

**MINUTES OF THE 604<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
February 19, 2014**

**Chairman Hruby:** (10:00 a.m.) Good morning. Would you please rise and join me in our Pledge of Allegiance. (Pledge of Allegiance is recited by all in attendance). The meeting will come to order. We ask that all guests, if you have not signed in, please sign the sign-in sheet to maintain an accurate account of those who have been in attendance at our Meeting. I would also like to welcome anyone who may be participating via our streaming audio of the Commission Meeting. Will the Assistant Secretary-Treasurer please call the roll?

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Here.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Here.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Present.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Here.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Present.

**Director Hodges:** Mr. Cole.

**Mr. Cole:** Present.

**Director Hodges:** Commissioner Dixon sends his regrets. Senator Manning and Representative Dovilla are attending to legislative business in Columbus.

**Director Hodges:** We have a quorum.

**Chairman Hruby:** Thank you. This is the 604<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting at the Commission Headquarters as provided by our Code of Bylaws for this Commission Special Meeting. This is a "Special" Meeting because the Administration Building was closed Monday in observance of Presidents' Day. Various reports will be received, and we have several Resolutions to act upon, draft copies of which have been provided to our Members previous to this Meeting. The Resolutions will be explained

thoroughly during the appropriate report. Can I have a Motion to adopt the Minutes of the January 21, 2014, Commission Special Meeting?

**Vice Chairman Balog:** Moved.

**Chairman Hruby:** I will second. Are there any corrections or discussion regarding the Minutes? Hearing none, please call the roll.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

**Chairman Hruby:** Thank you. If there are no questions, we will move on to the report of our Secretary-Treasurer, Mrs. Barber.

**Secretary Barber:** Thank you Mr. Chairman. The following items have been sent to the Members since the last scheduled Meeting of the Commission on January 21, 2014:

1. Ten Resolutions;
2. Minutes of the January 21, 2014, Commission Special Meeting; and
3. The Agenda for today's Meeting.

Also included in their folders for today's meeting, the following additional documents:

4. Traffic Crash Summary Report, January, 2014;
5. Traffic and Revenue Report, January, 2014;
6. Investment Report, January, 2014;
7. Total Revenue by Month and Year, January, 2014;

8. Financial Statement, November and January, 2014; and
9. Various News Articles.

That concludes my report, Mr. Chairman.

**Chairman Hruby:** Thank you. Are there any questions for Mrs. Barber? Hearing none, we will move on to the report of our Executive Director, Mr. Hodges.

**Director Hodges:** Thank you. Good morning Mr. Chairman and Members of the Commission. We finally have a beautiful morning. We have a busy agenda this morning. When Doug Hedrick was our Chief Engineer, we would only have four resolutions. Now that Tony Yacobucci is Chief Engineer, we have ten. I guess we know who wants attention. (all laugh)

Seriously, however, in terms of construction, we look forward to the conclusion of our Third Lane Project this summer, which will be an exciting moment of accomplishment for us all. Today, you will also be considering our expedited Base Replacement Project, which will be much more aggressive because of Governor Kasich's Jobs and Transportation Plan.

As everyone is aware, this has been a brutal winter. Assistant Chief Engineer, Dennis Albrecht, will be briefing you later on the toll it has taken on our operations and, of course, our salt utilization. For now, I just want you to know how proud we are of our road workers, toll workers and support staff. They have struggled mightily and successfully to keep up with the snow and ice. Many of our road workers have worked weeks without a break and are putting in many hours of overtime. We are grateful for their sacrifices and thank their families for accommodating their important tasks. Keeping up with this winter has been an almost impossible task. I say "almost" because somehow our Ohio Turnpike employees have kept the road open and safe. Our thanks to everyone involved.

Also, I would like to take this opportunity to introduce a new Director. Tommie Jo Marsilio recently joined us as the Director of Contracts and Compliance. She will be overseeing our contracting process, as well as leading our renewed emphasis on Minority and Disadvantaged Business Enterprises ("MBE" / "DBE".) She is an attorney who comes to us with a wealth of experience in the public and private sectors including experience as: a private contract litigator; an attorney in the Portage County Prosecutor's office; a hearing officer for Workers' Compensation, and most recently, as County Commissioner in Portage County. Tommie Jo will be addressing you next month with Kathy on the status of our MBE/FBE Program. For now, I know you all join me in welcoming her and please feel free to contact her about any questions you might have.

Our General Counsel, Kathy Weiss, has done an excellent job of creating and overseeing our contracting process over the last ten years. We are bringing Tommie Jo on so Kathy and Assistant General Counsel, Mark Musson, can focus more on policy, Workers' Compensation and litigation. We have excellent outside legal counsel, but none of them can bring the passion for the Turnpike that Kathy and Mark do. I am hopeful that, with this move, we can do more in-house and, ultimately, save legal expenses for the Turnpike.

Finally, in her report, Robin Carlin will be discussing one of our strategic priorities, which is Workforce Development. She has conducted an extensive staffing analysis so we can be more efficient, develop future leaders and manage our existing work force more effectively. I will now conclude my remarks and, with your permission, turn the floor over to our Deputy Executive Director, Robin.

**Chairman Hruby:** Certainly. Robin.

**DED Carlin:** Good morning. Thank you for this opportunity to present on Critical Issue No. 4 – Staffing.

Throughout the past several months, various team members have reported to you regarding the Strategic Planning Process. You have heard presentations on four of the Critical Issues: Critical Issue 1 – Finance; Critical Issue 2 – Workflow Processes; Critical Issue 3 – Technology; and Critical Issue 5 – Marketing & Communications. Next month, Adam Greenslade will present his report on Partnerships, Critical Issue 6.

According to the Bureau of Labor Statistics, which compiled the median workforce age of 227 industries in its Current Population Survey, seven of the top twenty industry classifications with the oldest workers consist primarily of public employees, including those working in public administration, libraries, and public finance. More than 52% of the population surveyed were forty-five years of age or older. If you compare this to our data, we are very similar. 70.7% of our Turnpike staff is between 40-59 years of age and the average age is 50. As you can see, we are having the same problem that the federal workforce and state workforce has, which is often times referred to as the “graying of America.”

Further, according to many who study workforce demographics, it is predicted that as the economy improves, we could see fewer employees postponing retirement and, consequently, that means more employees will eventually start departing for retirement or other opportunities.

Understanding our staffing needs and planning appropriately is key to our success, and is the reason we factored staffing into one of our Critical Issues.

Teamwork played a big role in meeting the goals of the Critical Issue No. 4. The group met on several occasions to complete and gather data that went into the final Staffing Analysis report.

The team members included: Dennis Albrecht, our Assistant Chief Engineer; Laurie Davis, our Superintendent of Toll Operations; Carol Ferrell-Jones, one of our auditors in the Internal Audit Department; Tara Cottrell, our Communications Center Supervisor; and Linda Birth, our Payroll Manager. All contributed greatly to this process. Each team member was responsible for three to four departments. They reached out to Directors and managers to gather information on their staffing needs, as well as department composition, what skill sets are needed for today and in the future, and what succession planning had been conducted to date. The finished product is in your packets.

We found that directors are well-prepared with respect to succession planning for their managers. However, the Staffing Analysis revealed that we need to work better on developing front-line supervisors for today's challenges, as well as encouraging others to move up the ladder. Human Resources will work to engage the Directors in this ongoing process.

Employment Relations Manager, Matt Cole, has worked throughout the past several months with Directors to update each department's job descriptions. This is a process that we, in Human Resources, will review annually with the Directors to ensure we are addressing the right skill sets for each position.

As the result of identifying training needs in each department, we also developed two levels of training programs to better groom our future leaders:

1. Supervisory Development Program. This is designed for the new supervisor and will consist of two days of training covering transitioning into the new role as a supervisor on Day One and Working with Human Resources in understanding Employment Law issues on Day Two.
2. Management Development Program. This program has been developed for the managers and future leaders. It will consist of three one-half day sessions covering three major disciplines – people, processes and strategy. We believe that this will help better groom and prepare us for succession planning as we go forward.

As training is offered we will ensure that a survey tool is used to gather valuable information and feedback, so we can continue improving the training opportunities being offered, as well as make sure that we are actually providing what is needed for the skill sets of tomorrow.

Lastly, we have been working jointly with many community colleges along the Turnpike to partner with them to provide key classroom training opportunities for our workforce. We have also reached out to the Department of Administrative Services ("DAS") to be included in their training opportunities, and we hope to send two or three of our managers to the next Ohio Certified Public Manager cohort. This is an outstanding opportunity offered by DAS.

Thank you for the opportunity to share with you the important work we have completed on Critical Issue No. 4. I would be happy to take any questions.

**Chairman Hruby:** Are there any questions for Robin? If not, thank you very much. We will now move on, and welcome, our new Chief Engineer. Tony, it is nice to have you with us. We look forward to all ten resolutions. Please do not be intimidated by the Executive Director somewhat chastising you for having so many resolutions. (all laugh) It just shows how efficient you are and how well you are working towards the goals of making this a better Turnpike. With that introduction, please go right ahead.

**Chief Engineer:** Thank you. Good Morning Mr. Chairman and Commission Members. Prior to requesting your approval of the nine resolutions I have for your consideration

this morning, I am requesting your permission to have our Assistant Chief Engineer of Highway and Maintenance, Dennis Albrecht, provide the Commission with a brief overview of what we have experienced during this snow and ice season and the winter of 2014.

**Chairman Hruby:** Good morning.

**Asst. Chief Engineer:** Good morning Mr. Chairman and Members of the Commission. I will give you a brief recap of the winter this year, but I probably will not need to talk too much about it because you all have been through it right along with us. All of northern Ohio, and most of the state, have been subjected to the unsurpassed winter conditions that we have seen this year or in recent history.

The key elements that we have been fighting against all winter long are the enduring cold temperatures. So far, since the start of winter on December 21, 2013, we have already seen 49 days of temperatures below 20 degrees. That number is key to our operations on the road because below 20 degrees rock salt drastically loses its effectiveness to melt snow. That is why we have to apply additional de-icing materials to the rock salt before it hits the road in order to activate it and make it work at much lower temperatures. In fact, we apply magnesium chloride and calcium chloride to make the rock salt effective at melting snow and ice all the way down to minus 20-25 degrees. When we have to start applying those kinds of liquids on a day-in and day-out basis, these treatments cause direct budget implications.

We are also constantly fighting against the wind and the relentless drifting that is occurring especially in the Castalia and Swanton areas. Typically, those areas in the western part of the state do not see the snowfall that we see in the east, but this year, anyone who has driven out west has seen the snow piled up on the sides of the road. The drifting snow has really caused problems because we would get one day of snowfall and that would require three, four and sometimes five days of snow and ice operations after that snowfall to keep the road cleared because it just continued drifting from the fields across the road. Because we cannot predict exactly when the wind is going to blow, the road would get recovered very quickly without any warning.

Next is the snow. We are a little bit ahead of average right now. In fact, today's *Plain Dealer* had a nice graphic I would like to show you. This shows 64.6 inches of snowfall to date. That is approximately the average annual snowfall. The light blue column shows the snowfall prior to February 18, the slightly darker blue column shows the snowfall after February 18, and the darkest blue column shows the total snowfalls. If we look at an average year, we could still see some pretty substantial snow to come. In fact, some of the heaviest snowfall typically occurs at this time of year when it starts warming up causing the ice on the lake to melt, which brings on lake effect snow. So, there could still be some substantial snowfall ahead of us yet.

