

**MINUTES OF THE 568<sup>th</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**  
**January 24, 2011**

**Chairman:** (10:07 a.m.) Good morning, the meeting will come to order? Will the Assistant Secretary-Treasurer please call the roll?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes. Here.

**Assistant Secretary-Treasurer:** If I can get my pen working, sorry.

**Chairman:** Call Mr. Dixon next.

**Mr. Dixon:** Present

**Assistant Secretary-Treasurer:** Mr. Dixon

**Chairman:** He is present, but in the other room.

**Assistant Secretary-Treasurer:** We think, okay. Mr. Regula

**Mr. Regula:** Here

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Here

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Here

**Assistant Secretary-Treasurer:** Mr. Cole

**Mr. Cole:** Present

**Assistant Secretary-Treasurer:** Mr. Smith

**Mr. Smith:** Here

**Assistant Secretary-Treasurer:** Senator Patton

**Senator Patton:** Here

**Chairman:** Good morning. Welcome to the Ohio Turnpike Commission. We have a number of new members that are here today, Myron is representing, is the Deputy Director of

District 12, he is representing the ODOT Director on the Commission. Randy is representing the Ohio Budget and Management Director, and Mr. Smith, Chad or Chadwick?

**Mr. Smith:** Chad.

**Chairman:** Chad, Chad is representing the Department of Development Director. Welcome all the new Commission Members and we look forward to working with you all. We have a number of guests here today and in keeping with past practices I would like everyone to introduce themselves:

**Those in attendance:** Martin Seekely, CFO/Comptroller, Ohio Turnpike; Eric Erickson, Fifth Third Securities; Debby Sideris, Executive Office, Ohio Turnpike; Jennifer Diaz, Legal Department, Ohio Turnpike; John Adams, Fifth Third Securities; Kathy Weiss, Director of Contracts Administration and Government Affairs, Ohio Turnpike; Dave Miller, Director of Audit, Ohio Turnpike; Roger Hannay, Ohio State Highway Patrol; Chris Zurcher, Ohio State Highway Patrol; Neil Gresham, URS; Doug Hedrick, Assistant Chief Engineer, Ohio Turnpike; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Robin Carlin, Director of Human Resources, Ohio Turnpike; Tom Breckenridge, Plain Dealer; Marcia Lampman, Resource International; Todd Cooper, Hill International; Monte Morgan, Ohio State Highway Patrol; Chris Hopkins, KeyBank; Daniel Van Epps, West Virginia University; Don Taggart, IUOE Local 18; Tom James, IUOE Local 18; Frank Lamb, Huntington Bank; Lauren Hakos, Public Affairs & Marketing Manager, Ohio Turnpike; Glen Stephens, G. Stephens; Jim Wilson, TransCore; Larry Halko, TransCore; Sharon Isaac, Director of Toll Operations, Ohio Turnpike; Dick Lash, Director of Safety Services, Ohio Turnpike.

**Chairman:** Thank you. This is the 568<sup>th</sup> Meeting of the Ohio Turnpike Commission. We are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws for a Special Meeting. Various reports will be received. We will act on several resolutions, draft copies have been previously been provided to the Members and are also in the Members' folders. The resolutions will be explained during the appropriate reports. May I have a motion to adopt the Minutes of the December 20, 2010, Commission Meeting?

**Mr. Regula:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Chairman:** Mr. Dixon? Yes?

**Mr. Dixon:** Yes

**Chairman:** Thank you.

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Abstain

**Assistant Secretary-Treasurer:** Not being here?

**Mr. Pakush:** Not being here, correct.

**Chairman:** If there are no questions we will proceed to the report of the Secretary-Treasurer. I'll tell you what we'll skip the Secretary-Treasurer's report, we'll go into the Executive Director's report, we'll come back for the Secretary-Treasurer in one moment. Executive Director, Mr. Distel.

**Executive Director:** Thank you Mr. Chairman, Members of the Committee, welcome to those new members. I would certainly like to extend a warm welcome to Myron Pakush, who as the Chairman said, District Deputy Director for District 12, Mr. Chad Smith from ODOD, and Randy Cole from OBM. Also with us today we have two folks from the Highway Patrol who will get introduced later, but I do want to mention that Captain Hannay and Captain Zurcher are both here in attendance. We have not received any word whether the Senate or the House has appointed those legislative members yet, but I am always delighted to see my good friend Senator Patton joining us at the table, as I know as of yet and we've been following the legislation out of Columbus, I don't believe anybody from the House has yet been approved either. As you can see we've been busy preparing the Agenda and have three resolutions for your consideration. Because we have new members today, Mr. Chairman I am going to give a brief kind of overview of where we've been and want to certainly let the new members know that in my opinion that the Turnpike is in very, very good shape. Traffic and revenue have increased, we are a leaner operation with about 200 less employees, we have launched electronic tolling, known as E-ZPass over a year ago and approximately 40% of all of our patrons now use E-ZPass. Since we started issuing transponders we have issued just under 94,000 to date. We refinanced some of the Ohio Turnpike Commission's debt through two refundings and saved nearly \$16,000,000.00, so we have been very busy. As it has become tradition with the Ohio Turnpike Commission we have been notified and received the Certificate of Excellence for

financial reporting on our CAFR for 2009. Mr. Chairman if I can I will present this to you and I suspect it will probably wind up in the line of many of them we have on the window sill. Finally, I want to give you a small report on where we are with the reconstruction of our service plaza SP1 over in Williams County and it is scheduled to open up again the end of May the beginning of June of this year. Myself, the Chief Engineer are going out on Wednesday to monitor the progress, I know it is all under roof, buttoned up now and they are doing the interior work, so we are joining Chairman, I'm sorry Commission Member Mr. Kidston there at 11 o'clock with some media from the area and really trying to get a little heads-up, and I will Kathy a little heads-up we're going to need the names of the establishments out there that are going to be hiring people because Mr. Kidston is being inundated with requests on how do they get a job. Mr. Chairman with that concludes my report. I'd happy to answer any questions.

**Chairman:** Any questions or comments for the Executive Director? We will now skip back then and go to the Secretary-Treasurer, Mr. Dixon.

**Secretary-Treasurer:** Thank you Mr. Chairman. Thank you for your patience also this morning, I have a technology withdrawal, my cell phone went out and I had some issues I had to deal with. The following items have been sent to the Members since the last scheduled meeting of the Commission on December 20, 2010. They are as follows:

1. Minutes of the December, 2010, Commission Meeting
2. Traffic and Revenue Report, December, 2010
3. Total Revenue by Month and Year, December, 2010
4. Investment Report, December, 2010
5. Traffic Crash Summary Report, December, 2010
6. Financial Statement, December, 2010
7. Budget Report, twelve months, 2010
8. Various News Releases

That concludes my report Mr. Chairman. If there are any questions I would be happy to answer any questions.

