

MINUTES OF THE 579th MEETING OF THE OHIO TURNPIKE COMMISSION

January 17, 2012

Chairman: (10:00 a.m.) Pledge of Allegiance is recited by all in attendance. Roll Call.

Secretary-Treasurer: Mr. Hruby.

Chairman: Here

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Here

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Here

Secretary-Treasurer: Mr. Cole arrived at 10:10 a.m. Mr. Smith.

Mr. Smith: Here

Secretary-Treasurer: Senator Patton (Not present). Representative Dovilla (Not present). A quorum is present.

Senator Patton requested that the official Minutes should reflect that he and Representative Dovilla were not present due to legislative session.

Chairman: Thank you. This is the 579th Meeting of the Ohio Turnpike Commission and we are meeting today at the Commission's Headquarters as provided for in the Commission's Code of By-Laws for a special meeting. Unfortunately, Mr. Greenslade found it necessary to resign from the Commission. As you know, he had been recently appointed but, due to personal conflicts he found it necessary to resign so he has submitted his resignation. I am sure that we will have a new member appointed very shortly. It gives me great pleasure to announce that we have a special guest with us – Alan Johnson – long time Executive Director. I

can tell you that Alan made significant, wonderful additions and set up a great program for the Turnpike Commission. You were an outstanding Executive Director and it is very, very good to see you.

During my report, I have one item to discuss with the Commission, the Disabled Vehicle Service Report that was submitted to you some time ago. I would like you to get your comments together and submit them to me and the Executive Director so that we can give the staff some direction on this early this Spring. They can then look at the issue and make recommendations to us or if there will be any amendments or revisions to the contracts. Why don't we say that we have that done by March. That's all I really have to report other than to welcome you all again this morning and, welcome our new General Counsel. We have to approve the Minutes. Is there a Motion to approve the Minutes.

Mr. Pakush: I move we approve.

Vice Chairman Balog: Second.

Chairman: That's of December 19, 2011. It's been move and seconded. Any comment, discussion, corrections? Hearing none, move adoption. Moved and seconded, Roll Call.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Three to zero.

Chairman Hruby: Report of the Secretary-Treasurer.

Secretary-Treasurer: The following items have been to the Members since the last scheduled meeting of the Commission on December 19, 2011. They include:

1. Minutes of the December 19, 2011 Commission Meeting
2. Traffic and Revenue for December, 2011
3. Total Revenue by Month and Year thru the end of 2011
4. Investment Report for December, 2011
5. Traffic Crash Summary Report for December, 2011
6. Financial Statements for December, 2011
7. Various News Articles.

Mr. Chairman, we have a couple new faces that you as Commission Members will be working with in the future and I'm very pleased and honored that they have decided to join us here at the Turnpike. One would be Dale Perram. Dale is the former president of Perram Electric. They are a company that does a lot of work for ODOT, but really hasn't done much work in the past for the Turnpike. Dale is going to be Chief of Operations and we're happy to have him. The other is Donna Fritz. Donna's the new Executive Assistant to both me and Mr. Perram, and to you as Commission Members. We are pleased to have her. Just a side note about Donna; Donna is very supportive of our troops and decided a little over a year ago that she wasn't doing enough so, she left northern Ohio and went to Afghanistan and spent a year working in logistics at the different bases and supporting the guys there. Most people volunteer one night, Donna went to Afghanistan. We are thrilled to have them both.

According to Article V, Section 2 of our By-laws, we are required to have a Deputy Executive Director. I would like to recommend to the Commission that you give your ascent to Dan Castrigano serving in that position. Dan has a long and proud history here at the Turnpike and I think will do an excellent job in that position.

Chairman Hruby: I'd make that motion.

Vice Chairman Balog: I'll second it.

Chairman Hruby: Motion and seconded. Any discussion? Hearing none,

Roll Call.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Thank you. Also, Article V, Section 3 requires that the Commission give its' ascent to the position of General Counsel. We've had a change at that position and I would like to recommend to the Commission that you give your ascent to Kathy Weiss. Kathy was General Counsel at the Ohio Lottery for twelve years and has been with us for about nine years and certainly has done a very able job as an attorney here at the Turnpike as well.

Chairman Hruby: I would so move.

Vice Chairman Balog: Second.