This photo shows an example of conditions that resulted in Castalia from the drifting. You can see the drift is about eight feet high and, without constant attention, the snow just forms across the road when it blows off that drift and it has to be continuously plowed back. It was so severe in some places that we had to cut some openings to move some of the snow off the road with loaders and excavators.

As Director Hodges has mentioned, our men have been working many hours this year. In fact, our day shift when we have to split into 24-hour snow and ice operations, also known as the “A” crew, has only worked three normal shifts since mid-December. Whenever snow and ice operations are not required, we will put them back on their normal 8:00 a.m. to 4:00 p.m. shift, but we have only been able to do that three times this year. That means that snow and ice operations have been needed just about every day. The “B” crew has also been on their midnight shift since mid-December. It has been a long and difficult winter on all of our guys. We really appreciate the work they have done for us.

When we look at how this has actually impacted us on the budget side, obviously salt is the first thing that comes to mind. This year, so far, we have put down approximately 81,000 tons of salt. Our average annual usage is only 65,000 tons, so we are well beyond our average usage to date. Our historic maximum usage has been 95,000 tons and we are projected to surpass that. If we see a normal winter for the remainder of the season, we will use approximately 104,000 tons of salt. However, there is good news. We did have approximately 113,000 tons of salt available under contract as between the end of the last snow and ice season and this season. So, we have enough salt on contract as long as we have a normal winter for the remainder of the season. This graph shows our salt usage. The column to the far right shows the 104,000 tons of projected salt and you can see how that stacks up against the last eight years.

Salt was budgeted for last year. We have the vast majority of that expense already covered. When we were seeing the continued heavy snowfall in the western part of the state, we did reach out to our partners at ODOT, and I know that Greg and Rick spoke daily trying to locate salt for us. We did have some trouble with timely deliveries out to our western salt dome locations, but ODOT was able to assist us with 1,400 tons that really helped to make sure the Turnpike did not experience a salt outage during a snowfall. As you will hear from our Chief Engineer in a few moments, our emergency salt contract will now not need to be awarded.

There have been extensive overtime implications due to the excessive snowfall this season. Just in the month of January, we are approximately \$510,000.00 over budget due to high amounts of overtime hours that we had to work. If you remember, just about every weekend since Christmas it has snowed and that is all overtime.

We also have damaged assets that have resulted from the snow and ice conditions. When the road gets snowy, for some reason, people just do not want to slow down and they hit our guardrails, our barriers, our signs, and all of those assets are damaged. Sometimes we can recover the cost from drivers or their insurance companies and sometimes we cannot. That does, however, affect our budget.

This last slide is a video that shows our standard tandem snowplowing operations. You see one truck in the center lane and one in the right lane. You should be able to see the salt coming out of the back. We, typically, apply salt at the rate of approximately 200 pounds per lane mile, which is a pretty low rate compared to the industry standard. You may even be able to see some of the de-icing materials spraying into the salt stream on the back of the truck. So, that is what is typically looks like out on the road. As you can see, the Turnpike is sometimes

covered with snow. The harsh reality is that, even with as many trucks as we have on the Turnpike making our loop times as fast as possible and refilling with salt as efficiently as we can, still only allows us to get a snowplow on the road once per hour. When we are experiencing a snowfall that exceeds one inch per hour, the road will get covered. That concludes my report. I would be happy to answer any questions that anyone may have.

**Chairman Hruby:** Are there any questions? Yes sir.

**Mr. Cole:** Thank you Mr. Chairman. With the large piles that are out there and the calls now for warm weather and significant rain tomorrow, how is the storm water system going to hold up? Are our drains open?

**Asst. Chief Engineer:** Our drains are open. In fact, the men were pushing back the drains already last night and with the operations of just clearing off yesterday's snow, we opened almost all of the median drains already. We should be okay with the snow and ice melting today. We are looking at those and making sure that all of our closed drain system is open so it can receive that rain. Our bigger concern is actually in the Castalia area where we have a six to eight foot high wall of snow and there is no room for the snow to get off there. We have the men looking at that today and they will try and cut some outlets where we can allow water to get off the Turnpike.

**Mr. Paradiso:** Mr. Chairman, if I may, I live in Ottawa County and we had Level 3 snow in the morning. I was traveling to Toledo and was driving 35 miles per hour on S.R. 53 in Fremont. When I got on the Turnpike and it was dry at 8:00 a.m. It was just phenomenal. Your men do a great job and thank you.

**Chairman Hruby:** Are there any other comments? I would share what Mr. Paradiso said. As a Mayor and having a service department also working in these conditions, you really do an outstanding job. The condition of the Turnpike is remarkable. Thank you very much and please pass that on to your staff.

**Asst. Chief Engineer:** Yes, I will. Thank you very much for that. They will appreciate it.

**Chairman Hruby:** Is there anything else? Back to our Chief Engineer.

**Chief Engineer:** My first Resolution, for your consideration, seeks authorization for the necessary additional expenditures to replenish the Commission's supplies of sodium chloride or rock salt for the remainder of the 2013-2014 snow and ice season. The winter of 2013-2014 has, thus far, delivered near record annual snowfall amounts, long durations of temperatures well below freezing, and many days of high winds causing severe drifting of snow across the roadways and ramps. These conditions require continuous deployment of snow plows and application of rock salt, which has resulted in very low rock salt inventory levels at many stockpile locations. Due to the severity of the winter weather and the continuing forecast for extreme weather conditions to linger, the purchase of additional rock salt is required to maintain a safe roadway for our customers. The Commission has already ordered the maximum quantities

available under our current contracts with North American Salt in the west and under ODOT contracts with Cargill and Morton in the east for the 2013-2014 snow and ice season. Due to the current low inventory levels, as well as the current high demand for rock salt, the procurement of additional rock salt is urgently required. Commission Maintenance and Procurement staff were advised by the General Counsel that the circumstances justified dispensing of formal bidding procedures under Ohio Revised Code Section 5537.07(A) for the issuance of an Invitation to obtain 13,000 additional tons of sodium chloride for eleven delivery locations along the Turnpike. One bid was received in response to the Invitation, however, due to the costs quoted and certain exceptions noted by the lone bidder, Cargill, Incorporated-Deicing Technology Business Unit, of North Olmsted, Ohio ("Cargill"), at this time, Commission staff is not recommending the award of a contract to Cargill for additional sodium chloride. Due to the Commission's urgent need to replenish its sodium chloride supplies, our partner in transportation, ODOT, has assisted by arranging for the supply of approximately 1,400 tons of sodium chloride from ODOT's District 2 stockpiles in northwest Ohio. These expenditures with ODOT and/or any other provider of sodium chloride may exceed those previously authorized by the Commission under Resolution No. 30-2013 and Resolution No. 54-2013 for the 2013-2014 snow and ice season by greater than ten percent, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, we are requesting Commission authorization to take whatever actions are necessary to procure the additional quantities of sodium chloride needed to replenish the Commission's storage facilities for the remainder of the 2013-2014 snow and ice season from either ODOT or any other providers of sodium chloride. At the conclusion of the 2013-2014 snow and ice season, the Assistant Chief Engineer of Highway and Maintenance will prepare a report concerning the sources of all additional sodium chloride obtained, as well as total expenditures for the season. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED, that the Executive Director, the Assistant Chief Engineer, Highway and Maintenance, and the Procurement Manager are authorized to take whatever actions are necessary to procure the additional quantities of sodium chloride needed to replenish the Commission's storage facilities for the remainder of the 2013/2014 snow and ice season from either the Ohio Department of Transportation or any other providers of sodium chloride.

**Chairman Hruby:** You have heard the Resolution. Is there a motion?

**Vice Chairman Balog:** Motion to adopt.

**Mr. Murphy:** Second.

**Chairman Hruby:** Moved by Vice Chairman Balog and seconded by Mr. Murphy. Are there any corrections or comments?

**Mr. Murphy:** I just have one Mr. Chairman. We, at ODOT, are faced with a similar situation, however, Rick and I have talked about it and as storms come up, we will certainly be partners with the Turnpike to try and get you the salt that you need. We also went out for bids and did not get any bids, but we have moved some salt around the state from different areas, so we feel that we do not have extra, but we have enough to fight the storms with you and our local partners. It will be close, but we will make it.

**Chairman Hruby:** We certainly appreciate your cooperation and assistance. The threshold, if I understand it correctly, the price right now from ODOT is roughly \$37.85 per ton. Is that correct?

**Chief Engineer:** Mr. Chairman that is correct.

**Chairman Hruby:** That is approximately what we are spending now to replenish. Then, if we need any in the future, it will be over and above that.

**Mr. Murphy:** Yes. This is off of the existing contract that we had, so we are just passing on the price to the Turnpike. Again, we went out for bids and it was going to be \$80.00 or \$90.00 a ton, but the salt companies just do not have any salt to provide. Pennsylvania has issues, as well as the entire Midwest.

**Chairman Hruby:** I understand. Some cities in Cuyahoga County are paying \$85.00 per ton from landscapers just to get it. It has been a difficult season. Are there any other questions or comments? Hearing none, roll call on the motion.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Unanimous.

**RESOLUTION NO. 8-2014**

**Resolution Authorizing Additional Purchases of Sodium Chloride for the  
Remainder of the 2013-2014 Snow and Ice Season**

WHEREAS, in May 2013, via Resolution No. 30-2013, the Commission authorized the purchase of **35,500 tons of sodium chloride** for the 2013/2014 snow and ice season for delivery to seven storage locations on the Turnpike stretching from Amherst to the Canfield Maintenance Building under the **Ohio Department of Transportation (“ODOT”) Cooperative Purchasing Program**; and

WHEREAS, in August 2013, via Resolution No. 54-2013, the Commission authorized the purchase of **12,600 tons of sodium chloride** for the 2013/2014 snow and ice season for delivery to eight storage locations on the Turnpike stretching from the Kunkle Maintenance Building to the Humm Road storage facility from **North American Salt Company, of Overland Park, Kansas**; and

WHEREAS, due to the extreme winter weather conditions that have occurred, and in order to have sufficient sodium chloride available for the remainder of this 2013/2014 snow and ice season, Commission Maintenance and Procurement staff were advised by the General Counsel that the circumstances justified dispensing of formal bidding procedures under Ohio Revised Code Section 5537.07(A) for the issuance of an Invitation to obtain 13,000 additional tons of sodium chloride for eleven delivery locations along the Turnpike; and

WHEREAS, one bid was received in response to said Invitation (Invitation No. 4212), however, due to the costs quoted and certain exceptions noted by the lone bidder, **Cargill, Incorporated-Deicing Technology Business Unit, of North Olmsted, Ohio (“Cargill”)**, at this time, Commission staff is not recommending the award of a contract to Cargill for additional sodium chloride; and

WHEREAS, due to the Commission’s urgent need to replenish its storage facilities, discussions also occurred with **ODOT** to identify additional potential sources of sodium chloride, and ODOT has, to date, assisted by arranging for the supply of an additional **approximate quantity of 1,400 tons** of sodium chloride to the Commission from ODOT’s District 2 salt stockpiles; and

WHEREAS, these expenditures with ODOT (and/or any other provider of sodium chloride) will potentially exceed those previously authorized by the Commission under Resolution No. 30-2013 and Resolution No. 54-2013 for the 2013/2014 snow and ice season by greater than ten percent of previously authorized expenditures, and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, the Commission is requested to authorize such additional expenditures; and

WHEREAS, the Executive Director concurs that, due to the urgent need for the Commission to replenish its supplies of sodium chloride, all necessary measures should be taken to procure the required quantities, including dispensing with formal bidding procedures, and he

recommends that the Commission authorize any necessary additional expenditures with either ODOT or other sodium chloride providers; and

WHEREAS, at the conclusion of the 2013/2014 snow and ice season, the Assistant Chief Engineer, Highway and Maintenance, will prepare a report concerning the sources of all additional sodium chloride obtained, as well as total expenditures for the season; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director, the Assistant Chief Engineer, Highway and Maintenance, and the Procurement Manager are authorized to take whatever actions are necessary to procure the additional quantities of sodium chloride needed to replenish the Commission's storage facilities for the remainder of the 2013/2014 snow and ice season from either the Ohio Department of Transportation or any other providers of sodium chloride.

