

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## Resolution Awarding Contracts for the Furnishing of Five Truck Cab and Chassis, and for Furnishing and Installing Five Dump Bodies, Front Plows, Wing Plows, Central Hydraulic and Lighting Systems under Invitation No. 4231

WHEREAS, the Commission has advertised in accordance with law for bids in response to Invitation No. 4231 for the furnishing to the Commission of five truck cab and chassis, 48,000 lb. minimum GVWR (*Group I*); and for the furnishing and installation of five 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. 4231 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 the award of said Contracts; and

WHEREAS, on September 5, 2014, the Commission received five bids in response to Group I and three bids in response to Group II of Invitation No. 4231, and said bids were reviewed and analyzed by the Commission's Maintenance Engineer, who has submitted a report concerning said analysis; and

WHEREAS, the Maintenance Engineer has reported that the apparent low bid for the **Group I** truck cab and chassis was submitted by **Hans Freightliner of Cleveland**, of **Cleveland, Ohio**, in the amount of **\$429,780.00 (five at \$85,956.00 each)**, however, this bidder proposes a model that is not in compliance with the Bid Specifications and, therefore, this bid is not responsive and must be rejected; and

WHEREAS, the Maintenance Engineer has further reported that the second low bid for **Group I (Option #1)** was submitted by **Cleveland Freightliner, Inc., dba Valley Freightliner, Inc. (hereinafter, Valley Freightliner, Inc.)**, of **Parma, Ohio**, in the amount of **\$446,095.00 (five at \$89,219.00 each)**, however, this bidder proposes a model that is not in compliance with the Bid Specifications and, therefore, this bid is not responsive and must be rejected; and

WHEREAS, the Maintenance Engineer has further reported that the third low bid for **Group I (Option #2)** was submitted by **Valley Freightliner, Inc.**, of **Parma, Ohio**, in the amount of **\$459,860.00 (five at \$91,972.00 each)**, and that this bidder proposes to furnish a 2015/16 Western Star, Model 4700SF 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, Valley Freightliner, Inc.; and

WHEREAS, the Commission's Maintenance Engineer has reported that the apparent low bid for **Group II** was submitted by **Concord Road Equipment Mfg., Inc.**, of **Painesville, Ohio**, in the amount of **\$478,309.40 (five dump bodies, front plows, wing plows, central hydraulic and lighting systems at \$94,545.75 per unit, plus \$1,116.13 per unit for five optional Gate Position Sensors)**, 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, Concord Road Equipment Mfg., Inc.; and

WHEREAS, the Maintenance Engineer has further advised that, in accordance with the Commission's Property Disposal Policy as administered by the Procurement Department, the five trucks identified for replacement will be disposed of via auction to the highest bidder(s); and

WHEREAS, the Director of Contracts Administration has also indicated that, as provided for in the Bidding Documents, only after the opportunity for objection 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 Valley Freightliner, Inc.; and

WHEREAS, the Commission has been advised by the Director of Contracts Administration that bids for Invitation No. 4231 were solicited on the basis of the same terms and conditions and the same specifications, that the lowest responsive and responsible bids of Valley Freightliner, Inc. and Concord

Road Equipment Mfg., Inc. 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 Domestic and Ohio Preference Policy; and

WHEREAS, the Commission's Interim Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made her recommendation to the Commission to reject the bids of Hans Freightliner of Cleveland and Valley Freightliner, Inc. (Option #1) for Group I, and that Contracts be awarded for Invitation No. 4231 to Valley Freightliner, Inc. for Group I (Option #2), and Concord Road Equipment Mfg., Inc. for Group II; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the apparent low bid of Hans Freightliner of Cleveland for Group I, and the second low bid of Cleveland Freightliner, dba Valley Freightliner, Inc. for Group I (Option #1) of Invitation No. 4231 are deemed not responsive and are hereby rejected; and

FURTHER RESOLVED that the third low bid of **Cleveland Freightliner, Inc., dba Valley Freightliner, Inc.**, of **Parma, Ohio**, in the total amount of **\$459,860.00** for **Group I (Option #2)** (for furnishing five truck cab and chassis), under Invitation No. 4231, is, and is by the Commission, determined to be the lowest responsive and responsible bid received, and is accepted, and the Interim Executive Director and the Director of Contracts Administration, or either of them, hereby is authorized to: 1) notify Hans Freightliner of Cleveland 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 Director of Contracts Administration 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; and

FURTHER RESOLVED that the bid of **Concord Road Equipment Mfg., Inc.**, of **Painesville, Ohio**, in the total amount of **\$478,309.40** for **Group II** (for furnishing and installing five dump bodies, front plows, wing plows, central hydraulic and lighting systems including the five optional gate position sensors), under Invitation No. 4231, is, and is by the Commission, determined to be the lowest responsive and responsible bid received, and is accepted, and the Interim 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 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. 62-2014 adopted October 20, 2014)**