Chairman Hruby: Moved and seconded. Any discussion or comments?

Hearing none, Roll Call.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Thank you very much. That concludes my report.

Chairman Hruby: Thank you and welcome to all of you. Thank you very much for your future service to the Commission. Next, the report of the Chief Engineer, Dan.

Chief Engineer: Thank you, Mr. Chairman. I have four Resolutions and a brief report this morning. The first Resolution is awarding Contract 59-12-04. This is for the Resurfacing of the mainline roadway from Milepost 172 to 176.3 in Cuyahoga and Summit Counties, also for the resurfacing of the ramps at Interchange 173 also in Summit County. This project was on our 2012 CIP Budget that was approved last month by the Commission. We received four bids in a response to the said contract. The apparent low bid was submitted by Shelly & Sands, Inc. of Akron, Ohio in the total amount of \$2,510,848. This bid is below the estimated cost for this project and, this bidder has performed satisfactorily on similar projects for the Commission. This Resolution also contains the provision to assign Greenman-Pederson, Inc. of Berea, Ohio and PSI or, Professional Services Industries of Cleveland, Ohio to the project for construction inspection and materials testing, respectively. General Counsel, please read the Resolved.

General Counsel: **RESOLVED** that the bid of Shelly & Sands, Inc. of Akron, Ohio, in the amount of \$2,510,848.00 for the performance of Contract No. 59-12-04 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 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 bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign Greenman-Pederson, Inc., of Berea, Ohio to Contract No. 59-12-04 for the purpose of performing construction inspection, and PSI (Professional Services Industries) Inc., of Cleveland, Ohio for the purpose of performing material testing and inspection, with such assignments in accordance with the 2011-2012 Miscellaneous Engineering Services Agreements between the Ohio Turnpike Commission and said engineering firms; and

FURTHER RESOLVED that Project No. 59-12-04 is designated a System Project under the Commission's 1994 Master Trust Agreement.

Chairman Hruby: For the Resolution, is there a Motion?

Vice Chairman Balog: Moved.

Mr. Pakush: Second.

Chairman Hruby: Moved and seconded. Any further discussion? Hearing none, Roll Call.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

RESOLUTION NO. 1-2012

OHIO TURNPIKE COMMISSION
Resolution Awarding Contract No. 59-12-04

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Repairs and Resurfacing, Eastbound and Westbound Roadways, at Milepost 172 to Milepost 176.3 located in Cuyahoga and Summit Counties; and for Repairs and Resurfacing, Interchange 173 Ramps, at Milepost 173.2 located in Summit County, Ohio, herein designated **Contract No. 59-12-04**; and

WHEREAS, expenditures for the award to be made under Contract No. 59-12-04 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 said Contract award; and

WHEREAS, the Commission received four (4) bids for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission's Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 59-12-04 was submitted by **Shelly & Sands, Inc. of Akron, Ohio**, in the amount of **\$2,510,848.00**, which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Contract No. 59-12-04 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Shelly & Sands, Inc. for Contract No. 59-12-04 conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312 and 153.54, and that a performance bond with good and sufficient surety has been submitted by Shelly & Sands, Inc.; and

WHEREAS, the Commission has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analysis, concurs with the recommendation to award Contract No. 59-12-04 to the lowest responsive and responsible bidder, Shelly & Sands, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Shelly & Sands, Inc. of Akron, Ohio**, in the amount of **\$2,510,848.00** for the performance of Contract No. 59-12-04 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 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 bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Greenman-Pederson, Inc., of Berea, Ohio** to Contract No. 59-12-04 for the purpose of performing construction inspection, and **PSI (Professional Services Industries) Inc., of Cleveland, Ohio** for the purpose of performing material testing and inspection, with such assignments in accordance with the 2011-2012 Miscellaneous Engineering Services Agreements between the Ohio Turnpike Commission and said engineering firms; and

FURTHER RESOLVED that Project No. 59-12-04 is designated a System Project under the Commission's 1994 Master Trust Agreement.