**(Resolution No. 8-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution is adopted unanimously. Tony, please continue.

**Chief Engineer:** The second Resolution is to award Contract No. 59-14-01 for the Repairs and Resurfacing of the Eastbound and Westbound Roadway between Mileposts 43.3 and 54.45 in Lucas County, Ohio. This work is included in the 2014 Capital Improvement Budget. Procurement received two bids for this Project, with the apparent low bid being submitted by The Shelly Company – Northwest, of Findlay, Ohio, in the amount of \$9,376,459.99. This bid was below the Engineer's Estimate of \$11,000,000. A review of the bid concluded that Shelly Company's bid is the lowest responsive and responsible bid and they have the capacity to perform this work. They have previously performed similar projects for the Commission in the past with favorable results. This Resolution also contains provisions to assign Quality Control Inspection, Inc., of Bedford, Ohio, to perform construction administration and inspection services and TTL Associates, Inc., of Toledo, Ohio, to perform materials testing. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you Mr. Chairman. Just prior to reading the Resolved, it is noteworthy that the Shelly Company has indicated that they will have MBE participation using BG Trucking and Garcia Surveyors, both of whom are registered with the Turnpike Commission as Minority Business Enterprises.

RESOLVED that the bid of **The Shelly Company - Northwest, of Findlay, Ohio**, in the amount of **\$9,376,459.99** for the performance of Contract No. 59-14-01 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 non-winning bidder(s) 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 **Quality Control Inspection, Inc.**, of **Bedford, Ohio**, to Contract No. 59-14-01 for the purpose of performing construction administration and inspection services, and **TTL Associates, Inc.**, of **Toledo, Ohio**, for the purpose of performing materials testing, with such assignments in accordance with the 2013-2014 Miscellaneous Engineering Services Agreements between the Ohio Turnpike and Infrastructure Commission and said engineering firms; and

**FURTHER RESOLVED that Contract No. 59-14-01 is designated a System Project under the Commission's 2013 Master Trust Agreement.**

**Chairman Hruby:** For the Resolution, is there a motion?

**Secretary Barber:** So moved.

**Vice Chairman Balog:** Second.

**Chairman Hruby:** Motioned by Mrs. Barber and seconded by Vice Chairman Balog. Are there any questions or comments? Hearing none, roll call please.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

**RESOLUTION NO. 9-2014**

**Resolution Awarding Contract No. 59-14-01, Resurfacing Project in Lucas County**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Repairs and Resurfacing of the Eastbound and Westbound Roadways, from Milepost 43.30 to Milepost 55.45 located in Lucas County, Ohio, herein designated **Contract No. 59-14-01**; and

WHEREAS, expenditures for the award to be made under Contract No. 59-14-01 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 two bids via Bid Express 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. 59-14-01 was submitted by **The Shelly Company - Northwest, of Findlay, Ohio**, in the amount of **\$9,376,459.99**, which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by and the Director of Contracts Administration that bids for Contract No. 59-14-01 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of The Shelly Company for Contract No. 59-14-01 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 The Shelly Company; and

WHEREAS, the Executive Director 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. 59-14-01 to the lowest responsive and responsible bidder, The Shelly Company; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **The Shelly Company - Northwest, of Findlay, Ohio**, in the amount of **\$9,376,459.99** for the performance of Contract No. 59-14-01 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 non-winning bidder(s) 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 **Quality Control Inspection, Inc.**, of **Bedford, Ohio**, to Contract No. 59-14-01 for the purpose of performing construction administration and inspection services, and **TTL Associates, Inc.**, of **Toledo, Ohio**, for the purpose of performing materials testing, with such assignments in accordance with the 2013-2014 Miscellaneous Engineering Services Agreements between the Ohio Turnpike and Infrastructure Commission and said engineering firms; and

**FURTHER RESOLVED that Contract No. 59-14-01 is designated a System Project under the Commission's 2013 Master Trust Agreement.**

**(Resolution No. 9-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution is adopted unanimously. Tony, please continue.

**Chief Engineer:** The third Resolution is to award Contract No. 39-14-02 for the Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 159.8 to Milepost 164.82 located in Cuyahoga County, Ohio. This construction Project will be performed over the 2014 and 2015 construction seasons and this work is included in the 2014 Capital Improvement Budget. Procurement received four bids for this Contract with the apparent low bid submitted by Kokosing Construction Company, Inc., of Columbus, Ohio, in the amount of \$29,225,345.01. The Contract Documents included a line item for a voluntary Access Credit. Kokosing included a line item deduction in the amount of \$200,000, however, the information contained with the bid was not sufficient to fully evaluate this proposal, therefore, it is not recommended the Commission accept this item at this time. It is our intent to further evaluate this proposal with the Contractor to realize all or most of these savings at a later date. Without consideration of this proposed credit Kokosing's bid is still the apparent low bid and, when compared to the next lowest bid, it is 2.8 percent below the second bidder, Anthony Allega Cement Contractor. The bid submitted by Kokosing is slightly higher than the Engineer's Estimate of \$28,400,000. The Construction Manager, Hill International, Inc., of Broadview Heights, Ohio, has carefully evaluated the complete bid tabulation and finds no errors or anomalies. Kokosing has the available capacity in both manpower and resources, and has successfully performed projects of a similar size and nature for the Commission in the past. Therefore, it is recommended that the Commission award Contract No. 39-14-02 to Kokosing Construction Company, Inc., of Columbus, Ohio, in the amount of \$29,225,345.01. In addition, the General Counsel and the Director of Contracts Administration have reached out to Kokosing to try and encourage MBE/FBE/DBE participation in this Project. Since the time the letter from the Director of Contracts Administration was written, Kokosing has committed to MBE participation. This Resolution also contains provisions to assign the GPD Group of Akron, Ohio, to assist with construction engineering and inspection services, and to assign Solar Testing Laboratories, Inc., of Brooklyn Heights, Ohio, to perform materials testing. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the bid of **Kokosing Construction Company, Inc.**, of **Columbus, Ohio**, in the amount of **\$29,225,345.01** for the performance of Contract No. 39-14-02 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 non-winning bidder(s) 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 **Glaus, Pyle, Schomer, Burns & Dehaven, Inc., dba GPD Group (“GPD Group”)**, of **Akron, Ohio**, to Contract No. 39-14-02 for the purpose of performing Task 3 construction services in accordance with the Agreement specific to this Project as previously authorized under Resolution No. 38-2013, and to assign **Solar Testing Laboratories, Inc.**, of **Brooklyn Heights, Ohio**, for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2013-2014 Miscellaneous Engineering Services Agreement between the Ohio Turnpike and Infrastructure Commission and said engineering firm; and

**FURTHER RESOLVED that Project No. 39-14-02 is designated a System Project under the Commission’s 2013 Master Trust Agreement.**

**Chairman Hruby:** For the Resolution, is there a motion?

**Vice Chairman Balog:** Move to adopt.

**Mr. Paradiso:** Second.

**Chairman Hruby:** Moved to adopt by Vice Chairman Balog and seconded by Mr. Paradiso. Are there any questions or comments? Mr. Balog.

**Vice Chairman Balog:** Recently there was an article in the newspapers concerning Kokosing. They had a situation where, either inadvertently or intentionally, there was a switch on an asphalt inspection. I know they have done good work for us. Are we prepared and are we comfortable with moving forward with this contract in light of what has come out about Kokosing?

**Chief Engineer:** Mr. Chairman and Commission Member Balog, we also became aware of the report that you read. The Commission does perform testing. We actually hire independent testing agencies that physically go out and test the asphalt. They take the cores into their possession, and then take them to their laboratory where they test them and give us back the results. The cores are not provided by the contractor nor does the contractor ever have possession of those cores. So, we do have confidence that the way we do business with them is appropriate.

**Chairman Hruby:** That would be Solar Testing on this Project, is that correct?

**Chief Engineer:** That is correct Mr. Chairman.

**Vice Chairman Balog:** Thank you.

**Chairman Hruby:** Are there any other questions or comments? Mr. Murphy, on behalf of ODOT, do you have any objection?

**Mr. Murphy:** No I do not. The Inspector General report has been concluded. They have given us their recommendations. We appreciate the Inspector General's work and we are taking their findings under advisement. Obviously, we are working to ensure that Kokosing and ODOT are following the proper procedures. I think that they do good work and they have done great work for us over the years. I am not familiar with all the details of what has happened, but certainly, I am comfortable with Kokosing and the fact that you have cores tested independently. That is something that is a little different than ODOT. We are present when the cores are done, but I am not sure what happened at this particular time.

**Chairman Hruby:** Whatever the circumstances, you would have no objection now.

**Mr. Murphy:** No, not at all.

**Chairman Hruby:** In this business, we learn everyday if something happens, we have to correct ourselves. Roll call please.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

**RESOLUTION NO. 10-2014**

**Resolution Awarding Contract No. 39-14-02, Pavement Replacement  
Project in Cuyahoga County**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 159.8 to Milepost 164.82 located in Cuyahoga County, Ohio, herein designated **Contract No. 39-14-02**, which construction project shall be performed over the 2014 and 2015 construction seasons; and

WHEREAS, expenditures for the award to be made under Contract No. 39-14-02 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; and

WHEREAS, the Commission received four bids via Bid Express 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. 39-14-02 was submitted by **Kokosing Construction Company, Inc.**, of **Columbus, Ohio** ("**Kokosing**"), in the total bid amount of **\$29,225,345.01**, 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. 39-14-02 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Kokosing for Contract No. 39-14-02 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 Kokosing; 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 analysis, has made his recommendation to the Commission to award Contract No. 39-14-02 to the lowest responsive and responsible bidder, Kokosing Construction Company, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Kokosing Construction Company, Inc.**, of **Columbus, Ohio**, in the amount of **\$29,225,345.01** for the performance of Contract No. 39-14-02 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 non-winning bidder(s) 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 **Glaus, Pyle, Schomer, Burns & Dehaven, Inc., dba GPD Group (“GPD Group”)**, of **Akron, Ohio**, to Contract No. 39-14-02 for the purpose of performing Task 3 construction services in accordance with the Agreement specific to this Project as previously authorized under Resolution No. 38-2013, and to assign **Solar Testing Laboratories, Inc., of Brooklyn Heights, Ohio**, for the purpose of performing materials testing and inspection, with such assignment in accordance with the 2013-2014 Miscellaneous Engineering Services Agreement between the Ohio Turnpike and Infrastructure Commission and said engineering firm; and

**FURTHER RESOLVED that Project No. 39-14-02 is designated a System Project under the Commission’s 2013 Master Trust Agreement.**

**(Resolution No. 10-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution passes unanimously. Tony, please continue.