**Chairman:** Questions or comments? I just have one real quick. On the news release we received from I believe it is the Lorain Morning Journal, as they were talking about the increase in the speed limit on the Turnpike from 65 to 70 miles-an-hour, they said inside their editorial that means increasing the number of Troopers, referring to the State of Ohio Troopers patrolling it, "something the State of Ohio can't afford", I would just like to make sure that the media is aware that Ohio Turnpike pays for the cost of the State Troopers who are patrolling the road that it does not come from the General Revenue Funds of the State of Ohio. Next we'll go to the Chief Engineer.

**Chief Engineer:** Thank you Mr. Chairman. I have three resolutions for your consideration this morning and a brief report. The first resolution is awarding Contract 53-11-01 and 02. This is for the reconstruction of Mahoning Valley/Glacier Hills Service Plazas located at Milepost 237.2 in Mahoning County. These projects were on the Capital Budget that the Commission approved last month. The project was divided into separate bid packages

representing the five trades and also a combination bid that bidders were permitted to bid on. The Bid Package A, for the site work also included pavement alternates for roller compacted concrete and asphalt concrete. We received twenty-six bids in response to the subject contracts; there were no combination bids for the total package. The apparent low bidder in response to Bid Package C, the HVAC/Mechanical, and Package D, the Plumbing Trades, was submitted by W.G. Tomko of Finleyville, Pennsylvania. Our Contracts Department has advised that this bidder has submitted a deficient bid bond, and therefore these bids cannot be considered for award. The bidder submitted a 1% bid bond where contract documents require a 100% bond. Rejecting that bid the lowest responsive bidders were submitted as follows, Bid Package A for the Site Work was submitted by Miller Brothers Construction of Archbold, Ohio; Bid Package B was submitted by Reginella Construction Company of Pittsburgh, Pennsylvania for the General Trades; Bid Package C, HVAC/Mechanical, was Roth Brothers of Youngstown, Ohio; Bid Package D was submitted by Conti Corporation of Lowellville, Ohio; Bid Package E, the Electrical, was submitted by Penn-Ohio Electric Company from Masury, Ohio. We are also recommending that the Site Work be awarded for Pavement Alternate A for the roller compacted concrete as this bid alternate was approximately \$1.1 million dollars below the bid for the asphalt concrete. All the individual contracts as listed on the first page of the resolution were below the estimates for the individual contracts. The resolution also includes the provisions to assign Hill International of North Canton, Ohio to the project for performing construction management services. Richard L. Bowen of Cleveland, Ohio for construction administration services for the building; ms consultants of Youngstown for construction administration for the site and Brownfield Restoration Group of Akron, Ohio for environmental remediation services. All of these assignments are in accordance with the previously approved agreements specific to this project. We also have on here CTL Engineering Incorporated of Columbus, Ohio for performing materials testing and inspection services in accordance with their General Engineering Services Agreement. If the General Counsel would please read the Resolved

**General Counsel:** RESOLVED that the bids of W. G. Tomko, Inc. for the HVAC/Mechanical Trades Work (Bid Package C) and for the Plumbing Trades Work (Bid Package D), are deemed non-responsible and are hereby rejected in accordance with Article 6 of the Instructions to Bidders for Contract No. 53-11-01 and 53-11-02, as well as Ohio Revised Code Section 153.54, which govern Contract Bonding requirements; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,653,082.39** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-11-01 and 53-11-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc. of Archbold, Ohio** in the amount of **\$12,686,701.39**, the General Trades Contract with **Reginella Construction Company, Ltd. of Pittsburgh, Pennsylvania** in the amount of **\$9,930,730.00**, the HVAC/Mechanical Trades Contract with **Roth Bros., Inc. of Youngstown, Ohio** in the amount of **\$2,399,660.00**, the Plumbing Trades Contract with **The Conti Corporation of Lowellville, Ohio** in the amount of **\$1,209,622.00**, and the Electrical Contract with **Penn-Ohio Electrical Company of Masury, Ohio** in the amount of **\$3,426,369.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of 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 bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hill International** of **North Canton, Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and Hill International as previously authorized by Resolution 41-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc.** of **Cleveland, Ohio** (the Project Architect) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 27-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **ms consultants, inc.** of **Youngstown, Ohio** (the Project Site Design Consultant) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and ms consultants, inc., as previously authorized by Resolution 4-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Brownfield Restoration Group, LLC** of , **Akron Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering Services Agreement specific to this Project between the Ohio Turnpike Commission and Brownfield Restoration Group, LLC, as previously authorized by Resolution 28-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CTL Engineering, Inc.**, of **Columbus, Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2011-2012 General Engineering Services Agreement between the Ohio Turnpike Commission and CTL Engineering, Inc.; and

**[FURTHER RESOLVED that Project No. 53-11-01 and 53-11-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Good work Noelle. May we have a motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Discussion, questions on the motion? Senator Patton.

**Senator Patton:** On the trade portion of it, I know that the other portions of what was just read all went to Ohio companies and clearly the Pittsburgh company was about \$757,000 cheaper, so I understand that they were lower and I guess whatever Buy Ohio provisions would not have fallen under that category, do we as a general rule do they give any kind of commitment or preference to using Ohio workers on the job or will these all be Pittsburgh people getting shuttled over?

**Chief Engineer:** Mr. Chairman.

**Senator Patton:** As far as you know, I mean.

**Chief Engineer:** Mr. Chairman, Senator Patton, it just so happens that we met with this bidder prior to recommending the award. This specific contract has provisions in it for 15% minimum self-performance by the prime contractor. The contractor has advised that he intends on performing between 15 and 20% with his own forces and since he hasn't been award the contract yet, he obviously has not signed contracts with his subcontractors, but he has advised us that his low bids for the subcontracting were approximately 90% of that remaining 85 to 80% is from Ohio companies.

**Senator Patton:** Okay, thank you.

**Chairman:** Further questions?

**Mr. Dixon:** Yeah, kind of in the same vein. I am happy that so many, that we have most of this is with Ohio companies. The Bowen, the architect, the engineer, excuse me long morning. The Bowen piece and the Brownfield piece, how much do those add to the bottom line of the contract? I did not see any listing as to what they, are these services already included?

**Chief Engineer:** No Mr. Chairman, Commission Member Dixon. The entire construction administration package of the project, I mean for also, Hill, Bowen, ms, Brownfield and CTL is budgeted approximately 10% of the project.

**Mr. Dixon:** So it is budgeted 10% of the project. So we are well over \$30,000,000.00 for the project?

**Chief Engineer:** Yes.

**Mr. Dixon:** And what percent of that went to minority companies?

**Chief Engineer:** Mr. Chairman, Commission Member Dixon, I don't know for sure. I do know that on some of these teams for example Hill International and Bowen also they do have minority components of their teams, I don't know offhand of what percentage is going from their fees.

**Mr. Dixon:** I did not mean just with those, I meant with the whole contract.

**Chief Engineer:** Oh with the whole contract Mr. Dixon, we don't know yet, as I said we do not have signed contracts from the bidders yet, hence they have not entered into signed contracts with their subcontractors. We won't have that data until after we get going with the project.

**Mr. Dixon:** So after we guarantee that we are going to pay them, then we can go back and ask them to nicely use minority companies?