(Resolution No. 1-2012 adopted January 17, 2012)

Chief Engineer: There's a Resolution amending the Engineering Services Agreement with originally BBCM International, Inc., now S&ME, pursuant to Project 71-10-02. The Commission is aware that, pursuant to substitute H.B. 114, we are required to repair the eleven failing slopes in Sandusky County on or before December 31, 2014. Under this Engineering Services Agreement, last year we completed the first project, Jacobs Road. This Resolution is to further amend the subject contract with S&ME in the amount of \$140,916.63 to prepare final plans and specifications for the next four structures to be completed under this contract. This work was contemplated under our 2012 Capital Improvement Budget. If the General Counsel would please read the Resolved.

General Counsel: **RESOLVED** that the Commission concurs that S&ME, Inc. of Valley View, Ohio should perform the additional Services contemplated under Project No. 71-10-02, and authorizes the Chairman 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.

Chairman Hruby: Move that we approve.

Mr. Pakush: Moved.

Vice Chairman Balog: Second.

Chairman Hruby: Moved and seconded. Any discussion? Roll Call.

Vice Chairman Balog: Dan, this is four more of the bridges. Am I correct on that?

Chief Engineer: That's correct.

Vice Chairman Balog: I know the Bill that passed required us to be in compliance by 2014. Will we have adequate time to continue doing the other ones?

Chief Engineer: Mr. Chairman and Vice Chairman Balog yes, we will. The four bridges that we are currently preparing the plans for are the next most severely affected structures. After we get these four done, we will be getting into some structures with more minor repairs. We will be able to get the plans up quicker and we plan on performing some of those projects with Commission forces rather than contracting them out.

Vice Chairman Balog: Thank you.

Chairman Hruby: Roll Call.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Three to zero.

RESOLUTION NO. 2-2012

OHIO TURNPIKE 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, on July 2011, 2011, via Resolution No. 34-2011, the Commission ratified a Contract that was previously awarded to **BBC&M Engineering, Inc.**, (“**BBC&M**”) of **Valley View, Ohio**, 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 for Project No. 71-10-02 in the amount of **\$69,880.01** for the performance of Phase I, Site Investigation services for the Jacobs Road overpass, and was amended in October 2010 to add **\$42,636.84** to complete Phase I of the Project, which included Final Design and Plan Preparation Services for the repair of the Jacobs Road overpass embankments; and

WHEREAS, as previously indicated to the Commission, 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 **\$530,064.45** was, therefore, amended into the Contract via Resolution No. 34-2011 to add the performance of site investigation services for ten additional sites located in Sandusky County; and

WHEREAS, **S&ME, Inc.**, of **Valley View, Ohio** has since acquired BBC&M, and the Commission has assigned the Contract for Project No. 71-10-02 to S&ME, Inc.; and

WHEREAS, S&ME, Inc. has submitted a fee proposal dated January 5, 2012, in the “not-to-exceed” amount of **\$140,916.63** for 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; and

WHEREAS, the Chief Engineer has reviewed the S&ME, Inc. fee proposal for the services delineated in the January 5, 2012 proposal, and 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 exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment of the Contract for Project No. 71-10-02; and

WHEREAS, 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 Commission 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 performance of the required additional Final Design and Plan Preparation Services; 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 additional Services contemplated under Project No. 71-10-02, and authorizes the Chairman 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. 2-2012 adopted January 17, 2012)

Chief Engineer: Thank you. The third Resolution is awarding a contract furnishing guardrail materials pursuant to Invitation No. 4175. This material is for use by the Ohio Turnpike Commission maintenance forces. This contract was separated into two groups – bidders could submit bids on one or both groups. We had a total of five bidders respond to this Invitation. The apparent low bid for Group I for the galvanized guardrail was submitted by Gregory Industries of Canton, Ohio in the amount of \$251,629.35. The apparent low bid for Group II was submitted by Monroeville Industrial Moldings, however, this bidder failed to submit the required bid guaranty and, this bid must be rejected. The apparent second low bid in response to Group II was also submitted by Gregory Industries of Canton, Ohio in the amount of \$6,957.56. We are, therefore, recommending that the awards for both Group I and Group II be awarded to Gregory Industries. This total amount is below the estimated cost and, this bidder has supplied similar material to the Commission in the past. General Counsel, please read the Resolved.

General Counsel: **RESOLVED** that the bid of Monroeville Moldings of Norwalk, Ohio, is not responsive and is hereby rejected.

