

**MINUTES OF THE 682nd MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
FEBRUARY 22, 2021**

Chairman: Good morning. Will you please stand and join me in reciting the *Pledge of Allegiance*. The meeting will come to order.

We are here on video conference – not in person as Amended House Bill 404 effective November 22, 2020, extends the temporary authorizations that public bodies received in HB 197 to meet remotely, with an expiration date of July 1, 2021. We are doing our part to help prevent the spread of COVID-19.

I would like to welcome Senator Bill Reineke who, pursuant to Ohio Revised Code Section 5537.02(B)(1)(c), was appointed on January 19, 2021 by the Ohio Senate President, Matt Huffman, to serve on the Ohio Turnpike and Infrastructure Commission as a non-voting member.

Will the Assistant Secretary Treasurer, Ferzan Ahmed, please call the roll?

Assistant Secretary-Treasurer: Chairman Hruby

Chairman, Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman, Timothy Paradiso: Here

Assistant Secretary-Treasurer: Secretary-Treasurer Barber

Secretary-Treasurer, Sandra Barber: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner, Guy Coviello: Here

Assistant Secretary-Treasurer: Ms. Eaton Johnson

Commissioner, Vickie Eaton Johnson: Here

Assistant Secretary-Treasurer: Dr. Marchbanks

Commissioner, ODOT Proxy, Dr. Jack Marchbanks: Here

Assistant Secretary-Treasurer: Mr. Kennedy

Office of Budget and Management, James Kennedy: Here

Assistant Secretary-Treasurer: Senator Reineke

Senator Bill Reineke: Here

Chairman: We have a quorum. This is the 682nd Meeting of the Ohio Turnpike and Infrastructure Commission. We are holding a meeting today via Microsoft Teams.

As mentioned at the beginning, Amended House Bill 404 effective November 22, 2020, allows us to continue using video conferencing for all public meetings until July 1, 2021. Accordingly, we can check in with our Technology team after the meeting and confirm that this was available by live stream to the public.

Various reports will be received, and we will act on several resolutions. Draft copies have been sent to the Members. The resolutions will be explained during the appropriate reports.

May I have a motion to adopt the Minutes of the December 21, 2020, Commission Meeting?

MOTION: A motion to adopt the Minutes of January 25, 2021, Commission Meeting was made by Dr. Marchbanks and seconded by Ms. Johnson.

Chairman: The January 25, 2021 Commission Meeting Minutes are adopted. We will move on with the report of the Secretary-Treasurer, Mrs. Barber.

Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on January 25, 2021:

1. Six Resolutions;
2. Draft Minutes of the January 25, 2021, Commission Meeting; and
3. Agenda for today's meeting.

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

1. Traffic Crash Summary Report, January 2021;
2. Traffic and Revenue Report, January 2021;
3. Total Revenue by Month and Year, January 2021;
4. Investment Report, January 2021; and
5. Financial Statement, January 2021.

That concludes my report, Mr. Chairman.

Chairman: Thank you. Any questions or comments regarding the Secretary-Treasurer's report? Hearing none, we will move on to the report from the Executive Director, Ferzan M. Ahmed.

Director Ahmed: Thank you, Mr. Chairman. Good morning. Commission Members.

Per the provisions of the Ohio Revised Code, we were invited to testify before the Ohio House Finance Committee and House Finance Subcommittee on Transportation on Tuesday, February 9th. I represented the Commission and gave testimony on our budget and long-term capital program. During my testimony, I described the modernization of our new Toll Collection System. I also advised the Committee Members that we will work with Speaker Cupp's appointee to the Commission to advance the legislation needed to go with the new Toll Collection System.

I would like to congratulate Bengie Beck for reaching a career milestone. Bengie retired from the Kunkle Maintenance Department on February 5th with a great reputation and service to the Ohio Turnpike. I want to thank you for your service to the Commission and wish you the best.

A significant milestone in the modernization of the Toll Collection System occurred over the Presidents' Day weekend with the migration to the new *E-ZPass*[®] Customer Service Center (CSC) system.

This new system, designed and implemented by TransCore over the last two years, manages the accounts of Ohio's *E-ZPass*[®] customers and exchanges information with other tolling authorities to make electronic tolling possible.