**Chief Engineer:** Mr. Chairman I would defer to General Counsel.

**General Counsel:** Mr. Chairman, Commission Member Dixon actually in the litigation report that we distributed this week or earlier a week ago, you will see what the year-end results were for last year and I have to say that the highest percentages of the MBE/FBE contract awards were through the Engineering Department. We can't ask, we have a voluntary policy still, but as far as year-end results Engineering had the highest percentage. It was over around six or close to seven percent.

**Mr. Dixon:** Respectfully, this is a new year and you know this is \$30,000,000.00 and I just am a little antsy about that, that's \$30,000,000.00 where we could of, you know, just a little concerned about starting of on a good foot.

**Chairman:** I agree with your comments, Dan would you report back to us and emphasize with the, and I appreciate the comment that you made that it's a lot harder to ask once a contract has been approved and you've made the decision to pay somebody some money, but would you emphasize that with all the subcontractors and give us some feedback on your discussions with them and emphasize that point.

**Chief Engineer:** Yes Mr. Chairman like I said as the subcontracts are entered into I can report back to the Commission.

**Mr. Dixon:** Mr. Chairman and again.

**Chairman:** Yes sir.

**Mr. Dixon:** Not beating up a dead horse because I know that the organization has tried and I know that George has and others have, we worked together and then try to seek out minority participation, and I just want us to continue along that vein, and you know take the opportunity when it presents itself.



**Chairman:** And I think your comments well taken, it's much easier to negotiation these issues previous to handing somebody a contract with their name on it that they have been selected, but I believe all of these you know they have significant requirements from a bidding standpoint, and significant requirements from bonding, as an example the one contractor who was slightly lower did not get the job cause they did not make that and I just don't think that we have the availability to go ahead award the five contracts to a specifically to a minority contractor, but it is very important that we go ahead and have all five of these contractors aware that we want them to use as many minority subcontractors as possible and as you talked about the Pennsylvania company saying that about 70% of the overall work of their contractor will be subcontractors from Ohio, I think that's a great opportunity to go ahead and talk to all the individual contractors to make sure that they are aware of what our position is in using minority contractors for their subs. So if you would carry that forward and get back to us and give us a report on that, I would appreciate it.

**Chief Engineer:** Mr. Chairman we have a preconstruction conference as a matter of fact tentatively scheduled for this Friday, prior to entering into the contracts we can present that then.

**Chairman:** Thank you.

**Mr. Dixon:** I'd appreciate that. Thank you so much Mr. Chairman. Thank you.

**Chairman:** Further comments? Please call the roll on the resolution before the Commission?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** I am going to abstain on this vote due to my previous employer is a sub-consultant to Richard L. Bowen. Who is CT Consultants, so I abstain.

**Chairman:** Respect your position, thank you.

**Executive Director:** We are good.

**RESOLUTION NO. 1-2011**

**Resolution Awarding Contract No. 53-11-01 and 53-11-02**

WHEREAS, the Commission has duly advertised according to law for bids upon Contracts for the reconstruction of the Mahoning Valley and Glacier Hills Service Plazas, located at Milepost 237.2 in Mahoning County, Ohio, designated as **Contract No. 53-11-01 and 53-11-02**; and

WHEREAS, the subject Service Plaza Reconstruction Project was divided into Bid Packages representing five (5) trades: Site Work (Bid Package A), General Trades (Bid Package B), HVAC/Mechanical (Bid Package C), Plumbing (Bid Package D), Electrical (Bid Package E), and bidders were given the option to submit a "Combination Bid" for all of the aforementioned Packages to perform all the work at both Service Plaza locations (Bid Package F); and

WHEREAS, the Contract Documents for the Project's Site Work (Bid Package A) also requested alternate bids for roller compacted concrete pavement (Pavement Alternate A) and/or asphaltic concrete pavement (Pavement Alternate B); and

WHEREAS, expenditures for the award(s) to be made under Contract No. 53-11-01 and 53-11-02 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(s); and

WHEREAS, on December 17, 2010, the Commission received bids from twenty-six (26) bidders for the performance of the various Prime Contracts (Bid Packages A through E), but no Combination Bids for the Project were received; and

WHEREAS, the Director of Contracts Administration has advised the Commission that the apparent low bidder for both the HVAC/Mechanical (Bid Package C) and the Plumbing Trades (Bid Package D), **W. G. Tomko, Inc., LLC**, of **Finleyville, Pennsylvania**, submitted Contract Bonds for both Packages that have been determined to be deficient and unacceptable, and, therefore these bids are not responsible and must be rejected; and

WHEREAS, the remaining apparent low 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 advises that the following bids for the performance of Bid Packages A, B, C, D and E under Contract No. 53-11-01 and 53-11-02 are all below the Engineer's estimate and have been determined to be the lowest responsive and responsible bids received:

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
A - Site Work	Miller Brothers Construction Company, Inc. Archbold, Ohio	\$12,686,701.39*
B - General Trades	Reginella Construction Company, Ltd. Pittsburgh, Pennsylvania	9,930,730.00
C - HVAC/Mechanical	Roth Bros., Inc. Youngstown, Ohio	2,399,660.00
D - Plumbing	The Conti Corporation Lowellville, Ohio	1,209,622.00
E - Electrical	Penn-Ohio Electrical Company Masury, Ohio	3,426,369.00
<b>Total Awards .....</b>		<b><u>\$29,653,082.39</u></b>

*\*The Site Work Bid includes the award of Roller Compacted Concrete Pavement (Pavement Alternate A) for the Project site, as set forth in the Contract Documents.*

WHEREAS, the Commission has been advised by the Director of Contracts Administration that: 1) all bids for Contract No. 53-11-01 and 53-11-02 were solicited on the basis of the same terms and conditions and the same specifications, 2) the identified lowest responsive and responsible bids of the above-identified contractors for each Bid Package under Contract No. 53-11-01 and 53-11-02 conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and 3) a bid guaranty and performance bond of good and sufficient surety has been submitted by each such bidder; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission that it reject the bids of W. G. Tomko, Inc. for Bid Package C and Bid Package D, and award Contract No. 53-11-01 and 53-11-02 Bid Package A with Pavement Alternate A to Miller Brothers Construction Company, Inc., Bid Package B to Reginella Construction Company, Ltd., Bid Package C to Roth Bros., Inc., Bid Package D to The Conti Corporation, and Bid Package E to Penn-Ohio Electrical Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bids of W. G. Tomko, Inc. for the HVAC/Mechanical Trades Work (Bid Package C) and for the Plumbing Trades Work (Bid Package D), are deemed non-responsible and are hereby rejected in accordance with Article 6 of the Instructions to Bidders for Contract No. 53-11-01 and 53-11-02, as well as Ohio Revised Code Section 153.54, which govern Contract Bonding requirements; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,653,082.39** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-11-01 and 53-11-02 are, and are by the Commission, determined to be the lowest responsive and

responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc.** of **Archbold, Ohio** in the amount of **\$12,686,701.39**, the General Trades Contract with **Reginella Construction Company, Ltd.** of **Pittsburgh, Pennsylvania** in the amount of **\$9,930,730.00**, the HVAC/Mechanical Trades Contract with **Roth Bros., Inc.** of **Youngstown, Ohio** in the amount of **\$2,399,660.00**, the Plumbing Trades Contract with **The Conti Corporation** of **Lowellville, Ohio** in the amount of **\$1,209,622.00**, and the Electrical Contract with **Penn-Ohio Electrical Company** of **Masury, Ohio** in the amount of **\$3,426,369.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of 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 bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hill International** of **North Canton, Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and Hill International as previously authorized by Resolution 41-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc.** of **Cleveland, Ohio** (the Project Architect) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 27-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **ms consultants, inc.** of **Youngstown, Ohio** (the Project Site Design Consultant) to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and ms consultants, inc., as previously authorized by Resolution 4-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Brownfield Restoration Group, LLC** of **, Akron Ohio** to Contract No. 53-11-01 and 53-11-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering Services Agreement specific to this Project between the Ohio Turnpike Commission and Brownfield Restoration Group, LLC, as previously authorized by Resolution 28-2010; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CTL Engineering, Inc.**, of **Columbus, Ohio** to Contract No.