**Chief Engineer:** The next Resolution seeks the Commission’s authorization of continuing expenditures for the Contract with GDP Group, Inc., of Cleveland, Ohio for the Mainline Pavement Reconstruction Program. Under Resolution No. 38-2013, the Commission awarded a Contract to GPD Group for Engineering Design and Construction Services for the Mainline Pavement Reconstruction Program at various locations on the Ohio Turnpike, with each assignment consisting of a five to six-mile project section, and the Commission having the option to assign up to five project sections. The second pavement replacement project section to be assigned is for Project No. 71-14-07 from Milepost 144.0 to Milepost 149.0 in Lorain County. This construction project will be designed and bid as a two-year construction project. GPD Group has submitted a fee proposal dated January 31, 2014, in the not-to-exceed amount of \$428,544.00, for the performance of Task 1 Preliminary Engineering Services and Task 2 Final Design and Construction Documentation Services. It should be noted that their proposal does not include scope or fee for additional work related to bridge and slope repairs that may be required. The scope and fee for any required bridge and slope work, as well as Construction Inspection Services will be secured at a later date. The Engineering Department staff has reviewed their proposal and finds it reasonable for the scope to be performed. Since these additional expenditures will increase the total cost in excess of ten percent of the original authorization, it is required under Article V, Section 1.00 of the Commission’s Code of Bylaws that the Commission must authorize such expenditures. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you.

RESOLVED that the Commission hereby authorizes the additional expenditures for the completion of the Task 1 and Task 2 Services required under **Project No. 71-14-07** in the not-to-exceed amount of **\$428,544.00** with **GPD Group, Inc.**, of **Akron, Ohio**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with GPD Group to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Pavement Replacement Design Services, GPD Group's response thereto and its fee proposals therefor.

**Chairman Hruby:** Is there an action to be taken?

**Vice Chairman Balog:** Move to adopt.

**Mr. Murphy:** Second.

**Chairman Hruby:** Vice Chairman Balog moves to adopt and Mr. Murphy seconds. Are there any questions or comments? Hearing none, roll call on the Resolution.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 11-2014**

#### **Resolution Authorizing Additional Expenditures with GPD Group under Existing Contract for Engineering Design and Construction Inspection Services, (Project No. 71-14-07)**

WHEREAS, via Resolution No. 38-2013, the Commission awarded a Contract to **GPD Group, Inc.**, of **Akron, Ohio** ("**GPD Group**") for Engineering Design and Construction Services for the Mainline Pavement Reconstruction Program at various locations on the Ohio

Turnpike, with each assignment consisting of a five to six-mile project section, and the Commission having the option to assign up to five project sections; and

WHEREAS, the **first pavement replacement project section**, Project No. 71-13-06 from **Milepost 159.8 to Milepost 164.82 in Cuyahoga County**, was also assigned via Resolution No. 38-2013, under which the Commission authorized GPD Group's fee proposal in the not-to-exceed amount of **\$403,421.00** for Task 1 Preliminary Engineering Services and Task 2 Final Design and Construction Documentation Services (excluding bridges, drainage and slopes), which fees were increased by the Commission via Resolution No. 81-2013 in the not-to-exceed amount of **\$71,714.00** for the completion of Task 1 and Task 2 Services involving the work related to the bridges, drainage and slopes; and

WHEREAS, the **second pavement replacement project section** to be assigned is for Project No. 71-14-07 from **Milepost 144.0 to Milepost 149.0 in Lorain County**, for which GPD Group has submitted a fee proposal dated January 31, 2014, in the not-to-exceed amount of **\$428,544.00**, for the performance of Task 1 Preliminary Engineering Services and Task 2 Final Design and Construction Documentation Services (excluding bridges, drainage and slopes), which amount has been deemed to be reasonable and necessary by the Chief Engineer; and

WHEREAS, the Contract expenditures for Task 1 and Task 2 Services under Project No. 71-14-07 will be in excess of ten percent of the original Contract award and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment to the Contract incorporating such additional expenditures; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer, and concurs that the additional expenditures with GPD Group for the completion of the Task 1 and Task 2 Services under Project No. 71-14-07 should be authorized by the Commission; and

WHEREAS, at the time the construction contract for the mainline pavement reconstruction project from Milepost 144.0 to Milepost 149.0 is awarded, the Commission will be requested to authorize GPD Group to perform Task 3 Construction Phase Services for said construction project; and

WHEREAS, at the time the Chief Engineer recommends that GPD Group perform Engineering Design and Construction Services under the Mainline Pavement Reconstruction Program for additional project sections, the Commission will be requested to authorize such additional expenditures for those design projects; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the additional expenditures for the completion of the Task 1 and Task 2 Services required under **Project No. 71-14-07** in the not-to-exceed amount of **\$428,544.00** with **GPD Group, Inc.**, of **Akron, Ohio**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with GPD Group to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Pavement Replacement Design Services, GPD Group's response thereto and its fee proposals therefor.

**(Resolution No. 11-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution passes unanimously. Tony, please continue.

**Chief Engineer:** The fifth Resolution seeks the Commission's authorization of continuing expenditures for the Contract with CT Consultants, Inc., of Mentor, Ohio, for the Mainline Pavement Reconstruction Program. Under Resolution No. 37-2013, the Commission awarded a Contract to CT Consultants for Engineering Design and Construction Services for the Mainline Pavement Reconstruction Program at various locations on the Ohio Turnpike, with each assignment consisting of a five to six mile project section, and the Commission having the option to assign up to five project sections. The second pavement replacement project section to be assigned is for Project No. 71-14-08 from Milepost 216.25 to Milepost 221.0 in Trumbull and Mahoning Counties. This construction project will be designed and bid as a two-year construction project. CT Consultants have submitted a fee proposal dated January 31, 2014, in the not-to-exceed amount of \$447,436.00, for the performance of Task 1 Preliminary Engineering Services and Task 2 Final Design and Construction Documentation Services. It should be noted that their proposal does not include scope or fee for additional work related to bridge and slope repairs that may be required. The scope and fee for any required bridge and slope work, as well as Construction Inspection Services will be secured at a later date. The Engineering Department staff has reviewed their proposal and finds it reasonable for the scope to be performed. Since these additional expenditures will increase the total cost in excess of ten percent of the original authorization, it is required under Article V, Section 1.00 of the Commission's Code of Bylaws that the Commission must authorize such expenditures. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Certainly.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the Commission hereby authorizes the additional expenditures for the completion of the Task 1 and Task 2 Services required under **Project No. 71-14-08** in the not-to-exceed amount of **\$447,436.00** with **CT Consultants, Inc.**, of **Mentor, Ohio**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with CT Consultants to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Pavement Replacement Design Services, CT Consultants' response thereto and its fee proposals therefor.

**Chairman Hruby:** Thank you. I will move adoption of that Resolution. Is there a second?

**Vice Chairman Balog:** Second.

**Chairman Hruby:** Second by Vice Chairman Balog. Are there any questions or comments? Hearing none, roll call on the Resolution.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 12-2014**

##### **Resolution Authorizing Additional Expenditures with CT Consultants under Existing Contract for Engineering Design and Construction Inspection Services, (Project No. 71-14-08)**

WHEREAS, via Resolution No. 37-2013, the Commission awarded a Contract to **CT Consultants, Inc.**, of **Mentor, Ohio** (“**CT Consultants**”) for Engineering Design and Construction Services for the Mainline Pavement Reconstruction Program at various locations on the Ohio Turnpike, with each assignment consisting of a five to six-mile project section, and the Commission having the option to assign up to five project sections; and

WHEREAS, the **first pavement replacement project section**, Project No. 71-13-05 from **Milepost 101.2 to Milepost 107.2 in Sandusky and Erie Counties**, was also assigned via Resolution No. 37-2013, under which the Commission authorized CT Consultants’ fee proposal in the not-to-exceed amount of **\$350,740.00** for Task 1 Preliminary Engineering Services and

Task 2 Final Design and Construction Documentation Services (excluding bridges, drainage and slopes), which fees were increased by the Commission via Resolution No. 80-2013 in the not-to-exceed amount of **\$87,562.00** for the completion of Task 1 and Task 2 Services involving the work related to the bridges, drainage and slopes; and

WHEREAS, **the second pavement replacement project section** to be assigned is for Project No. 71-14-08 from **Milepost 216.25 to Milepost 221.0 in Trumbull and Mahoning Counties**, for which CT Consultants has submitted a fee proposal dated January 31, 2014, in the not-to-exceed amount of **\$447,436.00**, for the performance of Task 1 Preliminary Engineering Services and Task 2 Final Design and Construction Documentation Services (excluding bridges, drainage and slopes), which amount has been deemed to be reasonable and necessary by the Chief Engineer; and

WHEREAS, the Contract expenditures for Task 1 and Task 2 Services under Project No. 71-14-08 will be in excess of ten percent of the original Contract award and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, the Commission must authorize the amendment to the Contract incorporating such additional expenditures; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer, and concurs that the additional expenditures with CT Consultants for the completion of the Task 1 and Task 2 Services under Project No. 71-14-08 should be authorized by the Commission; and

WHEREAS, at the time the construction contract for the mainline pavement reconstruction project from Milepost 216.25 to Milepost 221.0 is awarded, the Commission will be requested to authorize CT Consultants to perform Task 3 Construction Phase Services for said construction project; and

WHEREAS, at the time the Chief Engineer recommends that CT Consultants perform Engineering Design and Construction Services under the Mainline Pavement Reconstruction Program for additional project sections, the Commission will be requested to authorize such additional expenditures for those design projects; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the additional expenditures for the completion of the Task 1 and Task 2 Services required under **Project No. 71-14-08** in the not-to-exceed amount of **\$447,436.00** with **CT Consultants, Inc.**, of **Mentor, Ohio**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with CT Consultants to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Pavement Replacement Design Services, CT Consultants' response thereto and its fee proposals therefor.

**(Resolution No. 12-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution passes unanimously. Tony, please continue.

**Chief Engineer:** The sixth Resolution seeks the Commission's authorization of continuing expenditures for the Contract with Hill International, Inc., of Broadview Heights, Ohio, for the Mainline Pavement Reconstruction Program. Under Resolution No. 52-2013 adopted in August 2013, the Commission authorized an agreement with Hill International to serve as the Commission's Construction Manager for Pavement Replacement Program Projects, with each project encompassing approximately a five to six-mile section located along the mainline of the Ohio Turnpike. Hill International has submitted a fee proposal dated February 7, 2014, outlining proposed expenditures to perform project specific Construction Management and Inspection services over the two-year period during which the following two Pavement Replacement Projects will be constructed. The first project is Contract No. 39-14-01, consisting of Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 101.20 to Milepost 107.2 located in Sandusky and Erie Counties in the not-to-exceed amount of \$1,615,211.00. The second project is Contract No. 39-14-02, consisting of the Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 159.8 to Milepost 164.82 located in Cuyahoga County in the not-to-exceed amount of \$1,607,959.00. In addition, the fee proposal submitted by Hill also includes a not-to-exceed amount of \$247,590.00 for General Construction Management Services for 2014. Engineering staff has reviewed and negotiated the fee proposal and finds it reasonable for the scope to be performed. Since these additional expenditures will now take the Contract value over \$150,000.00, it is required under Article V, Section 1.00 of the Commission's Code of Bylaws that the Commission must authorize such expenditures. Furthermore, as Construction Documents for future Pavement Replacement Program Projects are finalized, Hill International will submit fee proposals to perform Construction Management and Inspection Services for those Projects, and if they are deemed reasonable and appropriate, the Commission will be requested to authorize such expenditures for Hill International to perform said services in accordance with the Commission's Code of Bylaws. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Certainly.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the Commission hereby authorizes expenditures with **Hill International, Inc., of Broadview Heights, Ohio**, to perform the Construction Management and Inspection Services required during 2014 and 2015 for Pavement Replacement Contract No. 39-14-01 in the not-to-exceed amount of **\$1,615,211.00** and Pavement Replacement Contract No. 39-14-02 in the not-to-exceed amount of **\$1,607,959.00**, as well as for General Construction Management Services for 2014 in the not-to-exceed amount of **\$247,590.00**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with Hill International to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Construction Management Services, Hill International's response thereto and its fee proposals therefor.