The migration of data from the old system to the new system went smoothly and the new system has been operating successfully since Tuesday, February 16, 2021.

Deployment of the new Customer Service Center system included a completely redesigned customer website. Unfortunately, some of the Commission's customers are experiencing difficulties in accessing the new website due to delays in the posting of e-mails by certain internet service providers. This is leading to a heavy call volume for our Customer Service Center personnel. Therefore, customers are experiencing longer call wait times.

These types of glitches are not uncommon with new software systems. Commission and TransCore personnel are working diligently to resolve the issues that may be expected with deployment of any system of this size and complexity. Our focus is on delivering excellent service to our customers. We expect that the inconveniences some of our customers are experiencing will be fully resolved in the coming days.

After a few relatively mild winters, we have a real Ohio winter this season. I would like to share a few operational highlights as of last week:

- We have had 44 snow and ice events across the Turnpike, which exceeds the five-year average of 37 events for this time of year.

- We have used 53,418 tons of salt across the Turnpike, which exceeds the five-year average of 42,298 tons. Despite the higher than average consumption, we have enough salt on hand for the rest of winter.
- As part of our organizational metrics, we track snow and ice operations. The goal for snow and ice operations is to clear the road within one hour of the end of the storm. Thanks to our maintenance workers, mechanics, clerks and managers, our score on that metric remains 100%.
- Continuous snow and ice operations take a toll on equipment and we track the condition of equipment as well. Currently, 113 out of 125 pieces of equipment are in service. This includes all snow-plow trucks, tow plows, and loaders. Given the amount of work we have done, that is a very good metric.

I would like to give you an update on the Toll Collection System design. We are making progress toward the anticipated May 2021 date for the final system design. Construction is in process at three of the four new toll plazas for mainline/ORT (Open Road Tolling), TP4 and TP49 to the west and TP211 to the east. Construction on the fourth plaza, at TP 239, will commence soon.

Renovation is underway at the Middle Ridge and Vermilion Valley Service Plazas. Our maintenance and engineering teams are upgrading the HVAC and electrical systems. Upgrades are also being made to the trucker lounge area.

In January, I talked about future initiatives and projects related to the Toll Collection System that will come before the Commission in 2021. I would like to give a status report on these future projects:

The award of a new Credit Card Processing Services Contract will be presented at the April Commission Meeting.

1. The award of Manual Image Review Services Contract will be presented at the June Commission Meeting.
2. We will be Finalizing the Scope of Work for the Unpaid Toll Collections Services RFP, which will be issued in early 2022.
3. And finally, we will be preparing a Scope of Work for the Print House Services RFP, which will also be issued in early 2022. These services will be for customer correspondence with the new Toll Collection System for invoices, statements, and notifications.

Mr. Chairman, this concludes my report, and I will be happy to answer any questions.

Chairman: Thank you, Director Ahmed. Are there any questions? Hearing none, we will now move on to the report of the Chief Engineer, Tony Yacobucci.

Chief Engineer: Good morning, Mr. Chairman and Commission Members. I have three resolutions for your consideration this morning.

The first resolution for your consideration seeks the Commission's authorization for the purchase of one (1) sewer vacuum truck under the Ohio Department of Administrative Services Cooperative Purchasing Program, State Term Contract Schedule No. 800724, Index No. STS670. The purchase of the sewer vacuum truck is included in the 2021 Capital Budget and is required to efficiently and cost effectively perform storm sewer cleaning, sanitary sewer cleaning, catch basin cleaning, and other vacuum and jetting operations along the Turnpike. The maintenance staff recommends that a Vactor 2115i combination sewer cleaner mounted on a 2022 Freightliner Model 114SD cab and chassis meets the requirements to perform the necessary operations, and this equipment is available under the Ohio Department of Administrative Services Cooperative Purchasing Program through Jack Doheny Companies, of Twinsburg, Ohio, in the amount of \$430,462.00. With your permission, may the General Counsel please read the title of the resolution?

Chairman: Any questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing the Purchase of Sewer Truck from Jack Doheny Companies, Inc. Under the DAS Cooperative Purchasing Program for the Total Amount of \$430,462.00* was made by Mrs. Barber, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 6-2021.