53-11-01 and 53-11-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2011-2012 General Engineering Services Agreement between the Ohio Turnpike Commission and CTL Engineering, Inc.; and

**[FURTHER RESOLVED that Project No. 53-11-01 and 53-11-02 is designated a System Project under the Commission’s 1994 Master Trust Agreement.]**

**Chief Engineer:** Thank you Mr. Chairman, the second resolution I have is a resolution awarding a contract for our disabled vehicle services. On October 21, 2010, the Commission advertised an RFP for providing disabled vehicle services for firms interested in providing emergency roadway vehicle services to travelers who become disabled or involved in an accident along the Ohio Turnpike. The contract was split into seven geographic zones. The contract is an initial term for three years with an option to renew mutually acceptable for two, pardon me for one two-year period. On November 12<sup>th</sup> of 2010, the responses were received in response to the RFP. The evaluation team consisting of representatives from our Safety Services and Maintenance Departments evaluated the proposals, reviewed the proposals including site and equipment inspections. The contract terms provide for a monthly allowance for the DVS providers of \$7,500.00. We are recommending that awards be made across the seven zones as follows; Zone 1, to Hutch’s Towing & Recovery of Holiday City; Zone 2, Express Auto & Truck Services of Swanton, Ohio; Zone 3, Madison Motor Services of Fremont; Zone 4, Rich’s Towing, Middleburg Heights; Zone 5, also Rich’s Towing in Middleburg Heights and it should be noted that they operate these operations out of two separate facilities; Zone 6, Interstate Towing & Transport, Macedonia; and Zone 7, Jeswald Auto Truck Service of Youngstown, Ohio. If the General Counsel would please read the Resolved.

**General Counsel:** RESOLVED that the Proposals submitted by each of the following companies for the following respective Zones:

<u>Zone</u>	<u>Boundaries</u>	<u>Company</u>
DVS-1	From Ohio-Ind. State line to MP 35.0	Hutch’s Towing & Recovery, Inc. Holiday City, OH
DVS-2	From MP 35.0 to MP 71.0	Xpress Auto & Truck Service, Inc. Swanton, OH
DVS-3	From MP 71.0 to MP 110.2	Madison Motor Service, Inc. Fremont, OH
DVS-4	From MP 110.2 to MP 145.5	Rich’s Towing & Service, Inc. Middleburg Heights, OH (services out of the Norwalk garage)
DVS-5	From MP 145.5 to MP 180.3	Rich’s Towing & Service, Inc. Middleburg Hts., OH
DVS-6	From MP 180.3 to MP 209.2	Interstate Towing & Transport Specialists, Inc., Macedonia, OH
DVS-7	From MP 209.2 to Ohio/PA State line	Jeswald Auto Truck Service

are, and are by the Commission determined to be, the **best** of all Proposals received in response to the Commission's RFP and are accepted; and

FURTHER RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to: 1) execute Contracts with each of above-mentioned DVS Operators for an initial three-year term commencing March 1, 2011, 2) renew said Contracts for one, two-year period upon receipt of satisfactory performance evaluations for each DVS Operator from the Director of Safety Services, and 3) take any and all action necessary or proper to carry out the terms of said RFP and said Contracts.

**Chairman:** Is there a motion to adopt the resolution?

**Mr. Dixon:** So moved.

**Chairman:** Second?

**Mr. Kidston:** Second.

**Chairman:** Questions or comments on the resolution before the Commission?  
Senator.

**Senator Patton:** Sorry to be so inquisitive this morning.

**Chairman:** Not a problem.

**Senator Patton:** And I'm sure there's explanations and I think I just want to make it clear. I'm doing the numbers and \$7,500.00 a month, \$52,500.00 or \$7,500.00 a month to the seven regions which is fifty-two grand a month, it is \$63,000 or \$633,000.00 a year. Is that about what it would break out to?

**Chief Engineer:** Approximately.

**Senator Patton:** I guess at the end of the day we are picking up other people's cars that break down, my car because I decided to take a clunker on the Turnpike and it breaks down, it's now the Turnpike's responsibility to take my clunker off the Turnpike. I understand that it is a private road, private highway, but is there some sort of a mechanism by which we get this money returned to us from the people, and if so have we looked at it from a standpoint instead of a flat fee of \$7,500.00, assuming that's at \$100 bucks a car, that's seventy-five cars a month that they are going to have to require. Do we have those kinds of number available to us, how often that they've been called out?

**Chief Engineer:** Yes Mr. Chairman, Senator Patton I believe attached with the resolution is an analysis of the services provided on the Turnpike. The retainer paid to the DVS services does not relate to the actual services provided on the roadway. If your car breaks down

on the Turnpike or is involved in an accident and is impeding traffic, one of these seven responders will respond depending on what zone you are in. You will still pay towing services, towing fees to that, to that, to that vendor. However, as part of this contract we limit the fees that are charged by the vendor. We also require that these services been maintained 24 hours a day, seven days a week, 365 days a year. We have specific requirements as far as the equipment that is required out here; I think we require at least seven pieces of equipment within fifteen miles of the Turnpike. They have specific response requirements for the Turnpike. Other things are if our vehicles break down, Turnpike, Ohio Highway Patrol vehicles, we get towed for no fees. We also do not pay them for what is called a disregard, if they are called out here for a vehicle and they get out the vehicle is not there they don't get paid for that, so basically the fees that we pay to the vendor, just basically covers them manning the facility for 24 hours a day.

**Executive Director:** Mr. Chairman if I can just kind of add.

**Chairman:** Yes.

**Executive Director:** I received a timely report last Friday and it was a summary from our Director of Safety Services, Mr. Lash who is in the back, giving me a summary of the aid to motorists rendered by our disabled vehicle service garages for the whole year 2010, and they responded 8,277 times. Those range from engine and mechanical problems were about 4,511; out of fuel passenger, over a 1,000 people; out of fuel commercial, which kind of surprises me, 15; tires for commercial vehicles, 43; flat tire repair for passenger vehicles, 1943 times; you know tows, numbers that were in a ditch, 362 accidents, etc., etc., I would be happy to share a copy of that summary with the Commission Members.