FURTHER RESOLVED that the Commission will be requested to authorize additional expenditures for Hill International to perform Construction Management and Inspection Services

for future Pavement Replacement Program Projects in accordance with the Commission's Code of Bylaws when Construction Documents for each Pavement Replacement Program Project are finalized, and Hill International submits fee proposals for each such project as deemed reasonable and appropriate by the Chief Engineer.

**Chairman Hruby:** Thank you. Is there any action to be taken?

**Vice Chairman Balog:** Move to adopt.

**Secretary Barber:** Second.

**Chairman Hruby:** Moved by Vice Chairman Balog and seconded by Mrs. Barber. Are there any questions or comments? Hearing none, roll call on the Resolution.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 13-2014**

#### **Resolution Authorizing Construction Management and Inspection Services Expenditures with Hill International, Inc., for 2014 Pavement Replacement Program Projects**

WHEREAS, via Resolution No. 52-2013 adopted in August 2013, the Commission authorized an agreement with **Hill International, Inc.**, of **Broadview Heights, Ohio** ("**Hill International**"), to serve as the Commission's Construction Manager for Pavement Replacement Program Projects, each encompassing approximate five to six-mile sections located along the mainline of the Ohio Turnpike; and

WHEREAS, initial expenditures with Hill International were authorized in the not-to-exceed amount of **\$145,519.07** for the performance of pre-construction services, including, but not limited to: 1) review of Project constructability, 2) review of Plans, Specifications and other Contract Documents, and 3) bid analysis; and

WHEREAS, Hill International has submitted a fee proposal dated February 7, 2014, outlining proposed expenditures to perform project specific Construction Management and Inspection services **over the 2014 and 2015 period** during which the following two Pavement Replacement Projects will be constructed: 1) **Contract No. 39-14-01**, consisting of Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 101.20 to Milepost 107.2 located in Sandusky and Erie Counties, in the not-to-exceed amount of **\$1,615,211.00**, and 2) **Contract No. 39-14-02**, consisting of the Westbound and Eastbound Right Two Lanes and Shoulder Reconstruction from Milepost 159.8 to Milepost 164.82 located in Cuyahoga County, in the not-to-exceed amount of **\$1,607,959.00**; and

WHEREAS, the fee proposal submitted by Hill also includes a not-to-exceed amount of **\$247,590.00** for **General Construction Management Services for 2014**; and

WHEREAS, the Chief Engineer has reviewed the fee proposal submitted by Hill International, and he has submitted a report to the Commission indicating that the proposal is both reasonable and appropriate, and recommending that it be accepted; and

WHEREAS, total Contract expenditures for the proposed Construction Management Services will now take the Contract value over \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is required to authorize the additional expenditures with Hill International; and

WHEREAS, as Construction Documents for future Pavement Replacement Program Projects are finalized, Hill International will submit fee proposals to perform Construction Management and Inspection Services for those Projects, and if they are deemed reasonable and appropriate by the Chief Engineer, the Commission will be requested to authorize such expenditures for Hill International to perform said services in accordance with the Commission's Code of Bylaws; and

WHEREAS, the Executive Director has reviewed the Chief Engineer's recommendation, and concurs that the expenditures with Hill International to perform the required Construction Management and Inspection Services for upcoming 2014/2015 Pavement Replacement Program Projects as well as General Construction Management Services should be authorized by the Commission; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes expenditures with **Hill International, Inc., of Broadview Heights, Ohio**, to perform the Construction Management and Inspection Services required during 2014 and 2015 for Pavement Replacement Contract No. 39-14-01 in the not-to-exceed amount of **\$1,615,211.00** and Pavement Replacement Contract No. 39-14-02 in the not-to-exceed amount of **\$1,607,959.00**, as well as for General Construction Management Services for 2014 in the not-to-exceed amount of **\$247,590.00**, and further authorizes the Executive Director and the Director of Contracts Administration to amend the Contract with Hill International to perform said services, all in accordance with the terms and conditions of the Commission's RFP for Construction Management Services, Hill International's response thereto and its fee proposals therefor.

FURTHER RESOLVED that the Commission will be requested to authorize additional expenditures for Hill International to perform Construction Management and Inspection Services for future Pavement Replacement Program Projects in accordance with the Commission's Code of Bylaws when Construction Documents for each Pavement Replacement Program Project are finalized, and Hill International submits fee proposals for each such project as deemed reasonable and appropriate by the Chief Engineer.

**(Resolution No. 13-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution also passes unanimously. Tony, please continue.

**Chief Engineer:** My next Resolution is for authorization to award Project No. 71-14-01 for Engineering Services relating to the investigation, evaluation and rehabilitation of thirteen overhead bridges between Mileposts 171.1 and 198.5 in Cuyahoga, Summit and Portage Counties. On November 22, 2013, Procurement received sixteen Letters of Interest for Project No. 71-14-01, from which five firms were deemed most qualified and invited to submit technical proposals. Engineering staff reviewed the technical proposals and concluded that Hatch Mott MacDonald, LLC, of Cleveland, Ohio, was most qualified to perform the services. Fee negotiations commenced between Hatch Mott MacDonald and our Engineering staff, and on February 10, 2014, a final fee proposal was submitted in the amount of \$101,883.00 for Phase 1A services. The services for Phase 1A include the site investigation and evaluation of the condition of these thirteen structures and the preparation of an Engineering Report outlining recommendations for repairs. It is anticipated that future phases of this Project, including preparation of Construction Contract Documents, and possibly Construction Administration and Inspection Services will likely cause this authorization to exceed \$150,000.00. Therefore, we are requesting Commission authorization for the award of Project No. 71-14-01 to Hatch Mott MacDonald, LLC for Phase 1A of this Project in the amount of \$101,883.00. Commission authorization will be requested in the future for additional phases of the Project. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Certainly.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the Commission concurs that **Hatch Mott MacDonald, LLC**, of **Cleveland, Ohio**, is most qualified to perform the services required under the above-mentioned RFP, and authorizes the Executive Director and the Director of Contracts Administration to execute a Contract for Project No. 71-14-01 with Hatch Mott MacDonald, all in accordance with the terms and conditions of the Commission's Request for Proposals, Hatch Mott MacDonald's response thereto and its ensuing fee proposals therefor.

**Chairman Hruby:** Thank you. Is there any action to be taken?

**Vice Chairman Balog:** Move to adopt.

**Mr. Paradiso:** Second.

**Chairman Hruby:** Moved by Vice Chairman Balog and seconded by Mr. Paradiso. Are there any questions or comments? Hearing none, please call the roll call.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 14-2014**

#### **Resolution Authorizing a Contract for Engineering and Construction Administration and Inspection Services for the Rehabilitation of Thirteen Bridges in Cuyahoga, Summit and Portage Counties (Project No. 71-14-01)**

WHEREAS, on November 8, 2013, the Commission published notice of its Request for Proposals ("RFP") for Project No. 71-14-01 seeking Engineering and Construction

Administration and Inspection Services relating to the Rehabilitation of Thirteen Bridges Between Milepost 171.1 and Milepost 198.5 in Cuyahoga, Summit and Portage Counties; and

WHEREAS, on November 22, 2013, Letters of Interest were received from sixteen firms expressing their interest in serving as the Commission's Engineering Design Consultant for this Project, of which five were deemed most qualified and invited to submit proposals in response to the RFP, with responses due on December 23, 2013; and

WHEREAS, on the basis of the proposals received, the Engineering staff concluded that **Hatch Mott MacDonald, LLC**, of **Cleveland, Ohio** ("**Hatch Mott MacDonald**"), is most qualified to perform the above-mentioned services, and conducted a Scope of Services meeting with said firm to discuss the parties' mutual understanding of the Phase IA Services consisting of Site Inspections and an Engineering Report; and

WHEREAS, Hatch Mott MacDonald submitted its fee proposal dated February 10, 2014, for Phase IA Services in the not-to-exceed amount of **\$101,883.00**, which fee proposal has been deemed appropriate and reasonable by the Chief Engineer who, therefore, recommends that the Commission award the Contract for Project No. 71-14-01 to Hatch Mott MacDonald; and

WHEREAS, total Contract expenditures will eventually exceed \$150,000.00 when subsequent Phase IB Final Design and Plan Preparation Services, and Phase II Construction Administration and Inspection Services are performed 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 has been advised by its Director of Contracts Administration that said RFP selection process and the selection of Hatch Mott MacDonald conformed with the requirements of Ohio Revised Code Sections 153.65 to 153.71, and that all legal requirements were performed and that the proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, the Executive Director has also reviewed the recommendation submitted by the Chief Engineer and the Director of Contracts Administration, and concurs that the proposed Contract with Hatch Mott MacDonald to perform Phase IA and the ensuing Phase IB Services for Project No. 71-14-01 should be approved by the Commission; and

WHEREAS, at the time the construction contract(s) for the rehabilitation of the thirteen overhead bridges from Milepost 171.1 to Milepost 198.5 in Cuyahoga, Summit and Portage Counties is/are awarded, the Commission will be requested to authorize Hatch Mott MacDonald to perform Phase II Construction Administration and Inspection Services for said construction project(s); and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission concurs that **Hatch Mott MacDonald, LLC**, of **Cleveland, Ohio**, is most qualified to perform the services required under the above-mentioned RFP, and authorizes the Executive Director and the Director of Contracts Administration to execute a Contract for Project No. 71-14-01 with Hatch Mott MacDonald, all in accordance with the terms and conditions of the Commission's Request for Proposals, Hatch Mott MacDonald's response thereto and its ensuing fee proposals therefor.

**(Resolution No. 14-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution passes unanimously. Tony, please continue.

**Chief Engineer:** My next Resolution for your consideration seeks authorization for the purchase of eight replacement backhoes under the Ohio Department of Administrative Services Cooperative Purchasing Program. The purchase of these backhoes are included in the 2014 Capital Improvement Budget and are required to replace our existing 1996 model year backhoes. Engineering staff has compared three similar backhoe models, all available on the ODAS Cooperative Purchasing Program, against our existing JCB model and determined that the 2014 CAT 416F backhoe is the best equipment to replace our 18-year-old models. The CAT 416F backhoe was superior compared to the other models in terms of engine power, hydraulic flow and dynamic efficiency, loader bucket capacity, loader bucket breakout force, hoe digging force, and overall weight. The Procurement Manager has determined that the lowest cost of obtaining the backhoes is under State Term Contract Index No. STS515, Schedule No. 800055 through Ohio CAT of Broadview Heights, Ohio. The total cost for the eight backhoes will be \$658,783.12 (\$82,347.89 each), which total amount, however, includes \$12,982.00 for manuals, training and extended warranties that are not available under the ODAS Contract and will be purchased directly from Ohio CAT. In addition, the existing 1996 model year backhoes shall be disposed of in accordance with the Commission's Property Disposal Policy after the new backhoes are placed into service. The expenditures by the Commission for the eight backhoes will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission authorization of this purchase is required. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the Commission's Executive Director and Procurement Manager may proceed with issuing a Purchase Order for eight, 2014 CAT 416F backhoes to **Ohio CAT**, of **Broadview Heights, Ohio**, via the Commission's membership in the ODAS Cooperative Purchasing Program, specifically, through **State Term Contract Index No. STS515, Schedule No. 800055**, and to take any and all action necessary to properly carry out the terms of said purchase; and