Chairman: The resolution passes unanimously. Please continue, Tony.

Chief Engineer: The second resolution for your consideration seeks the Commission's authorization to award Contract No. 99-20-06 for bridge repairs of the Ohio Turnpike bridge over Fostoria Road at Milepost 74.1 in Wood County. On February 3, 2021, Procurement received four (4) bids in response to this Project. The apparent low bid was submitted by Suburban Maintenance & Construction, Inc. ("SMCI"), of North Royalton, Ohio, in the amount of \$168,430.00, which is about 1% below the Engineer's Estimate of \$170,000. This bid was evaluated by Commission staff and was found to contain no errors or anomalies. SMCI has satisfactorily performed projects of similar scope for the Commission in the past and based on previous years' work volume and work presently under contract, it appears SMCI has sufficient capacity to perform this project. This resolution also contains provisions to assign AECOM Technical Services, Inc., of Akron, Ohio, to perform construction administration and inspection services. With your permission, may the General Counsel please read the title of the Resolution?

Chairman: Any questions or comments?

Mr. Coviello: Since this is responding to a bridge that was struck, is there insurance that is used for this?

Chief Engineer: Mr. Chairman and Commission Member Coviello, typically in situations like this where we do know who the person was that caused the damage, we will go back after them and their insurance company to provide payment to the Commission. In this case, we

do know who did it, so we are seeking payment for the services and the costs the Commission incurs.

Chairman: Any other questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Approving the Selection of Suburban Maintenance & Construction, Inc. for Project No. 99-20-06 for the Total Amount of \$168,430.00 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project* was made by Dr. Marchbanks, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 7-2021.

Chairman: The resolution passes unanimously. Please continue, Tony.

Chief Engineer: The third and final resolution for your consideration declares that the acquisition of property is necessary for the proper operation and maintenance of the Turnpike, which includes the removal of the mainline bridge carrying the Ohio Turnpike over an abandoned railroad in Riley Township, Sandusky County, Ohio, at about Milepost 98.9, and filling the area under the bridge with soil embankment. Engineering, through a consultant previously authorized to perform a bridge investigation of this structure, evaluated factors to eliminate this structure. Benefits of removing the structure include mitigating issues related to the undesirable activities and illegal dumping on the abandoned property, as was expressed by adjacent businesses, pavement on grade is much safer for the traveling public than an elevated bridge as it is less likely to freeze than a bridge surface, on grade pavement repairs are much simpler than repairs on bridges resulting in shorter duration lane restrictions, and the existing condition of bridge deck, deck joints, backwalls, bearings, concrete substructures require significant rehabilitation with replacing the bridge deck. The bridge was scheduled to receive significant rehabilitation in the next few years including a deck replacement, structural steel repairs including new bearings, and concrete substructure repair. The estimated costs of this rehabilitation were compared to the cost of removing and filling in the structure and found to be similar in total cost. Eventually, the age of the bridge will exceed its life span expectancy and the bridge will need to be replaced. Removing the bridge and filling the land below it will eliminate all future bridge maintenance costs, as well as the cost to replace the structure. For the purpose of operating and maintaining the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire the following two parcels:

Parcel 1 is an area of land, approximately 0.8019 acres in size, owned by Norfolk and Western Railway Company, directly under the Turnpike bridge over the abandoned railroad in Riley Township, Sandusky County, which is a portion of the real estate described in the deed filed for record March 24, 1881, Deed Volume 34, Page 566 of the Sandusky County, Ohio Records, which Parcel 1 currently has no permanent parcel identification number assigned.

Parcel 2 is an area of land, approximately 1.7317 acres in size, adjacent to Parcel 1, which connects Parcel 1 to State Route 510 in Riley Township, Sandusky County, and is a portion of the real estate listed in the Sandusky County Auditor's Records as Parcel No. 08-23-00-0037-00.

The proposed resolution authorizes and directs the Executive Director or the General Counsel to negotiate for a reasonable time, and if possible, enter into an agreement, for the

purchase of the aforementioned properties. In addition, if negotiations fail, the Executive Director or the General Counsel shall begin proceedings to appropriate and prosecute the appropriation of fee title to the properties and any necessary easements. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Property Located in Riley Township, Sandusky County as Part of Project No. 71-19-02.