**Chairman:** I think it's a significant amount of money and I think that is why the Senator is raising the issue and I certainly agree with him, but the other side there's a safety factor, you know we have limited number of people that are on the road because of limited access, and they provide a 24-hour service that's important when a vehicle is disabled on the side of the road that is be removed as quickly as possible and there is a certain, an expense to go ahead and having a facility that's 24/7, so I certainly appreciate your calculations of the numbers,  $\$7,500 \times 7 = 50,000$  multiply it by 12, it's over a half million dollars per year that we are spending for this service, and that's why we actually pulled this item off the agenda because we collectively looked at it, and said it seems like a very large number, but when you look at the service they provide, the number of vehicles that they tow, and break it down over the entire area, and also having somebody responsible 24/7 everyday you know it makes sense and from a safety standpoint if we have one or two vehicles on the side of the road and there's an accident resulting from it, it's problematic for us so we...

**Senator Patton:** I guess, you know at first blush, it makes it appear that we're paying for the services for the individuals who run out of gas, who have a flat tire, who have a dysfunctional automobile, but they in turn as I understand it Dan still get charged by Rich's Towing for example or Hutch's Towing. They get charged and they still are able to charge the people, but under the terms of the contract, the \$7,500 stipend that they get, they are limited to how much they can charge.

**Chief Engineer:** That's correct, we cap the rates for the various services for the vehicles and I believe, Director of Safety Services can correct me if I am wrong, but I believe in many cases our capped rates are lower than the AAA mandated rates?

**Director of Safety Services:** That's correct.

**Senator Patton:** Thank you.

**Mr. Regula:** And if I can Mr. Chairman, just to clarify for example if I were to run out of gas, there would be a set fee as to what they would charge for them to be called out and put gas in my tank, correct?

**Chief Engineer:** That's correct.

**Mr. Regula:** So I guess what we are looking at this and I think as we should from our customer's standpoint as well. They are paying to run our road and I think we have to provide them with a higher lever of customer service than they would expect on a public roadway that type of thing. The other thing I look at from the standpoint is the safety issue, it was just last month, if I am correct that we had a fatality of someone that was broken down along the road and someone came and ran into the back of them, unfortunately that is an issue that, I think, does need addressed, we need to clear the cars as quickly as possible, and I think this resolves some of those issues.

**Executive Director:** Chairman I might just add to the conversation, and always keep in mind that we are a limited access highway. We have thirty-one points of entry, so you know it's not like a regular highway system where you know every certain number of feet or hundred feet, you know you have access to these, so we have to control you know the people that can come out there, who have the transponders, where they can turn around because of the median slip, you know you are right Mr. Chairman we did look at this and really it's my recommendation certainly to the Commission, that I can't find a better way to provide this service to make sure that we can have the free flow of traffic on the Turnpike.

**Mr. Regula:** One other question Mr. Chairman I might have to just clarify this issue though, if I want my vehicle to be towed by XYZ Towing, I certainly have the ability to do that is that correct?

**Chief Engineer:** Mr. Chairman, Commission Member Regula if your vehicle is not a safety hazard, or impeding the traffic that is correct.

**Mr. Regula:** And is there a timeframe that the Patrol for example would give for that vehicle to be cleared? Is that a shorter timeframe than what it would be on a state route or interstate?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, yes we try and get those vehicles off the road, the abandoned vehicles, again if they are on the shoulder, if they are



in a service plaza obviously we will let them stay longer, but that's correct we get them off as quickly as possible

**Mr. Regula:** And is there, from the Patrol standpoint, do you put a specific tag on and give them and is it 24 hours, or 10 hours, or what specifically?

**Captain Zurcher:** It's 48 hours.

**Mr. Regula:** It's 48 hours that they have to be cleared.

**Captain Zurcher:** Unless there is any type of safety issue, snow fall that type of thing, yes.

**Mr. Regula:** Is that a general rule for your organization throughout the state?

**Captain Zurcher:** Yes.

**Mr. Regula:** Thank you.

**Chairman:** Further questions?

**Mr. Cole:** Mr. Chairman.

**Chairman:** Yes sir.

**Mr. Cole:** Two questions on metrics that I'd like to see if they're available, is that breakdown Director that you had do we have that by zone?

**Executive Director:** Yes.

**Mr. Cole:** I'd like to see that and then I saw a fine Trooper out helping a motorist this morning, change a flat tire and I wanted to know what the procedures were and/or if we have metrics on the Highway Patrol service for things like that versus the DVS services? Do we have metrics on how many times the Patrol aids motorists in addition to what we have on the safety report here on the DVS?

**Captain Zurcher:** Yes, I do have those numbers.

**Mr. Cole:** I don't need them today, but for future reference or just to understand the operations I'd appreciate seeing that.

**Executive Director:** We'll work with the Captain to make sure you get that.

**Mr. Cole:** Thank you.

**Mr. Dixon:** I am just trying to get a little clarification on this one area, the timing. The Captain said we allow cars as long as they are not impeding and not a safety hazard to be on the shoulders for 48 hours before further steps are taken was that correct?

**Chairman:** I believe that is what the Captain said.

**Mr. Dixon:** Okay, is there, do we give these seven companies any timeframe as far as response once they have been called out to respond to the uh?

**Chief Engineer:** Yes Mr. Chairman, Commission Member Dixon, we do, it slips my mind, Dick? What's the response time?

**Director of Safety Services:** Response time to an accident is forty-five minutes.

**Mr. Dixon:** They have to respond in forty-five minutes that's great. Okay, thanks.

**Chairman:** Your response was they had to respond in forty-five minutes?

**Chief Engineer:** That's correct.

**Mr. Dixon:** I think this is all, this is all good, this is all in accordance with us trying to supply like Dave said a service to our customers it's a good service, so it's going to cost us.

**Mr. Kidston:** Couple of questions for Dan. Are any of the vendors changed from previous years?

**Chief Engineer:** Mr. Chairman, Commission Member Kidston again this one, Dick you are more familiar with this one, are these the same bidders as last year?

**Director of Safety Services:** These are the same bidders as the last contract, same vendors.

**Mr. Kidston:** Okay and I understand the \$7,500, especially in rural areas where you only have one supplier or one vendor like Hutch's Towing on the west end is about your only game in town there. Have we looked at possibly rather than capping what they can charge the customer of looking at some type of revenue sharing to recapture the \$7,500?

**Chief Engineer:** Mr. Chairman, Commission Member Kidston, yeah we've looked at that, but we've kicked that around a little bit in past years, but we've come down to as stated earlier by the Director that we feel it's worth the investment to maintain the services at a reasonable fee for the customers that are already out there using the toll road and also to maintain the response times.

**Mr. Kidston:** Well I would agree with that argument, but if in essence the customers that don't run out of gas on the Turnpike are subsidizing the customers who do run out of gas, and I think it would be fair if we charged a little higher rate and did not cap that rate and then shared in

some of the revenue so that we didn't have the \$7,500 stipend every month to maintain the equipment that's required to maintain a safe highway.

**Chief Engineer:** If the Commission desires we can certainly start looking along those avenues possibly for the next contract.