FURTHER RESOLVED that the bids of Gregory Industries, Inc. of Canton, Ohio, for both Group I and Group II of Invitation No. 4175 in the amount of \$258,586.91, are and are by the Commission, determined to be the lowest responsive and responsible bids received for the performance of said Contract, and are accepted, and that the Executive Director and the General Counsel, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 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 bid and of said Contract.

Chairman Hruby: So moved.

Vice Chairman Balog: Second.

Chairman Hruby: Moved and seconded. Any discussion? If none, Roll Call.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.
Secretary-Treasurer: Vice Chairman Balog.
Vice Chairman Balog: Yes.
Secretary-Treasurer: Mr. Pakush.
Mr. Pakush: Yes.
Secretary-Treasurer: Three to zero.

RESOLUTION NO. 3-2012

OHIO TURNPIKE COMMISSION
Resolution Awarding a Contract for the Furnishing of Guardrail Materials
Pursuant to Invitation No. 4175

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for the furnishing of Guardrail Materials, herein designated **Invitation No. 4175**; and

WHEREAS, expenditures for the award to be made under Invitation No. 4175 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 said Contract award; and

WHEREAS, the Commission received four bids for the performance of Group I and five bids for the performance of Group II under said Invitation, and said bids have been reviewed and analyzed by the Commission's Maintenance Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that the apparent low bid for **Group I** to furnish galvanized guardrail parts was submitted by **Gregory Industries of Canton, Ohio** in the amount of **\$251,629.35**, which includes a **one-quarter percent (0.25%) term discount**; and

WHEREAS, the Maintenance Engineer reports that the apparent low bid for **Group II** to furnish guardrail blocks was submitted by **Monroeville Industrial Moldings of Norwalk, Ohio**, but this bidder failed to submit the required Bid Guaranty with its bid and was also otherwise non-responsive, and must be rejected; and

WHEREAS, the apparent second low bid for **Group II** was submitted by **Gregory Industries of Canton, Ohio** in the amount of **\$6,957.56**, which includes a **one-quarter percent (0.25%) term discount**; and

WHEREAS, the Maintenance Engineer further reports that Gregory Industries proposes to furnish materials in accordance with the specifications, that the amounts bid are below the estimated expenditures for both Groups, and that this bidder has furnished similar materials to the Commission in the past and has performed satisfactorily; and he, therefore, recommends that a Contract be awarded to the lowest responsible and responsive bidder, **Gregory Industries**, for both **Group I** and **Group II** in the total amount of **\$258,586.91**; and

WHEREAS, the Director of Contracts Administration has advised the Commission that Gregory Industries qualifies for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Invitation No. 4175 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Gregory Industries, Inc. for Invitation No. 4175 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a cashier's check with good and sufficient surety has been submitted by Gregory Industries, Inc.; and

WHEREAS, the Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, concurs with the recommendations to reject the award of Group II to Monroeville Moldings, and to award the Contract for Invitation No. 4175 to the lowest responsive and responsible bidder for both Group I and Group II, Gregory Industries, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of Monroeville Moldings of Norwalk, Ohio, is not responsive and is hereby rejected.

FURTHER RESOLVED that the bids of **Gregory Industries, Inc. of Canton, Ohio**, for both Group I and Group II of Invitation No. 4175 in the amount of **\$258,586.91**, are and are by the Commission, determined to be the lowest responsive and responsible bids received for the performance of said Contract, and are accepted, and that the Executive Director and the General Counsel, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 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 bid and of said Contract.

(Resolution No. 3-2012 adopted January 17, 2012)

Chief Engineer: Thank you. The fourth Resolution is Invitation No. 4176 for furnishing hot-pour, ready-mixed joint sealant, again for use by our maintenance forces. This contract is for approximately 490,000 pounds of the material. We received three bids in

response to the subject Invitation. The apparent low bid was submitted by Crafc0, Inc. of Chandler, Arizona in the total amount of \$194,944.05. This amount does include the possibility of a five percent manufacturing variance. Again, this total amount is below the estimated cost and this bidder has supplied material in the past for the Commission. General Counsel, read the Resolved.