Chairman: Any questions or comments?

Dr. Marchbanks: I am visualizing it, filling in an abandoned railroad, is there any railroad infrastructure still left at that location or is it just a matter of tearing out and filling it so we get rid of the bridge and we have an at grade pavement?

Chief Engineer: Chairman and Dr. Marchbanks, there is no existing infrastructure from the railroad. In fact, the property to the west of this property is already owned by the adjacent property owner so it has already been transferred from the railroad company to the other adjacent property owner.

Chairman: Any other questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Property Located in Riley Township, Sandusky County as Part of Project No. 71-19-02* was made by Chairman Hruby, seconded by Ms. Johnson, and approved by all Commission Members present. Resolution No. 8-2021.

Chairman: The resolution passes unanimously. Anything further. Tony?

Chief Engineer: No, Mr. Chairman that completes my report.

Chairman: Thank you. We will move on to the report of the Director of Administration, Matthew Cole.

Director of Administration: Thank you, Mr. Chairman and Commission Members. I have one resolution for your consideration this morning.

My resolution seeks Authorization for Payment for Routine and Incident-Based Fumigation Services to RKS Management – Biohazard Division in the amount of up to a maximum of \$750,000.00.

In response to Governor DeWine's Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic, the Commission immediately began taking precautionary measures, including purchasing cleaning supplies in an

effort to maintain a healthy and safe working environment for our employees who perform an essential function of operating the Turnpike, which is considered critical infrastructure.

Beginning April 13, 2020, the Commission began providing routine and incident-based fumigation services to disinfect the administration complex, all eight maintenance buildings, all 31 toll plazas, and all three Ohio State Highway Patrol Posts located on the Turnpike, as well as other buildings on the Turnpike, and as needed, Commission and OSHP vehicles and workstations pursuant to Resolution 55-2020. Hospital grade disinfectant has been used to sanitize workspaces to prevent the spread of COVID-19 and other infectious diseases. We have successfully mitigated the spread of COVID-19 at work locations, in part because of these emergency fumigation services.

On September 16, 2020, the Commission issued a Request for Proposals No. 6-2020 to select a company to perform routine and incident based COVID-19 Decontamination Services for an initial agreement term of one year, which may be extended for two additional, one-year periods. On October 27, 2020, 16 companies submitted proposals to provide the services. An evaluation team comprised of the Director of Administration, Director of Toll Operations, Safety Services Manager and Maintenance Operations Engineer II conducted a technical and subsequent fee proposals review. As a result of this competitive process, the team concluded that the proposal submitted by RKS delivers the best value in terms of service and price and recommends that an agreement be entered into with the company for a term of one (1) year at a cost of up to a maximum of \$750,000.00. RKS is a certified female owned, SBE company located in Ravenna, Ohio.

With your permission, Mr. Chairman, if the General Counsel would please read the title of the resolution.

General Counsel: Resolution Authorizing Agreement with RKS Management, Inc. for Routine and Incident Based COVID-19 Decontamination Services.

Chairman: Any questions?

Mr. Coviello: Mr. Chairman, is this standard across the industry? I also have a question for Dr. Marchbanks, are we doing something similar at ODOT?

Director of Administration: Mr. Chairman and Commission Member Coviello, I do believe this is becoming very standard and has over the course, unfortunately, the last year. This particular company, just for your knowledge, has been doing routine or fumigation. It currently does many public buildings and other companies that are required to work during the time, a lot of school systems, but I think more and more, yes, this is becoming standard.

Dr. Marchbanks: To the question directed towards ODOT, we do have firms conducting COVID-19 disinfection and cleaning in our twelve district offices and in the garages. Our own forces disinfect and clean according to protocols at our rest stops.

Chairman: Any further questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing Agreement with RKS Management, Inc. for Routine and Incident Based COVID-19 Decontamination Services* was made by Vice Chairman Paradiso, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 9-2021.

Chairman: The resolution passes unanimously. Anything further, Matt?

Director of Administration: No, that's all I have. Thank you so much.