**Mr. Kidston:** Okay. That's all I have Mr. Chairman, thank you.

**Chairman:** Do we as a Commission want to go ahead and bring this to a vote?

**Executive Director:** You have a motion and a second.

**Mr. Kidston:** I'm okay with it I'd just like to look at some of these other things for future contracts.

**Chairman:** The contracts before us is for two years, am I correct on that?

**Chief Engineer:** Three years Mr. Chairman with one two-year renewal.

**Chairman:** Renewal at our option?

**Chief Engineer:** Yes.

**Chairman:** So we are signing up for three years, just in discussion is there any interest in amending that to go to a lesser period of time?

**Mr. Dixon:** Mr. Chairman.

**Chairman:** Yes sir.

**Mr. Dixon:** What's in place now if we don't do anything today on this, what's in place, is this in place, we doing it month-by-month?

**Executive Director:** Mr. Chairman.

**Chairman:** Yes.

**Executive Director:** Member Dixon I can tell that you what we have in place; their contract expired on December 31<sup>st</sup>, we are going to bring this to you either in November of last year. I did a lot of checking before I felt comfortable bringing it, so we had our Director of Contracts Administration put them under month-to-month contracts through March 31<sup>st</sup> if I'm not mistaken at their current rate of \$7,000 per month.

**Mr. Regula:** If I may Mr. Chairman when we look that this thing and I know it's a great deal of money, but here again I think if you look at it from the standpoint of the vendors providing these services they are required to have specific vehicles to handle heavy trucks, to

turn over heavy trucks that are impeding the flow of traffic, you know the speed factor you get on the Turnpike because you want to get from point A to point B with the least amount of stops in a short period of time for lack of a better word, and the factor of cleaning up accidents and getting the road open I think is extremely important to our organization, and therefore you know it may be the worse of two evils here, but I do feel as if this service is needed and is needed by our customers and appreciating the fact that Ed's right if he runs out of gas and I don't why should I be helping him to get his gas and going but here again I think it comes back to the safety aspect. There's an awful lot of individuals hurt and killed as well as our law enforcement in situations where they are along side the road. They place themselves at risk every time there is a vehicle along side the road and if you look at this from just that safety aspect we want to create an atmosphere where we have the safest road in the State of Ohio and I think this is an important part of that.

**Chairman:** Thank you.

**Mr. Kidston:** And just let me be clear with my statement, the \$7,500 I don't have a problem with, in fact I talked to the one operator on the rural side of the state here and \$7,500 is not enough to maintain 24/7 coverage, plus purchase all the capital equipment that the Turnpike requires. He's thinking that's too low and if you do the math it probably is, that said I just think we should somehow share in the revenue when the call does go out cause that is the particular event that has caused us to be available 24/7, you know if nobody ran out of gas we would'nt need them 24/7, but we don't know when each individual is going to run out of gas and we want to maintain a safe highway, and I'm not against this motion the way it is presented I would just like to look and in future years I'd like to look at some of these other events and some of these other ideas so that we can maybe come up with a more equitable plan for all of our customers, not just the ones that happen to need our services while they are on the Turnpike.

**Chairman:** Thank you. Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**RESOLUTION NO. 2-2011**

**Resolution Awarding Contracts for Disabled Vehicle Services**

WHEREAS, on October 21, 2010, the Commission issued its Request for Proposals (“RFP”) seeking responses from Disabled Vehicle Services (“DVS”) Operators interested in furnishing emergency roadway vehicle services to travelers whose vehicles become disabled within the seven specified DVS Zones along the Ohio Turnpike for a three-year Contract, with an option to renew for one, two-year period; and

WHEREAS, expenditures for the Contracts to be awarded for Disabled Vehicle Services 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, the RFP was advertised in four newspapers of general circulation in major cities along the Ohio Turnpike, as well as the *Daily Reporter*, and copies of the RFP were mailed to DVS Operators, including those that have provided services to the Commission in the past and which have expressed an interest in continuing to provide said services; and

WHEREAS, on November 12, 2010, seven responses to the RFP were received (including a Proposal from one respondent for both DVS Zones 4 and 5, and two Proposals for Zone 6); and

WHEREAS, an Evaluation Team consisting of the Commission’s Director of Safety Services, the Assistant Director of Safety Services, the Maintenance Division I Assistant Superintendent and Division II Chief Mechanic and the Purchasing Manager reviewed the Proposals, which evaluation also involved on-site inspections performed by the Maintenance Division and the Safety Services Department of each Responding DVS Operator’s towing and recovery equipment and their garage and waiting area facilities; and

WHEREAS, the Evaluation Team then awarded technical scores to each DVS Operator, which scores reflected each DVS Operator’s overall operation and ability to perform the services required under the RFP on a 24-hour, seven-day per week basis; and

WHEREAS, as a result of this process, the Evaluation Team has determined that the following companies best meet the Commission’s requirements and recommends that DVS Contracts be awarded to the following companies for which each DVS Operator shall receive a monthly allowance from the Commission of \$7,500.00:

<u>Zone</u>	<u>Boundaries</u>	<u>Company</u>
DVS-1	From Ohio-Ind. State line to MP 35.0	Hutch’s Towing & Recovery, Inc. Holiday City, OH

DVS-2	From MP 35.0 to MP 71.0	Xpress Auto & Truck Service, Inc. Swanton, OH
DVS-3	From MP 71.0 to MP 110.2	Madison Motor Service, Inc. Fremont, OH
DVS-4	From MP 110.2 to MP 145.5	Rich's Towing & Service, Inc. Middleburg Heights, OH (services out of the Norwalk garage)
DVS-5	From MP 145.5 to MP 180.3	Rich's Towing & Service, Inc. Middleburg Hts., OH
DVS-6	From MP 180.3 to MP 209.2	Interstate Towing & Transport Specialists, Inc., Macedonia, OH
DVS-7	From MP 209.2 to Ohio/PA State line	Jeswald Auto Truck Service Youngstown, OH

WHEREAS, the Director of Contracts Administration advises that: 1) the RFP process was conducted in conformance with the requirements of Section 5537.07 of the Revised Code with respect to the award of contracts for professional services, 2) due and full consideration has been given to the Proposals received, the respondents' qualifications and their abilities to perform the required Disabled Vehicle Services, and 3) the aforesaid Proposals were solicited on the basis of the same terms and conditions with respect to all RFP respondents and potential respondents, 4) all Selected DVS Operators have provided a proposal guaranty and evidence of their ability to provide the required performance bond and insurance as set forth in the RFP, and 5) that the Commission may legally accept said Proposals; and

WHEREAS, the Executive Director has reviewed the Evaluation Team's and the Director of Contracts Administration's written recommendations and concurs with the above-listed selection of DVS Operators; and

WHEREAS, the Commission has duly considered said recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposals submitted by each of the following companies for the following respective Zones:

<u>Zone</u>	<u>Boundaries</u>	<u>Company</u>
DVS-1	From Ohio-Ind. State line to MP 35.0	Hutch's Towing & Recovery, Inc. Holiday City, OH
DVS-2	From MP 35.0 to MP 71.0	Xpress Auto & Truck Service, Inc. Swanton, OH
DVS-3	From MP 71.0 to MP 110.2	Madison Motor Service, Inc. Fremont, OH