FURTHER RESOLVED that the Commission's Executive Director and Procurement Manager are authorized to proceed with the disposal of the backhoe equipment identified for

replacement by the Commission's Assistant Chief Engineer, Highway and Maintenance, in accordance with the Commission's Property Disposal Policy; and

**FURTHER RESOLVED that the purchase of the aforementioned backhoes is designated as a Renewal and Replacement expenditure under the Commission's 2013 Master Trust Agreement.**

**Chairman Hruby:** Thank you. Is there any action to be taken?

**Vice Chairman Balog:** So moved.

**Chairman Hruby:** Moved by Vice Chairman Balog and I will second the motion. Are there any questions or comments? Hearing none, roll call please.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

**RESOLUTION NO. 15-2014**

**Resolution Authorizing the Purchase of Eight Backhoes under ODAS Cooperative Purchasing Program and Disposal of Existing Obsolete Equipment**

WHEREAS, pursuant to Resolution No. 32-2003 adopted on July 21, 2003, the Ohio Turnpike and Infrastructure Commission's Executive Director was authorized to participate in state contracts under the Ohio Department of Administrative Services ("ODAS") Office of State Purchasing Cooperative Purchasing Program, through which members may purchase supplies, services, equipment and other materials pursuant to Ohio Revised Code Section 125.04; and

WHEREAS, a fee has been paid by the Ohio Turnpike and Infrastructure Commission to ODAS, and, as such, the Commission is a current member of the ODAS Cooperative Purchasing Program; and

WHEREAS, the Commission's Maintenance staff has determined that the 2014 CAT 416F backhoe is the best equipment to replace eight of the Commission's eighteen-year-old backhoes, which existing equipment the Assistant Chief Engineer, Highway and Maintenance, recommends disposal of primarily through auction after the new backhoes are placed into service, in accordance with the Commission's Property Disposal Policy; and

WHEREAS, the 2014 CAT 416F backhoes are available through the ODAS Cooperative Purchasing Program, and the Procurement Manager has determined that the lowest cost of obtaining the aforesaid backhoes is under **State Term Contract Index No. STS515, Schedule No. 800055** through **Ohio CAT, of Broadview Heights, Ohio**, a distributor for Caterpillar, Inc., of Peoria, Illinois; and

WHEREAS, the total cost for the eight backhoes will be **\$658,783.12 (\$82,347.89 each)**, which total amount, however, includes \$12,982.00 for manuals, training and extended warranties that are not available under the ODAS Contract and will be purchased directly from Ohio CAT; and

WHEREAS, the expenditures by the Commission for the eight backhoes will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission authorization of this purchase is required; and

WHEREAS, the Commission's Director of Contracts Administration has reviewed the proposed equipment purchase and has advised the Commission that said purchase is in conformance with Commission Resolution No. 32-2003; and

WHEREAS, the Executive Director has reviewed the reports of both the Assistant Chief Engineer, Highway and Maintenance, and the Director of Contracts Administration and concurs with their recommendation that the Commission approve the purchase of eight backhoes via the ODAS Cooperative Purchasing Program; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission's Executive Director and Procurement Manager may proceed with issuing a Purchase Order for eight, 2014 CAT 416F backhoes to **Ohio CAT, of Broadview Heights, Ohio**, via the Commission's membership in the ODAS Cooperative Purchasing Program, specifically, through **State Term Contract Index No. STS515, Schedule No. 800055**, and to take any and all action necessary to properly carry out the terms of said purchase; and

FURTHER RESOLVED that the Commission's Executive Director and Procurement Manager are authorized to proceed with the disposal of the backhoe equipment identified for replacement by the Commission's Assistant Chief Engineer, Highway and Maintenance, in accordance with the Commission's Property Disposal Policy; and

**FURTHER RESOLVED that the purchase of the aforementioned backhoes is designated as a Renewal and Replacement expenditure under the Commission's 2013 Master Trust Agreement.**

**(Resolution No. 15-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution also passes unanimously. Tony, please continue.

**Chief Engineer:** My ninth and final resolution is for the award of Contract No. 4211 for the furnishing of 495,000 pounds of hot-pour, ready mixed joint sealant material. On January 9, 2014, Procurement received two bids for this material under Bid Invitation No. 4211. The apparent low bid was submitted by McAsphalt Industries Limited, of Toronto, Ontario, in the amount of \$170,775.00 for the requested quantity. This bidder proposes to furnish the joint sealant material and services in accordance with the Specifications. The bid is in compliance with the Commission's Domestic and Ohio Preference Policy. Additionally, this bidder has furnished similar material to the Commission in the past and has performed satisfactorily. Furthermore, the total bid is below the estimated dollar amount for this Invitation. Therefore, I am recommending that an award be made to McAsphalt Industries Limited of Toronto, Ontario, in the amount of \$179,313.75, which includes the five percent delivery variance required by the Bid Invitation. With your permission, may the General Counsel please read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you Mr. Chairman.

RESOLVED that the bid of **McAsphalt Industries Limited, of Toronto, Ontario**, in the amount of **\$179,313.75** (the bid amount plus a five percent delivery variance), for the performance of Contract No. 4211 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 Executive Director and the Director of Contracts Administration, 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) incur expenditures under the Contract in the quantities estimated by the Engineering Department's staff for the purchase of hot-pour, ready-mixed joint sealant, 3) direct the return to the bidders of their bid security, when appropriate, and 4) take any and all action necessary or proper to carry out the terms of said bid and of said Contract.

**Chairman Hruby:** Thank you. I will move adoption. Is there a second?

**Mr. Paradiso:** Second.

**Chairman Hruby:** Thank you Mr. Paradiso. I have an obvious question that I believe I know the answer, but why would we be buying something from Canada?

**Chief Engineer:** Mr. Chairman, I believe our General Counsel can answer that question better than I.

**Chairman Hruby:** I just want to get it on the record.

**General Counsel:** Absolutely. Mr. Chairman and Commission Members, although McAsphalt Industries is located in Toronto, Ontario, Canada, the goods are actually manufactured domestically. 85% of the materials that are used are either from the border State of Michigan or from Texas. Furthermore, there is more than a 5% difference between their bid and the next bid, so it falls in compliance with our policy.

**Chairman Hruby:** Correct. The next bidder roughly is 10% higher correct?

**General Counsel:** Correct.

**Chairman Hruby:** Again, I just wanted to get that on the record. I am sure someone is wondering why would we be buying outside of our country when we have so many manufacturers here. Yes, Mrs. Barber.

**Secretary Barber:** I had the same questions. But, if it is manufactured here, I am just surprised that a U.S. vendor was not able to come in lower than someone in Canada.

**Chief Engineer:** Mr. Chairman and Commission Member Barber, I am not sure that I have the answer to that.

**Chairman Hruby:** Well, they respond to us – we do not respond to them. Basically, they make their bids. As you see, it was well advertised. Anything else Mrs. Weiss?

**General Counsel:** I will just comment further that typically McAsphalt has come in as the low bid. We have noticed that for the last three times that we have bid for joint sealant. It has typically been about a 10% variance on the price. I cannot explain it, but that has been the history.

**Chairman Hruby:** Good enough. Are there any other questions? Hearing none, please call the roll.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 16-2014**

##### **Resolution Awarding Contract No. 4211 for the Purchase of Hot-Pour, Ready-Mixed Joint Sealant**

WHEREAS, the Commission has duly advertised, in accordance with law, an Invitation for Bids upon a Contract for the furnishing of approximately 495,000 pounds of hot-pour, ready-mixed joint sealant, herein designated **Contract No. 4211**; and

WHEREAS, expenditures for the award to be made under Contract No. 4211 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 two bids for the performance of said Contract, and said bids have been reviewed and analyzed by the Commission's Assistant Chief Engineer, Highway and Maintenance, whose report concerning such analysis is before the Commission; and

WHEREAS, the Assistant Chief Engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 4211 was submitted by **McAsphalt Industries Limited**, of **Toronto, Ontario**, in the amount of **\$170,775.00**, and he recommends that the Commission award a Contract to McAsphalt Industries Limited in the amount of **\$179,313.75** (the bid amount plus a five percent delivery variance); and

WHEREAS, the Director of Contracts Administration has advised the Commission that McAsphalt 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 Contract No. 4211 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of McAsphalt Industries for Contract No. 4211 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a

bid security in the form of a bank check of good and sufficient surety has been submitted by McAsphalt Industries; and

WHEREAS, the Executive Director has reviewed the reports of the Assistant Chief Engineer and the Director of Contracts Administration and, predicated upon such analysis, concurs with the recommendation to award Contract No. 4211 to the lowest responsive and responsible bidder, McAsphalt Industries; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **McAsphalt Industries Limited**, of **Toronto, Ontario**, in the amount of **\$179,313.75** (the bid amount plus a five percent delivery variance), for the performance of Contract No. 4211 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 Executive Director and the Director of Contracts Administration, 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) incur expenditures under the Contract in the quantities estimated by the Engineering Department's staff for the purchase of hot-pour, ready-mixed joint sealant, 3) direct the return to the bidders of their bid security, when appropriate, and 4) take any and all action necessary or proper to carry out the terms of said bid and of said Contract.

**(Resolution No. 16-2014 adopted February 19, 2014)**

**Chairman Hruby:** The Resolution also passes unanimously. Do you have anything else?

**Chief Engineer:** No. That completes my report Mr. Chairman.

**Chairman Hruby:** We will move on to the next report.

**Mr. Murphy:** Mr. Chairman, if I could before you move on.

**Chairman Hruby:** Please.

**Mr. Murphy:** Given all the Resolutions that Tony had, there is a large effort at ODOT, and Rick and I have talked a little bit about it, but I wanted to offer it to Rick and your staff with outreach for DBE participation. This is our Governor's big initiative right now. Not only for MBE goods and services, but construction, which is the DBE participation. He has tasked me directly with improving how we do business. In Cleveland, we are using the Minority Business Assistance Center ("MBAC") to have DBE outreach and DBE certification all-day sessions. The last one was a couple weeks ago, and we are having another next week on the Westside of Cleveland, then back at the MBAC on March 6. What this is, is an all-day session where our folks and the MBAC employees sit with potential DBE companies and get them

certified through ODOT and the federal process. I wanted to offer that to those that you work with, Tony and Rick, to be a part of that. In addition to that, some of the hurdles that we have heard is that they are not familiar with or aware of when the projects are going to be let out and they do not have time to get with the prime contractors, like Kokosing or Great Lakes, to be a part of those bids. We have made our lockdown program, which is 840 projects each year, available to the different MBAC centers and who the likely bidders would be. Now, we do not know who is going to bid or who is going to win, but the DBE's can actually start the process of working with the prime contractors prior to the bids. This is all within the law. We think there are some good ideas here, and we certainly want to work with the Turnpike to offer any assistance we can to improve the participation on a statewide level.

**Chairman Hruby:** Thank you. We appreciate the comment.

**Director Hodges:** If I may. I do appreciate ODOT's District 12 effort, which meets monthly with the Minority Business Enterprise Centers. As Mr. Murphy mentioned, this is a big priority for the governor. I know that ODOT and Greg are very committed to it. We are going to take advantage of all of that help. This is just another example of where we are working closely with ODOT, and our new Director of Contracts, Tommie Jo Marsilio, is already following up on some of those contracts Greg has provided.

**Chairman Hruby:** Anytime we can continue this partnership, is well-appreciated by the Commission. So, thank you very much. Anything else for you, Tony?

**Chief Engineer:** Mr. Chairman and Commission Member Murphy, if I could just add a comment to what Mr. Murphy said, we actually do place our anticipated bid schedule on our website and it is updated monthly, so the DBE/MBE/FBE firms can be aware of it. We will just have to relay that to them so they know where to find it.