Chairman: We will now move on to the report of the Director of Service Plaza Operations, Andrew Herberger.

Director of Service Plaza Operations: Good morning Mr. Chairman and Commission Members. This is Andrew Herberger, Director of Service Plaza Operations for the Ohio Turnpike. I have one resolution for your consideration this morning.

This resolution seeks the Commission's authorization to award an Agreement to provide Food and Retail Concessions at the Portage and Brady's Leap Service Plazas in Portage County for an initial term of 10 years with five – five-year extension options available. The expiration of the two previous concession service contracts was originally scheduled for May of 2020. However, at the request of both operators, contracts were terminated earlier than expected at the peak of the COVID-19 pandemic and temporary services were established until the timing was appropriate to issue a new RFP. The new RFP was delayed to allow operators time to assess the impact of the pandemic on their available resources.

Once assurances were received from various operators that there were adequate resources available to provide competitive proposals, the RFP for Food and Retail concessions was issued on September 24, 2020 with notices sent to approximately 35 companies. During the open process, Service plaza staff conducted site visits for interested firms and responded to questions during the open inquiry period. Proposals were due on December 4, 2020 and three were received. The respondents were 7-Eleven, of Irving, Texas; Petrogas Group d.b.a. Applegreen PLC, of Andover, Massachusetts; and AVI Foodsystems, of Warren, Ohio.

Before providing the proposals to the evaluation team, the Revenue Sharing information was separated. [From Dec. 7 – Dec. 21, 2020] Service Plaza Operations staff first conducted a technical evaluation of each company's solutions to perform the required scope of services including the:

Overall Mix of Concepts offered; Pro-forma sales and expense projections over the initial term; Operational and Business Plans that acknowledged all of the RFP's requirements; Build out and Occupancy of the available Unit Space; The use of technology to modernize services; Aesthetics and Design of the concessions; Facilities Management Plans; Customer Service & Marketing Plans; and each company's Experience, Qualifications & References providing services similar in size and scope.

The Office of Equity and Inclusion also reviewed the respondents' plans to meet the assigned goals for the Small Business Enterprise program and confirmed that all three companies demonstrated good faith efforts to meet these goals.

The SBE goal for the build out phase of this contract is for 15% of the construction of the concession units.

The SBE goal during the remaining term of the contract is for 10% of subcontracts to go to certified firms providing goods and services to support Operator's concession operations.

After the Technical Evaluation was completed and scored, Revenue Sharing Proposals designating the percentage of sales that each company offered were provided to the Evaluation Team.

Per the provisions in the Request for Proposal, terms were successfully negotiated with the highest ranked respondent, from which the final scores were calculated. Our evaluation indicated that all three companies submitted unique, responsive proposals and achieved the following combined Technical and Revenue scores; Applegreen scored 75.2 points; 7-Eleven scored 136.3 points; and AVI Foodsystems scored 148.8 points. This outcome indicates that AVI Foodsystems proposal to provide modern, comprehensive concession services will deliver the highest overall value to the Commission and best serve the interests of the traveling public and surrounding community over the life of the Agreement.

With your permission, may the General Counsel please read the title of the resolution.

General Counsel: Resolution Authorizing Agreement with AVI Foodsystems, Inc. for the Operation of Food and Retail Concessions at the Commission's Portage and Brady's Leap Service Plazas.

Chairman: Any questions or comments?

Mr. Coviello: Mr. Chairman, I am happy to see that we selected a nationwide company that has maintained its corporate headquarters in Northeast Ohio and has been a good corporate citizen through philanthropic efforts.

Mrs. Barber: I was curious to know what other concessions are going to be included or do we not know that besides Wendy's and Dunkin Donuts.

Director of Service Plaza Operations: Mr. Chairman and Commission Member Barber, the proposal offers Wendy's as the brand anchor for the Portage and Brady's Leap Service Plazas. Dunkin Donuts is the other national brand, as well as Jersey Mike's Subs and Freshens Fresh Foods, in addition to a complete retail store in the lobby of the plazas. So, there is a total of five concessions.

Mrs. Barber: I wanted to thank the Director for his emails that we have been getting in advance and especially this one because he provided a lot of additional details and that was very helpful in preparing for this meeting.

