

## OHIO TURNPIKE COMMISSION

### Resolution Awarding Contracts for the Purchase of Four Truck Cab and Chassis, and for Furnishing and Installing Four Dump Bodies, Front Plows, Wing Plows, Central Hydraulic and Lighting Systems under Invitation No. 4185

WHEREAS, the Commission has advertised in accordance with law for bids in response to Invitation No. 4185 for the furnishing to the Commission of four truck cab and chassis, 48,000 lb. minimum GVWR (*Group I*); and furnishing and installing four dump bodies, front plows, wing plows, central hydraulic and lighting systems (*Group II*); and

WHEREAS, expenditures for the Contracts to be awarded under Invitation No. 4185 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 of said Contracts; and

WHEREAS, on June 28, 2012, the Commission received six bids in response to the Invitation, and said bids were reviewed and analyzed by the Commission's Mechanical Engineer, who has submitted a report concerning said analysis; and

WHEREAS, the Mechanical Engineer has reported that the apparent low bid for the **Group I** truck cab and chassis was submitted by **Cleveland Peterbilt** of **Brooklyn, Ohio**, in the amount of **\$360,796.00 (four, at \$90,199.00 each)**, however, this bidder proposes a model that is not compliant with the Bid Specifications, and therefore, this bid is not responsive and must be rejected; and

WHEREAS, the Mechanical Engineer has further reported that the second low bid for **Group I** was submitted by **Cleveland Freightliner, Inc.** of **Brook Park, Ohio**, in the amount of **\$360,872.00 (four, at \$90,218.00 each)**, and that this bidder proposes to furnish a 2013 Western Star Model 4700 cab and chassis in accordance with the Commission's Specifications, and he has, therefore, recommended award of the Contract for Group I to the lowest responsive and responsible bidder, Cleveland Freightliner; and

WHEREAS, the Commission's Mechanical Engineer has reported that the apparent low bid for **Group II** was submitted by **Henderson Products, Inc.** of **Bucyrus, Ohio**, in the amount of **\$390,288.00 (four dump bodies, front plows, wing plows, central hydraulic and lighting systems at \$97,572.00 per unit)**, and that this bidder proposes to furnish equipment and services in accordance with the Commission's Specifications, and he has, therefore, recommended award of the Contract for Group II to the lowest responsive and responsible bidder, Henderson Products; and

WHEREAS, the Mechanical Engineer has further advised that, in accordance with the Commission's Property Disposal Policy, the four trucks being replaced will be disposed of via auction to the highest bidder(s); and

WHEREAS, the Commission has been advised by the General Counsel that bids for Invitation No. 4185 were solicited on the basis of the same terms and conditions and the same specifications, that the lowest responsive and responsible bids of Cleveland Freightliner and Henderson Products conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, that a bid guaranty with good and sufficient surety has been submitted by the aforementioned bidders, and that both of the bidders qualify for consideration under the Commission's recently revised Domestic and Ohio Preference Policy; and

WHEREAS, the General Counsel has also indicated that, as provided for in the Bidding Documents, only after the opportunity for objections by the rejected bidder for Group I has passed, or the Commission affirms the rejection after the conduct of a meeting that may be requested by the rejected bidder, the Commission may then legally enter into a Contract with for Cleveland Freightliner, Inc.; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Mechanical Engineer and the General Counsel and, predicated upon such analysis, has made his recommendation to the Commission to reject the bid of Cleveland Peterbilt for Group I, and award the Contracts for Invitation No. 4185 to Cleveland Freightliner for Group I, and Henderson Products for Group II; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the apparent low bid of **Cleveland Peterbilt** of **Brooklyn, Ohio**, for Group I of Invitation No. 4185 is deemed not responsive and is hereby rejected; and

RESOLVED that the bid of **Cleveland Freightliner, Inc.** of **Brook Park, Ohio**, in the total amount of **\$360,872.00** for **Group I** (for furnishing four truck cab and chassis) under Invitation No. 4185, is, and is by the Commission, determined to be the lowest responsive and responsible bid received, and is accepted, and the Executive Director and the General Counsel, or either of them, hereby is authorized to: 1) notify Cleveland Peterbilt that its bid for Group I has been rejected; 2) at the earliest time permitted under the Bidding Documents or, in the event objections are filed with the General Counsel by the rejected bidder, only after the Commission's affirmation of the rejection, execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bids; 3) direct the return to the bidders of their bid security when appropriate; and 4) take any and all action necessary or proper to carry out the terms of said Contract.

FURTHER RESOLVED that the bid of **Henderson Products, Inc.** of **Bucyrus, Ohio**, in the total amount of **\$390,288.00** for **Group II** (for furnishing four dump bodies, front plows, wing plows, central hydraulic and lighting systems) under Invitation No. 4185, is, and is by the Commission, determined to be the lowest responsive and responsible bid received, and is accepted, and the Executive Director and the General Counsel, 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 bids; 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 Contract.

**(Resolution No. 36-2012 adopted August 20, 2012)**