**Mr. Murphy:** That is something that we never did. For whatever reason, I mean it is a public document and we kind of kept it internal. We have made it available, which is good, through our website. Also, I would suggest that there are four (Youngstown, Akron, Cleveland and Toledo) Minority Business Assistance Centers along the Turnpike corridor. If you can, Rick and Tony, put those projected bid lists at those Centers. People do a lot of their business through those Centers. There is a lot of communication through MBAC. The MBAC helps put prime contractors together with the sub-contractors. For some reason, we have never used them in the past even though they have been around for a long time. Mr. Chairman, I do not know if you are familiar with the one here in Cleveland, but they are a great resource for these minority companies to get some access to us.

**General Counsel:** Mr. Chairman, if I could just add, and not to steal too much thunder from next month's presentation on the policy that we are going to be proposing for an EDGE-type Program for the Commission, in discussions that I have had with our new Director of Contracts Administration, one of the major points we agree must occur is major outreach. I think what Commission Member Murphy is referring to is outreach, and outreach with MBAC and other organizations that represent either MBE's, FBE's or DBE's is going to be critical to

making any such program work. We appreciate the help and contact information, and we will be pursuing that.

**Chairman Hruby:** Very good. I appreciate the comments. Again, that direction is clear by this Commission that we move forward in a positive way to increase these opportunities. Tony, do you have anything else?

**Chief Engineer:** No Mr. Chairman. That completes my report.

**Chairman Hruby:** Thank you very much. We will move on to the report of our CFO, Marty Seekely.

**CFO/Comptroller:** Thank you Mr. Chairman. I have a brief update on our Traffic and Revenue Report for the month of January.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. The multiple days of heavy snowfall that we experienced in January had a fairly large negative impact on traffic. As a result passenger car vehicle miles traveled were 8.1% lower than January of last year. Commercial traffic was impacted by the weather as well, and was 2.8% lower than January of last year.

The 8.1% decrease in traffic and an increase in *E-ZPass* use were partially offset by the 2.7% toll rate increase on January 1. As a result, passenger car toll revenue decreased 7.6% from January of last year.

The decrease in Commercial traffic was partially offset by the toll rate increase, and as a result, Commercial vehicle toll revenues decreased .9% from last year.

This chart shows the year-to-date toll revenues through the month of January during each year over the past decade. Toll revenues through January were \$600,000.00 or 3.4% below the amount from last year. That concludes my report Mr. Chairman.

**Chairman Hruby:** Are there any questions for Marty? Hearing none, we will move on to the report of our General Counsel, Kathleen Weiss.

**General Counsel:** Thank you Mr. Chairman and good morning. The Commission has previously adopted Administrative Rules for the control and regulation of traffic, operation of vehicle, the collection of tolls, and for the protection, and preservation of property under its jurisdiction in accordance with the authority granted to it under Section 5537.16 of the Ohio Revised Code. As promulgated in the provisions of Sections 5537-1-01 through 5537-9-05 of the Administrative Code, in November 2013 I presented to this Board amendments to three remaining rules that were subject to the periodic Administrative Rule Review required every five years pursuant to the requirements set forth in Sections 111.15 and 119.032 of the Ohio Revised Code.

Pursuant to Resolution No. 77-2013, the Commission authorized me to initiate the process of filing the proposed Amendments with the Joint Committee on Agency Rule Review (“JCARR”). Specifically, the following rules are being amended:

Section 5537-4-02 entitled “Evasion of Toll,” requires amendment due to the recent enactment of Section 5537.04(A)(16) of the Ohio Revised Code under Am. Sub. H.B. 51. This now authorizes the Commission to assess a fine for intentional evasion of a toll.

Section 5537-4-04 entitled “Exit of Vehicle at Point of Entry,” requires clarification concerning what toll will be charged when an unauthorized exit by a vehicle occurs at the same plaza at which it entered. This Rule needed to be adjusted to accommodate electronic toll collection.

Section 5537-04-05 entitled “Tolls for Public Police Officers,” requires amendment and will be renamed “Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles,” due to the addition under Section 4.05 of the 2013 Master Trust Agreement, which allows for free passage of clearly marked federal or state military vehicles while in the discharge of their official duties.

Prior to filing the rules with JCARR, they were submitted to the Common Sense Initiative (“CSI”), which, in accordance with the Revised Code Section 107.54, ensures that the amended rules will not have an adverse business impact and, if so, that there is an opportunity for public comments. CSI concluded that these rules create no adverse business impact. The rules were then filed with JCARR, which approved the amended rules on February 7, 2014. Having performed all of the statutory requirements, it is now time for the Commission to file the rules in final form with JCARR, the Legislative Service Commission and the Secretary of State. With your permission Mr. Chairman, I would like to read the Resolved.

**Chairman Hruby:** Please.

**General Counsel:** Thank you.

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to file the following rules in final form with JCARR, the Legislative Service Commission and the Secretary of State: 5537-4-02 entitled “Evasion of Toll,” 5537-4-04 entitled “Exit of Vehicle at Point of Entry,” and 5537-4-05 “Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles,” all in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

**Chairman Hruby:** Is there a motion?

**Vice Chairman Balog:** So moved.

**Mr. Murphy:** Second.

**Chairman Hruby:** Moved by Vice Chairman Balog and seconded by Mr. Murphy. Are there any other questions? Again, this is all in the performance of their duties and not a blanket for military or police officers, but to be able to use the Turnpike during emergencies?

**General Counsel:** Mr. Chairman you are absolutely correct. This is for clearly marked vehicles in the performance of their official duties. Our toll collection staff has been adequately advised on how to address and treat the vehicles as they approach the toll plazas with respect to that.

**Chairman Hruby:** If it is found that someone is evading our system, how do we pass on that fine? Is that through the State Highway Patrol issuing a citation? How do we do that?

**General Counsel:** Mr. Chairman and Commission Members, there are actually two methods. If an individual is caught evading a toll and it is observed by toll collection staff, they can contact the Highway Patrol who can pull the individual over and issue them a citation. The Commission actually endeavors then to collect the toll through the municipal court where that individual has to appear.

We also have scenarios where people evade tolls through the electronic toll collection system. Marty's staff would take care of issuing the fine and that is the whole purpose of the new rule, which is to allow for the assessment of that administrative fine by the Commission. Marty, if you would like to elaborate on how your staff will handle those scenarios.

**CFO/Comptroller:** It will mostly be for some people who when they enter the Turnpike, forget their wallet so they exit and we have to give them a bill that they are supposed to mail us with payment for their toll. If they fail to do that, we will send them a letter notifying that they will be assessed a fine and, if they still do not pay, then we will probably turn this over to a collection agency.

**General Counsel:** Typically, Mr. Chairman, at least a secondary effort is made by my staff to attempt to collect those outstanding tolls. If we are unsuccessful, then we will forward it for collection.

**Chairman Hruby:** I have always been impressed at the staff's willingness to make sure that we are getting the tolls that we deserve in dealing with these issues. So, this is a good thing for us and people should be aware that if they attempt to go around the system, they will probably get caught. With the work of the Ohio State Highway Patrol and the Commission, I believe, that that is a warning we give out to people so they know and can understand that they will be pursued if they attempt to do that. Is there anything further? Yes, Mr. Cole.

**Mr. Cole:** How many of these incidents are there per year? What is your estimate on how much will be collected through the \$100 fine?

**CFO/Comptroller:** I really have not sat down and figured out an estimate. We do have a lot of tolls that people do not pay that are relatively small. Hopefully, the threat of the fine will induce them to pay. We have approximately \$40,000.00 in annual tolls that are not paid

so, if the average toll is \$5.00 that is 8,000 transactions, so it is probably around \$100,000.00 in fines that we could collect.

**Mr. Cole:** Thank you.

**Chairman Hruby:** Anything else?

**General Counsel:** Mr. Chairman, I do not have anything further regarding a Resolution, but I just wanted to report to you that unless something else changes, we have conducted our complete five-year review of all of our Administrative Rules, and the only other rules that we need to modify are two rules where our named changed. Those have not been brought before the Board because those are technical changes.

**Chairman Hruby:** Okay. Roll call on the motion.

**Director Hodges:** Vice Chairman Balog.

**Vice Chairman Balog:** Yes.

**Director Hodges:** Mr. Murphy.

**Mr. Murphy:** Yes.

**Director Hodges:** Chairman Hruby.

**Chairman Hruby:** Yes.

**Director Hodges:** Secretary-Treasurer Barber.

**Secretary Barber:** Yes.

**Director Hodges:** Commissioner Paradiso.

**Mr. Paradiso:** Yes.

**Director Hodges:** Unanimous.

#### **RESOLUTION NO. 17-2014**

##### **Resolution Authorizing the Final Filing with the Joint Committee on Agency Rule Review of Updated Administrative Rules for Toll Evasion and other Violations, and When Free Passage for Military Vehicles Will be Allowed**

WHEREAS, the Commission has previously adopted administrative rules for the control and regulation of traffic, operation of vehicles, the collection of tolls and for the protection and preservation of property under its jurisdiction in accordance with the authority granted to it under

Section 5537.16 of the Ohio Revised Code, as promulgated in the provisions of Sections 5537-1-01 through 5537-9-05 of the Ohio Administrative Code; and

WHEREAS, in November 2013, the General Counsel advised the Commission that three rules subject to the periodic administrative rule review required every five years pursuant to the requirements set forth in Sections 111.15 and 119.032 of the Ohio Revised Code, were identified as requiring revisions; and

WHEREAS, specifically, OAC Section 5537-4-02 entitled “Evasion of Toll” requires amendment due to the recent enactment of Section 5537.04(A)(16) of the Ohio Revised Code under Am. Sub. H.B. 51, which now authorizes the Commission to assess a fine for intentional evasion of a toll; and

WHEREAS, OAC Section 5537-4-04 entitled “Exit of Vehicle at Point of Entry,” requires clarification concerning what toll will be charged when an unauthorized exit by a vehicle occurs at the same plaza at which it entered; and

WHEREAS, OAC Section 5537-04-05 entitled “Tolls for Public Police Officers,” requires amendment and will be renamed “Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles,” due to the addition under Section 4.05 of the Master Trust Agreement dated April 8, 2013, which allows for free passage of clearly marked federal or state military vehicles while in the discharge of their official duties; and

WHEREAS, the Commission adopted Resolution No. 77-2013 authorizing the Executive Director and General Counsel to initiate the process of filing proposed amendments to Sections 5537-4-02, 5537-4-04 and 5537-4-05 with the Joint Committee on Agency Rule Review (“JCARR”) in order to comply with the statutory rule-making requirements imposed by Sections 111.15 and 119.032 of the Ohio Revised Code; and

WHEREAS, prior to filing the rules with JCARR, they were submitted to the Common Sense Initiative (“CSI”), which, in accordance with Ohio Revised Code Section 107.54, ensures that the amended rules will not have an “adverse business impact” and, if so, that there is an opportunity for public comment, with the CSI concluding that these rules create no adverse business impact; and

WHEREAS, in accordance with Section 111.15 of the Ohio Revised Code, the proposed amendments to 5537-4-02, 5537-4-04 and 5537-4-05 were filed in “proposed form” with JCARR, which approved the amended administrative rules on February 7, 2014; and

WHEREAS, having performed all of the statutory requirements, it is now time for the Commission to file the aforementioned rules in “final form” with JCARR, the Legislative Service Commission and the Secretary of State, and the Commission concurs that these actions should be taken.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to file the following rules in final form with JCARR, the Legislative Service Commission and the Secretary of State: 5537-4-02 entitled "Evasion of Toll," 5537-4-04 entitled "Exit of Vehicle at Point of Entry," and 5537-4-05 "Tolls for Public Police Officers, Emergency Vehicles and Military Vehicles," all in accordance with Sections 111.15 and 119.032 of the Ohio Revised Code.