DVS-4	From MP 110.2 to MP 145.5	Rich's Towing & Service, Inc. Middleburg Heights, OH (services out of the Norwalk garage)
DVS-5	From MP 145.5 to MP 180.3	Rich's Towing & Service, Inc. Middleburg Hts., OH
DVS-6	From MP 180.3 to MP 209.2	Interstate Towing & Transport Specialists, Inc., Macedonia, OH
DVS-7	From MP 209.2 to Ohio/PA State line	Jeswald Auto Truck Service Youngstown, OH

are, and are by the Commission determined to be, the **best** of all Proposals received in response to the Commission's RFP and are accepted; and

FURTHER RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to: 1) execute Contracts with each of above-mentioned DVS Operators for an initial three-year term commencing March 1, 2011, 2) renew said Contracts for one, two-year period upon receipt of satisfactory performance evaluations for each DVS Operator from the Director of Safety Services, and 3) take any and all action necessary or proper to carry out the terms of said RFP and said Contracts.

**Chairman:** Thank you.

**Chief Engineer:** Thank you Mr. Chairman, the third resolution I have this morning is a resolution authorizing a contract for extended maintenance services for our toll collection and customer service center systems. Via Resolution 8-2008 the Commission awarded our toll collection and customer service center work to TransCore Incorporated of Hummelstown, Pennsylvania. The toll collection system became operational on October 1, 2009, and final acceptance was issued on June 1, 2010, with the final acceptance that began our one-year period of all inclusive warranty. The RFP also included the provisions for extended maintenance services for a one, three or five year periods. These were to commence at the expiration of the one-year maintenance period which would be May 31, 2011. The original RFP required bidders to provide only labor costs for the one, three and five year periods. The RFP did not required other direct costs such as vehicles, aerial lift trucks, equipment, consumable maintenance materials and specialized tools. On January 4, 2011, TransCore submitted a proposal for all inclusive cost as follows; the annual cost for a one-year term was \$2,517,910; annual costs for a three-year term was \$2,488,562; annual cost for a five-year term is \$2,454,947. Due to the lower annual cost for the five-year term we are recommending that the Commission enter into an agreement for a five-year term with TransCore. Just to give the Commission some idea, I did go back into the records and check the labor only cost for the second rated proposal on this project. The labor only cost for our second rated proposal was approximately \$2.4 million dollars. The all inclusive cost for this proposal is approximately the same for all costs. If the General Counsel would please read the Resolved.

**General Counsel:** RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to: 1) convert the existing Contract with TransCore for Toll Collection System and Customer Service Center Integration and Installation Services to a Contract for Extended Maintenance Services for an initial term of five (5) years commencing on June 1, 2011; and 2) to determine whether to renew the Contract for an additional five (5) year period with cost-of-living adjustments only, pending a satisfactory performance evaluation by the Chief Engineer.

**Chairman:** Is there a motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Discussion, questions on the motion? Comments? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

### **RESOLUTION NO. 3-2011**

#### **Resolution Authorizing Contract for Extended Maintenance Services for the Toll Collection System and Customer Service Center**

WHEREAS, via Resolution 8-2008, the Commission selected **TransCore, Inc.** (“TransCore”) of **Hummelstown, Pennsylvania** to furnish the new Toll Collection System and



Customer Service Center and to perform integration and installation services, otherwise known as Project No. 64-08-01; and

WHEREAS, the new Toll Collection System and Customer Service Center became operational on October 1, 2009, and the Commission "Final Accepted" the System on June 1, 2010, which date commenced the beginning of the all-inclusive one-year warranty period; and

WHEREAS, the RFP for the Project and the original Contract award included provisions for extended maintenance services for a one, three or five-year period to commence at the expiration of the all-inclusive one-year warranty period, which is May 31, 2011; and

WHEREAS, in its initial response to the RFP, TransCore submitted extended maintenance labor costs for a one, three or five-year period and, in its fee proposal dated January 4, 2011, has submitted a proposal that also includes the direct costs that will be incurred for such items as vehicles, aerial lift trucks, equipment, consumable maintenance materials, specialized tools, etc.; and

WHEREAS, the Chief Engineer has issued a report to the Commission advising that he has negotiated these costs with TransCore, and recommending that the Commission agree to a five-year Extended Maintenance Services Contract in the annual amount of **\$2,454,947.00**; and

WHEREAS, expenditures for the Extended Maintenance Services Contract for the Toll Collection System and Customer Service Center 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 to authorize said Contract; and

WHEREAS, the Director of Contracts Administration has reviewed the TransCore Proposal for compliance with the legal requirements of the RFP, and has advised the Commission that it may convert the existing Contract for Project No. 64-08-01 for Toll Collection System and Customer Service Center Integration and Installation Services to an Extended Maintenance Services Contract, that the provisions of the RFP shall govern the manner and means of providing said services, and that TransCore has provided evidence of its ability to continue providing the required insurance and commensurate performance bond as set forth in the RFP; and

WHEREAS, the Executive Director has made his recommendation to the Commission predicated on the Chief Engineer's and the Director of Contracts Administration's recommendations; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to: 1) convert the existing Contract with TransCore for Toll Collection System and Customer Service Center Integration and Installation Services to a Contract for Extended

Maintenance Services for an initial term of five (5) years commencing on June 1, 2011; and 2) to determine whether to renew the Contract for an additional five (5) year period with cost-of-living adjustments only, pending a satisfactory performance evaluation by the Chief Engineer.

**Chief Engineer:** Thank you Mr. Chairman, I also have a brief report this morning in accordance with the Commission's Bylaws, Article 5, Section 1. I am required to report to the Commission on our completed construction projects, on the final costs. I believe in your packet is a, in your folder is a packet of our construction contract summary dated today. This report details sixteen contracts that were completed since my last report on February 22, 2010. The contracts had an award value of approximately \$15.3 million dollars, final in place costs of these contracts were within 2.7% of the awarded amounts. Since this was placed into effect on March of 2003, the Commission has completed eighty-five construction contracts, with a contract award amount of \$275,000,000. The final in place amounts for these contracts is approximately \$271.5 million dollars resulting in a saving of approximately \$3.5 million dollars. That completes my report today Mr. Chairman.

**Chairman:** Any questions or comments for Chief Engineer? Senator.

**Senator Patton:** Here we go again. So I am to understand that of the 15 point almost 3, the expenditures were less than 3% more than originally projected, like 2.3?

**Chief Engineer:** That's correct Senator Patton.

**Senator Patton:** I think that that's spectacular given the construction costs that have change orders and to boot and different things that have occurred along the way, so I just want to point out the great work that the Commission and specifically Dan has done in this regard, I think that's a remarkable accomplishment, nicely done.

**Chief Engineer:** Thank you.

**Chairman:** Questions, comments? Thank you, Dan. Next General Counsel, Noelle.

**General Counsel:** Mr. Chairman, Commission Members I do have a report for you regarding a pending employment matter and also a report regarding the status of negotiations with the Teamsters Local Union 436, I would recommend that the Commission go into Executive Session.