General Counsel: RESOLVED that the bid of Crafc0, Inc. of Chandler, Arizona for Invitation No. 4176 is deemed by the Commission to be the lowest responsive and responsible bid received and is accepted, and the Executive Director and the General Counsel, or either of them, is hereby authorized to: 1) execute a Contract with Crafc0, Inc. in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) incur expenditures under the Contract in the quantities estimated by the Maintenance Department's staff for the purchase of hot-pour, ready-mixed joint sealant, 3) direct the return to the other bidders of their bid security at such time as Crafc0, Inc. has entered into a Contract, and 4) take any and all action necessary to properly carry out the terms of said Contract.

Vice Chairman Balog: Motion to adopt.

Mr. Pakush: Second.

Chairman Hruby: Moved and seconded. Any discussion? Roll Call.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Chairman Hruby: Yes.

Secretary-Treasurer: Three to zero.

RESOLUTION NO. 4-2012

OHIO TURNPIKE COMMISSION
Resolution Awarding a Contract for the Purchase
of Hot-Pour, Ready-Mixed Joint Sealant Pursuant to Invitation No. 4176

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for the furnishing of approximately 490,000 pounds of hot-pour, ready-mixed joint sealant herein designated **Invitation No. 4176**; and

WHEREAS, expenditures of the Commission for hot-pour, ready-mixed joint sealant under Invitation No. 4176 may exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, three bids were received in response to said Invitation, and said bids were reviewed by the Maintenance Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that the lowest responsive and responsible bid was submitted by **Crafco, Inc. of Chandler, Arizona**, that this bidder proposes to furnish materials and services in accordance with the Commission's specifications, and that the amount bid is below the estimated expenditure for this Invitation; and

WHEREAS, the Maintenance Engineer has recommended award of a Contract to Crafco, Inc. in the amount of **\$194,944.05** (the bid amount plus a five percent manufacturing variance); and

WHEREAS, the Director of Contracts Administration has advised the Commission that Crafco, Inc. qualifies for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Invitation No. 4176 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Crafco, Inc. for Invitation No. 4176 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a Bid Guaranty Bond/Performance Bond of good and sufficient surety has been submitted by Crafco, Inc.; and

WHEREAS, the Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, concurs with the recommendation to award the Contract for Invitation No. 4176 to the lowest responsive and responsible bidder, Crafco, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Crafco, Inc. of Chandler, Arizona** for Invitation No. 4176 is deemed by the Commission to be the lowest responsive and responsible bid received and is accepted, and the Executive Director and the General Counsel, or either of them, is hereby authorized to: 1) execute a Contract with Crafco, Inc. in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) incur expenditures under the Contract in the quantities estimated by the Maintenance Department's staff for the purchase of hot-pour, ready-mixed joint sealant, 3) direct the return to the other bidders of their bid security at such time as Crafco, Inc. has entered into a Contract, and 4) take any and all action necessary to properly carry out the terms of said Contract.

(Resolution No. 4-2012 adopted January 17, 2012)

Chief Engineer: Thank you, Mr. Chairman. I do also have a brief report on two items. Article 5.1 of the Commission By-laws requires reporting of completed construction projects to the Commission. In your folder you will find a packet entitled, "Ohio Turnpike Commission – Contract Construction Summary" dated today. This Report was prepared since our last Report in January 2011. This details seven projects that were awarded with an award value of \$17.1 million dollars. Final, in-place amounts of these projects were within four percent of the award amounts at \$17.7 million dollars. Since the installment of this requirement in the By-laws in 2003, I am happy to report that we have completed 92 construction projects with an award value of approximately \$292 million dollars. These projects were brought in at a final amount of \$2.7 million dollars below the contract award amounts. I would be happy to answer any questions on that item Mr. Chairman.

Chairman Hruby: Any questions? Myron.

Mr. Pakush: To follow up on those figures that you just cited, those were over how long of a period of time?

Chief Engineer: In March of 2003 began our reporting on this – the \$292 million.

Mr. Pakush: 92 projects.

Chief Engineer: 92 projects with a total contract value of \$292 million dollars. Final, in place amount was \$289.3 million dollars.

Mr. Pakush: Thank you.

Chairman Hruby: Further questions?