**(Resolution No. 17-2014 adopted February 19, 2014)**

**Chairman Hruby:** Okay. Is that is Kathy?

**General Counsel:** Yes. Thank you.

**Chairman Hruby:** Thank you very much for your report. Are there any reports from our Financial Advisor, Bethany?

**Ms. Pugh:** No report Mr. Chairman.

**Chairman Hruby:** Thank you. Our General Consultant, Scott Buchanan.

**Mr. Buchanan:** No report Mr. Chairman.

**Chairman Hruby:** Thank you. Our Trustee from Huntington, Mr. Lamb.

**Mr. Lamb:** No report Mr. Chairman.

**Chairman Hruby:** Thank you. Our Ohio State Highway Patrol, Captain Hannay.

**Captain Hannay:** Good morning Mr. Chairman. I do have a report and I will be as quick as I can. I have provided a copy of the 2013 Operation Summary to the Commission Members. To save you from having to read through that report, I have discussed this with Director Hodges, so there will be nothing shocking here other than to share with you some of the accomplishments we have realized in 2013.

Our Troopers made 117,382 contacts with patrons along the Ohio Turnpike over the last year. To credit the staff and our Troopers, 73,000+ of those contacts were non-enforcement-type contacts. Those are assistance to the public. They are notifying people that they may have a defect on their vehicle such as a light out. They also include handling traffic crashes, ill patrons and things of that nature. So, those are non-enforcement contacts. The remaining contacts were enforcement in nature and, unfortunately, the business we are in is to make the road safe and sometimes you have to educate drivers to do that.

In addition, our Troopers have investigated 2,356 traffic crashes that occurred on the Ohio Turnpike. That is a decrease over 2012 and that is good news. It does fall in line with the mission we set out in 2013 statewide to come in under 1,000 fatalities in the state which, I believe, we have accomplished. About 992 people lost their lives in the State of Ohio last year

which is, if you look at statistics, the lowest number of fatalities recorded since we have been keeping those numbers in the State of Ohio. The Ohio Turnpike continues to be one of the safest highways in the nation with a fatality rate of .2 persons killed per 100 million miles traveled, which is a very significant rate.

Troopers made 322 arrests for impaired drivers over the last year and 471 enforcement contacts with sleepy drivers, again, one of the bigger problems that we have out here. People are driving in a straight line with not a lot of change in geography, things become monotonous, and drivers have a tendency to nod off. That is an aggressive driver contact that we do like to make and keep on top of.

Commercial vehicle miles traveled were increased last year, however, traffic crashes involving commercial vehicles were significantly down last year by 20%. Out of that 20%, commercial vehicles were at fault 53% of the time. Four of the seven traffic fatalities we had last year did involve commercial vehicles, but they were not at fault. Again, when our passenger cars get near and around the commercial vehicles, they have a tendency to make mistakes and it costs people their lives.

Safety belt compliance remains high. We continue to see in our surveys a high 90% rate of safety belt usage on the Turnpike and that is good news.

Please see the chart that is attached to the summary indicating Criminal Patrol contraband seized. Our officers initiated 891 offense, incident or arrest reports. These are criminal investigations. These could be anything from an ill patron, a stolen vehicle to criminal activity on the Turnpike. As you can see on the chart attached, the weights and measures that you see they are in grams, but I have made that a little bit simpler just to show you the kind of contraband we seized last year on the Ohio Turnpike: 995 pounds of marijuana out of different traffic stops; 93 pounds of cocaine; fifteen pounds of heroin; prescription pills; illegal narcotics; vehicles and weapons. Our officers continue to be very busy on the Ohio Turnpike and around the state with our Criminal Patrol Initiative. The total value of the contraband seized last year was a little over \$9 million street value. That is a lot of money that we have taken out of the hands of criminals last year on the Ohio Turnpike.

We have two Dispatch Centers housed in the building adjacent to the Administration Building. One is staffed by the Turnpike and one is staffed by Highway Patrol. The Highway Patrol Dispatch Center created 133,802 incidents last year. That is 133,000 times that these employees have to touch the computer, the telephone and connect the dots between what is being reported and getting an officer to respond. In cooperation with the Dispatch Center that the Turnpike staff manages, we have an excellent team that continues to gel, operate and work together to get things done out here. Our commitment to the Commission is that we will continue our professional law enforcement efforts in 2014 and continue to make the Ohio Turnpike a safe experience for the patrons and employees.

Now, on to 2014. Unfortunately, Mother Nature has dealt us a blow. I have to report that traffic crashes have increased 131% in just one month. We are using Traffic Crash Report numbers right now that we did not use last year until sometime around late June. That is how

significant an impact winter has had already. In January, we did experience a traffic fatality out in our Swanton Post area near Milepost 25 where three vehicles, two passenger cars and a commercial vehicle came together. This occurred on January 16 where we did lose a patron's life on the Turnpike. It was weather related. The passenger car did lose control and ended up sideways in the roadway where the commercial vehicle made contact and, unfortunately, that driver is deceased. We did experience a second traffic fatality just yesterday. That was near the Interstate 280 Interchange. Again, two commercial vehicles and a passenger vehicle were involved. One commercial vehicle stopped, the passenger vehicle stopped behind it, and the second commercial vehicle did not stop striking the rear end of the passenger vehicle killing the driver in the passenger vehicle. That investigation continues. If there is anything extraordinary outside the assured cleared distance violation, I will report that at the next meeting.

There a just a few other significant traffic crashes that occurred during the month of January that I can report. Madison Towing, one of our Disabled Vehicle Service contractors ("DVS"), had one of their operators physically struck while towing a car off of the berm. He had a vehicle hooked in heavy snow and was winching it trying to pull it out of the snow and up onto the berm to secure on the flatbed, when a patron lost control spinning out of control and struck the car being towed, the DVS operator and the wrecker. He did sustain some hip injuries. He is still off work. Safety Services Manager, Ed Miller, and I continue to make contact with Madison just to make sure their employee is doing okay.

On February 5, Lieutenant Vern Fisher from our Swanton Patrol Post, while investigating a traffic crash near Milepost 12, was struck in the rear end of his vehicle while seated in the patrol car. This particular 2012 Dodge Charger is now very short. Lt. Fisher is back to work. He sustained minor lower back injuries. We, unfortunately, will need a new patrol car.

In January, some of these significant Criminal Patrol seizures we have come across include thirty-one pounds of marijuana on January 30 out of a traffic stop out west. We also seized thirty-two pounds of marijuana in a traffic stop in Lorain County. We seized twenty-five green dot debit cards out of a criminal case in the Milan area near Milepost 93. The significance of the green dot debit card is that this is how the Internal Revenue Service provides you with their tax return. When you submit your tax return, if you want a debit card that is the card you will get, a green dot card. These are counterfeit cards. Twelve of them were made out in the right front passenger's name and thirteen were made out in the right rear passenger's name. Obviously, these folks are either using somebody's information, submitting to the I.R.S. and getting returns back, or they are making stuff up and creating debit cards. They all had money values on them.

There was a significant crash on Saturday, January 25, where fifteen vehicles were involved. Hats off to Maintenance and Engineering and the entire staff of the Turnpike for the job they did. We did run Signal 100 to get them off of the Turnpike to try and relieve the back-up in this particular crash. This occurred near Milepost 116.

On January 27 we seized 119 Xanax pills. This was related to what we call, "The Pill Corridor," which is S.R. 23 between West Virginia, Kentucky and Michigan.

I can report that one of the investigations that we conducted last year has been turned over to the Federal government and they continue to investigate. It is a multi-state investigation and it does involve a tax issue that, hopefully, we will have multiple arrests in multiple states out of that investigation. That concludes my report Mr. Chairman.

**Chairman Hruby:** Thank you Captain. Are there any questions for the Lieutenant? Mr. Cole.

**Mr. Cole:** Thank you Mr. Chairman. Captain thank you very much for all that you do out on the Turnpike. Some of these numbers are just staggering between 2012 and 2013. My question is simple. You just talked about a couple of seizures you have had recently. Are some of these very large seizures, or is there just that much in additional volume across the board?

**Captain Hannay:** Chairman Hruby and Commission Member Cole, unfortunately, this is the trend. We have been pretty good over the years at stopping individuals in cars transporting. Now they have moved into where they are trying to get the larger amounts of cargo through. They are using commercial vehicles. We had a piece of heavy construction equipment where the hydraulic pistons for the front bucket were hollowed out and the contraband was buried inside the hollow pistons. The bad guys are getting very sophisticated as to how they are trying to move this stuff to get it to and from. Unfortunately, this continues to be a very lucrative illegal operation, and as long as there is money involved, they will continue to do anything and everything. We get some big ones and we get some little ones, but they all add up. The bottom line is that the more we can get off the street, the safer we make it for all of us.

**Mr. Cole:** Thank you.

**Chairman Hruby:** Are there any other questions or comments? It is a remarkable number of seizures that you are making on the Turnpike. It makes you wonder how much is getting through and your work is, just simply, outstanding. We appreciate the work of the Highway Patrol in keeping this roadway safe. Your diligence in watching our customers and keeping them safe as they travel through here is remarkable, including at the Service Plazas and other areas throughout the Turnpike. We receive comments about the politeness and courtesy that you extend to our patrons and we appreciate that very much.

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

**Chairman Hruby:** Are there any other comments? Do you have anything else?

**Director Hodges:** Mr. Chairman, our General Counsel will have an Executive Session at our next meeting to give you a detailed report in matters of litigation.

**Chairman Hruby:** Are there any other questions or comments from the Commission? Hearing none, our next Commission Meeting is tentatively scheduled for Monday, March 17, 2014 at 10:00 a.m. We may have some scheduling conflicts with Members of the Commission and we may need to reschedule. If there is no further business, I will call for a motion to adjourn.

**Vice Chairman Balog:** So moved.

**Chairman Hruby:** All in favor signify by saying “aye.” (All Commission Members say “aye.”) The meeting is adjourned. Thank you very much for your attendance. We are adjourned.

Attendees for Record Keeping Purposes:

Scott Buchanan, URS; Beth Fulton, URS; Mike Kline, URS; Bethany Pugh, PFM; Ian Campbell, PFM; Ryan Kozak, PFM; Jim Gates, ODOT; Bruce Birch, Resource Int'l.; Sarah Brown, HNTB; Dan Castrigano, GPI; Glen Stephens, GStephens; Vic Spinabelli, Hill Int'l.; Frank Bronzo, EDG; William Antonoplos, American Structurepoint; Russ Critelli, Mannik & Smith Group; Joe Casto, Local 18; Toby Fritz, Hill Int'l.; Kent Moore, American Structurepoint; Stephen Holmes, First Merit; Frank Lamb, Huntington Bank; Bruce Fraser, ASI; William Matlock, BRV; Captain Hannay, OSHP; Marty Seekely, Ohio Turnpike; Tony Yacobucci, Ohio Turnpike; Kathleen Weiss, Ohio Turnpike; Robin Carlin, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Mark Musson, Ohio Turnpike; Donna Fritz, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Dave Miller, Ohio Turnpike; Dennis Albrecht, Ohio Turnpike; Matt Cole, Ohio Turnpike; Lauren Hakos, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Tony Yacobucci, Ohio Turnpike.

Time of adjournment: 11:26 a.m.

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

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Sandra K. Barber, Secretary-Treasurer