The Cybersecurity and Infrastructure Security Agency (CISA) Advisory Memorandum on Identification of Essential Critical Infrastructure During COVID-19 Response, dated March 28, 2020, identifies the following as essential critical infrastructure workers: (1) Transportation and Logistics – “Employees supporting or enabling transportation functions...”; (2) Public Works and Infrastructure Support Services – “Workers who support the operation, inspection, and maintenance of essential public works facilities and operations...”; and (3) Government-Based Operations and Essential Functions – “Workers supporting essential maintenance, manufacturing,

design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts;” and

WHEREAS, being the fastest east-west corridor in northern Ohio, the Ohio Turnpike performs a critical role in our state and national economy as a vital part of Ohio’s transportation network and a nationally ranked freight corridor and this role is more important now than ever before so that essential medical supplies, food and other necessary goods can reach their destinations to those in need during this COVID-19 pandemic; and

WHEREAS, based on the referenced orders and guidance, the Ohio Turnpike and Infrastructure Commission (the “Commission”) finds that it must continue operations under the Stay at Home Order as Essential Infrastructure and as Essential Governmental Functions to maintain the supply chain and that the Commission’s contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, based on the foregoing, the Commission finds that the contract approved pursuant to this Resolution is necessary for the Commission to continue operations as Essential Infrastructure and as Essential Governmental Functions and complies with the requirements of and exceptions to the Stay at Home Order; and

WHEREAS, the Commission is authorized to participate in contracts awarded by The Interlocal Purchasing System (TIPS) Program, a political subdivision cooperative purchasing program, for the purchase of equipment, materials, supplies or services under Ohio Revised Code Section 9.48; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations determined that three (3) maintenance buildings require roof repair and overlay to preserve the physical condition of each facility, specifically the Kunkle Maintenance Building in Pioneer, Ohio, the Elmore Maintenance Building in Elmore, Ohio, and the Boston Maintenance Building in Summit County, Ohio; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend causing the repair and overlay of the roofs at the three (3) maintenance buildings under the TIPS Cooperative Purchasing Program is the most efficient means to deliver the necessary work; and

WHEREAS, the TIPS Cooperative Purchasing Program Contract No. 170201 offers one roofing material supplier, Duro-Last, Inc., who obtains the necessary design work, compiles competitive bids from multiple authorized installers, inspects and approves the installation services and provides a warranty for the labor and materials supplied; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have determined that Duro-Last, Inc., of Saginaw, Michigan, offers the favorable pricing for supplying the labor and materials necessary to repair and overlay the roofs at each of the three (3)

maintenance buildings, Kunkle Maintenance Building, Elmore Maintenance Building, and Boston Maintenance Building, under TIPS Contract No. 170201 in the base bid amount, plus skylights for the Kunkle and Boston Maintenance Buildings, and contingencies for insulation and/or decking replacement in the amount of \$388,719.46; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission's Code of Bylaws because the expenditure required to make the roof repairs exceeds \$150,000.00; and

WHEREAS, the Executive Director considered the recommendation of the Chief Engineer and Deputy Chief Engineer/Director of Field Operations and concurs that the Commission should approve the selection of Duro-Last, Inc. through the TIPS Cooperative Purchasing Program.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that repair and overlay of the roofs at each of the three (3) maintenance buildings, Kunkle Maintenance Building, Elmore Maintenance Building, and Boston Maintenance Building through the TIPS Cooperative Purchasing Program, pursuant to Contract No. 170201 under an agreement with Duro-Last, Inc. to furnish and install the roofing system, in the total amount of \$388,719.46, is approved; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is the result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs; and

FURTHER RESOLVED that awarding the contract for roof repair and overlay at three maintenance buildings to Duro-Last, Inc. under TIPS Contract No. 170201 is necessary as Essential Infrastructure and Essential Governmental Functions under the Stay at Home Order and further required to preserve the physical condition of each facility used by the Commission for the continued operation and maintenance of the Ohio Turnpike.

(Resolution No. 31-2020 adopted April 20, 2020)