Chief Engineer: Thank you, Mr. Chairman. The last item I have this morning is the Commission may have seen some news articles recently reporting of our fatality record in 2011, stating that our six fatalities for the year was our lowest since 1955 where. We also matched six in that year. Just to give you a little bit more information on that. It's great that we matched that low number of six, however, fatalities are typically reported as far as miles travelled. When you take the miles travelled comparing 1955 to 2011, our fatality ratio of point .217 per one hundred million miles travelled is approximately eleven times safer than the miles travelled in 1955. So, that is something definitely to be proud of. Just to put this in perspective, I did a little bit of research on National Highway Traffic Safety websites and also the FHWA where the most recent data I could find was in 2009. When you compare the Turnpike to the National rural interstates as far as fatalities go, we are approximately five times safer than the National numbers. And, when you compare them to the Ohio rural interstates, we are approximately three times safer. A lot was said in these stories that this was done the same year that we raised the speed limit to 70. I would caution that one year does not give a definite answer on the numbers, however, it is encouraging. As we get closer to the one year anniversary of the raising of the speed limit to 70 on April 1st, I will give you more in-depth records, including fatalities. I will look at accidents in whole and accidents involving commercial vehicles. I would be happy to answer any questions on that subject, Mr. Chairman.

Chairman Hruby: Thank you. Any questions?

Mr. Pakush: Mr. Chairman, Dan do you have any comparisons to other turnpikes across the country?

Chief Engineer: Mr. Chairman and Commission Member Pakush, no. I haven't been able to do that. These numbers were just published last week. When we get past the one year anniversary of the speed limit increase, I will get you more detailed numbers from other turnpikes and also crash ratios involving commercials.

Mr. Pakush: Right. Just to compare similar type facilities to similar type facilities.

Chief Engineer: Yes. We are looking at rural interstates.

Mr. Pakush: In turnpikes, specifically. They do function a little different than other interstates.

Chairman Hruby: Any other comments, questions?

Chief Engineer: That's all I have this morning, Mr. Chairman.

Chairman Hruby: Thank you for your report. Next, we will move on to the report of the CFO.

CFO/Comptroller: Good morning Mr. Chairman and Commission Members. I have an update on our traffic for December and our preliminary 2011 operating results. This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled in December were 5.7% higher than last year. Last year was adversely affected by multiple days of significant snowfall while this December only had a few days of snow. Commercial vehicle miles traveled continue to improve and were 1.7% higher than last year.

This chart shows the Vehicle Miles Traveled each year over the past decade. For the year, passenger car miles traveled were 1.8% lower than 2010 and, commercial vehicle miles

traveled were 1.9% higher than 2010. As you can see on the chart, the total vehicle miles are up about 1% from a low point of the recession in 2009, but are still down about 9.1% from the peak in 2006. The increase in passenger car and commercial vehicle miles traveled this month resulted in total toll revenues that were 2.8% more than December of last year.

This chart shows Toll revenues for each year over the past decade. Toll revenues this year were \$1.2 million or .5% below the amount from last year.

This report shows the preliminary 2011 General Fund revenues, expenditures and transfers compared to the amounts budgeted, and the actual results for 2010. These are preliminary numbers which we are reviewing and preparing for our annual audit. Total revenues for 2011 were \$1.9 million or .8% higher than budgeted and \$900,000 or .4% less than last year.

Total expenditures including debt service were \$9.9 million or 5.7% lower than budgeted. Most of these savings are the result of lower than expected costs for compensated absences, workers' compensation and snow and ice control, along with lower toll collector wages due to the reductions in toll overtime and the reduction in toll collection personnel at toll plazas with automated toll payment machines.

Total expenditures including debt service were \$4 million or 2.4% less than last year. Most of the reductions from last year are the result of lower cost for compensated absences and snow and ice control along with a \$4 million reduction in toll collector wages. 2010 also included \$2.5 million in payments for the Voluntary Separation Incentive Pay Program. These savings are partially offset by increased toll equipment maintenance cost and the scheduled increase in debt service payments.

As you know, after paying our operating expenses and debt service, the balance of the revenue is used to fund our capital expenditures. The \$1.9 million in higher than budgeted

revenues along with the \$9.9 million in expense savings will be added to the Non-Trust Fund and will be available for future capital expenditures. That completes my report Mr. Chairman, and I will be happy to answer any questions anyone might have.