**Chairman:** For those reports?

**General Counsel:** For those reports.

**Chairman:** Want to do that?

**Mr. Regula:** Mr. Chairman.

**Executive Director:** You might want to hold of until the end.

**Chairman:** I would suggest before we get into that, I would suggest that maybe we go in and complete some of the other business issues, resolve those so people in the audience, so the Turnpike people can go back to work, or so I appreciate your comments so we'll take that up under advisement. Let's go to, did you have something further?

**Mr. Regula:** That is fine Mr. Chairman.

**Chairman:** CFO/Comptroller, Martin.

**CFO/Comptroller:** Good morning Mr. Chairman and Commission Members. I have an update on our traffic and revenue for the month of December. This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Due to several days of snow, passenger car vehicle miles decreased in December and were 1.2% less than the total from 2009. Despite the snow, commercial vehicle miles traveled increased in December and were 6.4% higher than last year. This chart shows the year-to-date total vehicles miles traveled through the month of December during each year over the past decade. Total vehicle miles traveled for the year were 1.6% above the amount from last year. And this chart shows the total toll revenues over the last two years. Total toll revenues in December were one, I'm sorry were .4% higher than last year. And this chart shows the year-to-date toll revenues through the month of December during each year over the past decade. Toll revenues for the year were \$44.9 million or 24% above the amount from last year. That completes my report Mr. Chairman. I would be happy to answer any questions anyone might have.

**Chairman:** Questions or comments? Thank you. Financial Advisor?

**Financial Advisor:** No report today Mr. Chairman.

**Chairman:** Thank you, General Consultant.

**General Consultant:** No report today Mr. Chairman.

**Chairman:** Trustee.

**Trustee:** No report today Mr. Chairman.

**Chairman:** Thank you. Ohio State Highway Patrol.

**Captain Zurcher:** Just briefly Mr. Chairman, I have already introduced myself to many of you and this is my third time on the Ohio Turnpike and hopefully the last, I like it here and hopefully I will be able to stay. My name is Chris Zurcher, there was a lot of movement in the Highway Patrol recently. The division is seeking to get people out of general headquarters quite frankly and be more operationally orientated and when those people come out of general headquarters those of us in the field had to do a little moving around so that is why Roger moved to Massillon and then I am here. I would like to report and I can't take credit for it, the Highway Patrol had a great year in 2010 on the Ohio Turnpike, the fatality rate, there were six fatal crashes, seven people lost their lives, but that is lower than our five year average, actually

considerably lower than the last several years. The Troopers are out working hard, I've only been here a week, but I have been able to go through a lot of records; they actually assist between thirty and forty thousand customers per year on the Turnpike. That goes anywhere from you know assist for directions to changing flat tires, and I was very proud to hear that you saw that this morning. Our expectation at the Highway Patrol when we stop with someone is that if we're able to render the aid that we do so without necessarily calling a wrecker. Whatever will get the person on the way, quite frankly the cheapest and the safest is the route we take, so I am glad to be back on the Turnpike and I look forward to working with all of you in the future.

**Chairman:** Thank you Captain. Any questions for the Captain?

**Captain Zurcher:** If it is okay with you sir I would like to turn it over to Roger, I believe he has a few words he would like to say.

**Captain Hannay:** Thanks Chris. Good morning Mr. Chairman, Commission Members first off I want to thank you for the opportunity to have worked with you over the last five years it's certainly been a pleasure. The professionalism of your staff here at the Ohio Turnpike made my job a lot easier, provided a great partnership for the Highway Patrol and the Ohio Turnpike over the last five years. The Chief Engineer, Legal Counsel, Purchasing, Safety Services, Engineering, Maintenance downstairs, absolutely fantastic anything that I needed they were certainly willing to step-up and provide; if they couldn't provide it for me they showed me the direction to go to get that done and Mr. Chairman a wonderful organization up here and I certainly enjoyed the last five years of working with you, it's been an honor and a pleasure.

**Chairman:** Thank you, thank you we certainly appreciate the good work that you've done as the Chief for the Highway Patrol on the Turnpike, you have done a great job Captain.

**Captain Hannay:** Thank you Mr. Chairman.

**Mr. Regula:** Are you going to be working out of the North Canton Post then?

**Captain Hannay:** Massillon District, sir. We will service Cuyahoga County, Lorain County, Medina County, Summit County, Ashland County, Holmes County, Wooster or Wayne County and Stark County.

**Mr. Regula:** In Stark County so you'll be out of the Post there by the Airport?

**Captain Hannay:** I will be over at our Massillon District Headquarters on State Route 172 on the west edge of Massillon.

**Mr. Regula:** We look forward to having you down in our area. Thanks for everything you've done here.

**Captain Hannay:** Thank you.

**Chairman:** Thank you. Questions for the Highway Patrol, further? Thank you, I think at this time, first of all before we go ahead and accept a motion to go into Executive Session, due to the February 24<sup>th</sup>, which is our next, I believe the date is not correct, I think that February 21<sup>st</sup> is the next regularly scheduled meeting, we will not have the meeting that day because it is President's Day, so the meeting will be switched to Monday, February 28<sup>th</sup>, so everybody put that on your calendar. Mr. Regula you wanted to make a motion?

**Mr. Regula:** I would like to move that we hold an executive session to discuss the employment of a commission employee under the provisions of the Ohio Revised Code Section 121.22(G)(1) and to confer with the General Counsel regarding labor negotiations with the Teamsters Local Union 436 pursuant to the Ohio Revised Code Section 121.22(G)(4). At the end of such executive session, the Commission's open session shall resume.

**Chairman:** Thank you, is there a second?

**Mr. Kidston:** Second.

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Chairman:** (11:02 a.m.) Thank you we are going into Executive Session.

**Chairman:** (11:23 a.m.) Accept a motion to reconvene the meeting. Is that appropriate?

**General Counsel:** Right, correct.

**Mr. Kidston:** So moved.

**Executive Director:** Dixon and who? I am sorry, Kidston?

**Chairman:** Mr. Kidston made a motion to reconvene.

**Executive Director:** Chairman Balog

**Chairman:** Wait, wait, wait we didn't have a second.

**Executive Director:** Oh yeah.

**Mr. Kidston:** Myron.

**Chairman:** George.

**Executive Director:** George.

**Chairman:** George seconded that motion.

**Executive Director:** Yep.

**Chairman:** Balog, yes.

**Assistant Secretary-Treasurer:** Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Chairman:** Okay, wait we are going to have one more motion. Okay, so we have reconvened, okay so any further business? No further business, except a motion to adjourn to our next meeting, which is set for February 28<sup>th</sup>.

**Mr. Kidston:** So moved.

**Mr. Dixon:** Second.

**Chairman:** Mr. Kidston, second by Mr. Dixon.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Assistant Secretary-Treasurer:** Mr. Pakush

**Mr. Pakush:** Yes

**Executive Director:** The time is 11:25.

**Chairman:** Thank you.

Time of adjournment is 11:25 a.m.

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

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George F. Dixon, Secretary-Treasurer