



**OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION**

ADDENDUM NO. 3

ISSUED: FEBRUARY 23, 2024

To

RFP NO. 5-2024

**REQUEST FOR PROPOSALS (RFP) TO PROVIDE UNPAID TOLL HEARING OFFICER
SERVICES**

ISSUED: JANUARY 24, 2024

**REQUEST FOR PROPOSALS DUE DATE: 5:00 P.M. (Eastern) ~~FEBRUARY 14, 2024~~
~~FEBRUARY 23, 2024~~ MARCH 1, 2024**

ATTENTION OF RESPONDENTS IS DIRECTED TO:

ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 PM ON FEBRUARY 7, 2024:

Issued by the Ohio Turnpike and Infrastructure Commission through Aimee W. Lane, Esq., Director of Contracts Administration

Aimee W. Lane

Aimee W. Lane, Esq.,
Director of Contracts Administration

FEBRUARY 23, 2024
Date

ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 P.M. ON FEBRUARY 7, 2024:

Q#1 Do you have any idea of what they are expecting to pay for these type of services?

A#1 The Commission anticipates awarding a contract, or contracts, to the Respondent(s) that offers the best value in terms of service and cost to the Commission. See RFP, Part IX. The proposal should identify if the proposed fees are per hearing or hourly.

Q#2 Do you have any idea of how much time, how many matters, would this take per week, month?

A#2 Based on other tolling agencies' experiences, the number of hearings correlates to the number of travelers on the toll road, the number of violations accrued, and the use of Commission Customer Service Center representatives to address questions. Based on our traffic and revenue projections for 2024, the Commission is anticipating roughly 750 hearings in 2024. As this is a new model of tolling for the Commission, these numbers are estimates and do not guarantee a minimum or maximum number of hearings.

Q#3 I have done some limited work as special counsel for the Turnpike over the years. If I am selected to be a hearing officer through RFP 5-2024, would I be precluded or otherwise conflicted out of other special counsel work?

A#3 As presented, the Commission does not see this as a conflict of interest.

Q#4 Can you indicate approximate number of hearings or even a monthly schedule of the hours in this project for attorney and paralegals?

A#4 See A#2.

Q#5 On average, how many Unpaid Toll Hearings are expected to occur during a month?

A#5 See A#2.

Q#6 How long is the average Unpaid Toll Hearing?

A#6 There are no set time limits for the hearing. Pursuant to the Ohio Administrative Code 5537-4-01 (B), a registered owner may contest liability for tolls, fees, fines or other administrative charges. The hearing should be of an adequate amount of time for the Commission to present the evidence

of a violation and for the registered owner to present evidence as to the reasons why the registered owner is not liable.

Q#7 Are the Unpaid Toll Hearings scheduled back to back on the same day?

A#7 The Commission anticipates that the Respondent(s) awarded contracts pursuant to this RFP will develop certain efficiencies with scheduling that will be in the Commission's best interest in terms of value and cost to the Commission.

Q#8 How is the location of the Unpaid Toll Hearing determined? Does the hearing officer or the customer determine whether the hearings will take place virtually or in person?

A#8 Pursuant to Ohio Administrative Code 5537-4-01 (B)(3), "the hearing officer shall conduct the hearing at the location of the commission's principal office," which is located at 682 Prospect Street, Berea, Ohio 44017. Registered owner's contesting liability will be provided an opportunity to appear in person or through a virtual meeting.

Q#9 We note in the Primary Hearing Officer Responsibilities that it is the responsibility of the hearing officer to "schedule hearings with and issue hearing notices to unpaid toll customers." How is the scheduling of hearings coordinated with Customer Service Center (CSC) personnel? Are there standard forms for hearing notices? Is there a maximum time period in which hearings must be scheduled once the decision of the CSC is challenged?

A#9 The Hearing Officer(s) will work in conjunction with the Customer Service Center (CSC) personnel to schedule hearings within the Commission's software system. Pursuant to Ohio Administrative Code 5537-4-01, the Commission shall schedule the hearing and provide "reasonable notice in advance to the registered owner of the time, date, and location of the hearing." The Commission will work with the Hearing Officer to ensure that the hearings are scheduled in a timely manner.


Q#10 Will there be an opportunity to increase fees annually or will the fees required to remain the same for the duration of the contract?

A#10 Respondents should provide proposed fees for the duration of the contract.

Q#11 There appears to be a requirement for the awarded vendor(s) to file financial disclosure statements with the Ohio Ethics Commission. That is an unusual requirement for lawyers, consultants and non-employees. Would the OTIC consider waiving that provision?

Below is a screen shot from the OEC's financial disclosure statement. There does not seem to be a place for consultants/vendors.