Chairman Hruby: Thanks, Martin. Any questions? Then we will move on to the report of the Consulting Engineer. We are going to amend the Agenda because we will be going into Executive Session. So, we are moving the General Counsel Report. So, moving on, if you would, please.

General Consultant: No report, Mr. Chairman.

Chairman Hruby: No report. Report of the Financial Advisor.

Financial Advisor, Eric Erickson: No report today, Mr. Chairman.

Chairman Hruby: Report of the Trustee.

Trustee, Frank Lamb: No report, Mr. Chairman.

Chairman Hruby: Report of the Ohio State Patrol.

Lt. Morgan: Thank you for the opportunity to speak this morning. Captain Zurcher is in Columbus in some meetings today. I am Staff Lieutenant Monty Morgan. I am the Assistant District Commander up here for the Ohio Turnpike. As Dan Castrigano had stated earlier, 2011 for the Highway Patrol was a year of records, particularly here on the Ohio Turnpike. We are very proud of the fact that we only had six fatalities on the Ohio Turnpike. I have been up here for nine years and, I have never seen that total this low especially a three year running total on the Ohio Turnpike. So, there have been some significant achievements – not just this year, but over the past three years and we appreciate the cooperation and the partnership. I believe the lives saved is due to that partnership between the Ohio Turnpike Commission and the State Highway Patrol, namely Safety Services as well as Maintenance and others that contribute to

highway safety here on the Ohio Turnpike. Just as an added note, when we talk about 2011 being a year of records there is a criminal patrol team that was assigned to the Ohio Turnpike in September of 2010. They began their first full year in 2011, in 2011 they were able to seize contraband and assets worth over \$15 million. They've been very successful up here on the Ohio Turnpike, and this is just this two-man team seated next door, and I should give some credit to the dog, the K-9. If you've ever had the opportunity to watch him work, he's just a fantastic dog working with a very good team of officers over there. They have worked hard to train others on the Ohio Turnpike. We remain committed to removing criminals that use the Ohio Turnpike and affect the quality of life of others in the State of Ohio and across this country. We will continue to work very hard at that and, keep in mind that we are not satisfied with six fatalities. We won't be satisfied until we see that number at zero. We will continue to work hard to reduce traffic fatalities here on the Ohio Turnpike. Thank you for the opportunity to speak this morning, Mr. Chairman.

Chairman Hruby: Thank you, Lieutenant. We have several times here at the Commission recognized the fine work of your criminal team. We appreciate the fine work you do on safety, and it's really a credit to everyone at the Turnpike Commission for these numbers. Thank you all very much on behalf of the Commission. Our next meeting is going to be on Tuesday, February 21st at 10:00 a.m. due to Presidents' Day on Monday, February, 20th.

Vice Chairman Balog: Mr. Chairman, I would like to make a Motion that we move to hold an Executive Session to discuss litigation matters under the provisions of Ohio Revised Code § 121.22(G)(3), "At the end of such Executive Session, the Commission shall resume its open Meeting."

Chairman Hruby: Moved and seconded, I'll second that. Any discussion?

Roll Call.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Chairman Hruby: We are in Executive Session. Again, there will be no further action taken. We will see all then again on February 21st at 10:00 a.m. This meeting is recessed. (10:29 a.m.)

Mr. Pakush: I moved that we conclude the Executive Session.

Chairman Hruby: Second. Moved and Seconded. Roll Call.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Mr. Pakush.

Mr. Pakush: Yes.

Chairman Hruby: Any further business to discuss? If none, I will accept a Motion to adjourn the Committee Meeting.

Mr. Pakush: So Moved.

Chairman Hruby: Second. Moved and Seconded. Roll Call.

Secretary-Treasurer: Vice Chairman Balog.

Vice Chairman Balog: Yes.

Secretary-Treasurer: Chairman Hruby.

Chairman Hruby: Yes.

Secretary-Treasurer: Mr. Pakush.

Chairman Hruby: The next meeting will be held on February 27, 2012 at 10:00 a.m. due to Presidents' Day. The Ohio Turnpike Commission Meeting is adjourned.

Time of adjournment: 11:10 a.m.

Approved as a correct transcript of the proceedings
of the Ohio Turnpike Commission

Richard Hodges, Secretary-Treasurer