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Form No. OEC-2023
OHIO ETHICS COMMISSION
FINANCIAL DISCLOSURE STATEMENT

This statement is to be filed in **2024**
Financial information for calendar year **2023**

Please type or print clearly. See [instructions](#) for assistance with this page. Electronic filing available at: disclosure.ethics.ohio.gov

SECTION A. PERSONAL CONTACT INFORMATION

Last Name

First Name MI

Address City State Zip

County E-mail Address Phone ()

SECTION B. CANDIDATE STATUS (check all that apply)

☐ Candidate

☐ Write-in Candidate

☐ Elected office holder

☐ Appointed (in 2024) to an unexpired term in elective office

☐ Public Official

☐ Public Employee

☐ Voluntary Filer / Other

CANDIDATES: Please list the date of the first election (primary, special, or general) when your name will appear on the ballot.

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

FOR OFFICIAL USE ONLY

SECTION C. PUBLIC POSITION, OFFICE, OR JOB

Position/Title (Example: council member, sheriff, board member, or job title)

Public Entity you serve in 2024, served in 2023, or will serve if elected

Public Salary:

☐ Uncompensated

☐ Less than \$16,000

☐ \$16,000 or more

Start Date:

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

End Date:

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

☐ Seeking

☐ Hold

☐ Held

A#11 Financial Disclosure Statements are required for Commission members and employees, not consultants or vendors.

Q#12 I am seeking information as to the anticipated number of hearings per month under this program.

A#12 See A#2.

Q#13 Does the commission have any data or expectations as to unpaid toll hearing volume based on other state's experiences or even from its own analysis? If so, could you please share that data/expectation as to anticipated monthly hearing volume?

A#13 See A#2.

Q#14 Respondent understands that the OTIC is looking for not just a Hearing Officer, but for someone to create/set up the entire process for unpaid toll hearings from start to finish within the rules described in the Ohio Administrative Code. Is that understanding correct?

A#14 No. The framework is provided with the Ohio Administrative Code, Ohio Revised Code and with internal business rules.

Q#15 The Ohio Administrative Code mentions that appeals of the Hearing Officer's decision may be made to the Cuyahoga County Court of Common Pleas - does that mean the RFP only covers Hearings for Cuyahoga County based toll disputes?

A#15 Any decision by the Hearing Officer may be appealed to the Cuyahoga County Court of Common Pleas as provided in Ohio Revised Code Sections 5537.041 and Chapter 2506.

Q#16 Should Respondent anticipate choosing and using its own online platform for virtual hearings or will the OTIC be providing the technology to do this?

A#16 The Commission will provide the technology needed for virtual hearings.

Q#17 Does the OTIC envision that Hearing Notices should be sent on its letterhead?

- Our understanding is that Respondent would be responsible for mailing the Hearing Notice, is that correct?
- If Respondent determines that Hearing Notices should be sent by Certified Mail, is this an expense the OTIC will reimburse to Respondent?

A#17 Pursuant to the Ohio Administrative Code, the Commission shall schedule and send reasonable notice in advance to the registered owner of the time, date and location of the hearing. The Commission will coordinate the scheduling with the Hearing Officer's availability and send the notices.

Q#18 Should specific names of non-attorney staff we anticipate working on the RFP be identified in the Technical Proposal in addition to any attorneys that will be working on the RFP or would it suffice to identify them by their titles and hourly rates?

A#18 Respondents may identify any non-attorney staff by their title and hourly rates.

Q#19 The Administrative Code mentions that if the vehicle is registered in a state other than Ohio and the Hearing Officer finds that the registered owner is liable for payment, OTIC may send a notice of the decision to the department, division, bureau, office or other unit of government that is functionally equivalent to the State of Ohio bureau of Motor Vehicles. Does the OTIC want Respondents to handle this aspect as well after the Hearing Officer drafts its decision?

A#19 No. Pursuant to the Ohio Revised Code and Ohio Administrative Code, the Commission (not the Hearing Officer) will notify the appropriate governmental entities for assistance with payment of unpaid tolls, fees, fine and other administrative charges. The Hearing Officer is responsible for presiding over the hearing and drafting findings.

Q#20 What factors determine if a hearing will be conduct in person or remotely?

A#20 See A#8.

Q#21 Is there any available information related to hearing logistics? For example, the about the number of hearings in a calendar year? Any data related to the number of witnesses called to the hearing? The length of a typical hearing?

A#21 See A#2, A#6. Additionally, the Commission will have one representative, from the Customer Service Center, present at each hearing.

Q#22 How are records shared with the hearing officers and, the records are shared electrically, what are the security requirements needed for the transmission and storage of the records?

A#22 The Commission will provide the selected Hearing Officer(s) equipment (i.e., laptop or other computers, and access to appropriate software) to facilitate the sharing of pertinent records. The Chief Information Office will determine the security requirements needed for transmission and storage of the records, but the Commission anticipates that any such records will be public records for purposes of Revised Code Chapter 143, and will reside on Commission-owned servers.

END OF ADDENDUM NO. 3