Chairman: Anything further? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing Agreement with AVI Foodsystems, Inc. for the Operation of Food and Retail Concessions at the Commission's Portage and Brady's Leap Service Plazas* was made by Mr. Coviello, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 10-2021.

Chairman: The resolution passes unanimously. Anything further, Andrew?

Director of Service Plaza Operations: That completes my report, Mr. Chairman.

Chairman: Thank you. We will not move on to the report of the Deputy Executive Director/CFO/Comptroller, Marty Seekely.

CFO/Comptroller/DED: Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of January and a review of the results of our recent bond transaction.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled continued to be impacted by the effect of COVID-19 and a few days of snow in January this year. As a result, passenger car vehicle miles traveled were down 12.2% in January. However, commercial traffic continued to increase and was up 7.3% in January.

The decrease in passenger car traffic combined with the toll rate increase on January 1 caused passenger car toll revenue to decrease 10.0% in January from the same month last year.

The increase in commercial traffic combined with the toll rate increase caused commercial vehicle toll revenues to increase 9.9% in January. This chart shows the weekly percentage change in total toll revenue from the corresponding week of last year. Since the major decline in April of last year, the change from last year has steadily improved.

More recently, toll revenues were up 5.4% week ending January 30th, down 0.5% week ending February 6th and up 2.2% week ending February 13th.

Last week, which is not on the chart and which was affected by four days of snow, toll revenue was down 10.5% from last year.

This chart shows year-to-date toll revenues through the month of January during each year over the past decade.

Year-to-date total toll revenues were \$724,000 or 3.2% above the amount from last year.

That completes my report on traffic and revenue. Next, I would like to provide a brief update on the results of our bond issuance.

On January 26th, the Commission sold bonds to generate \$170 million in proceeds to fund Turnpike construction projects. The sale went very well as we received \$842 million in orders or over six times the amount of the bonds offered. This enabled us to reduce the interest rate on the bonds by between five and six basis points.

On the screen is a summary of the bond issuance. We issued bonds with a par value of \$135,010,000 which are callable in 10 years. Since these bonds were issued with a 5% coupon, they were sold at a premium of \$42.8 million. This generated total proceeds of \$177.8 million. \$170 million of the proceeds were deposited to our Construction fund where they will be used to fund construction projects. \$6.7 million was deposited into the Senior Lien Debt Service Reserve Fund as required by the Master Trust Agreement. And \$1 million was used to pay the costs of issuing the bonds.

The interest rate yield to the call date is 1.56% and the yield to maturity is 3.23%. Since these bonds carry a 5% coupon, they will likely be refunded in 10 years, which will reduce the yield to maturity further.

That completes my report Mr. Chairman.

Chairman: Are there any questions for Marty? Hearing none, we will move on to the report of the General Counsel, Jennifer Stueber.

General Counsel: Good morning, Mr. Chairman and Commission Members. My report for you this morning is on the 5-year rule review that Ohio law requires us to do.

I have identified five rules that were due for their 5-year rule review, on May 24, 2021, which are Ohio Administrative Code Chapter 5537-9 titled "Accessing Confidential Personal Information." These five rules are specific to the Commission's employee's confidential information and the rules for accessing the Commission's employee's confidential information as required by Ohio Revised Code Section 1347.15.

Ohio Revised Code Section 5537.16 authorizes the Commission to adopt rules in accordance with Section 111.15 of the Ohio Revised Code.

Ohio Revised Code Section 111.15(B)(1) requires the Commission to review its rules every five years. When a rule is up for review, Ohio Revised Code Section 106.03 requires us to review based on the following:

(1) whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of Section 5537.16 of the Ohio Revised Code,

(2) whether the rule needs amendment or rescission to give more flexibility at the local level,

(3) whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is in compliance with the required procedures and standards set out in the Ohio Revised Code, and

(4) whether the rule duplicates, overlaps with, or conflicts with other rules.

After a thorough review by the management team, all five rules in Ohio Administrative Chapter 5537-9 were identified as “No Change” rules.

Ohio Revised Code Section 111.15(B) requires that once the review by the Commission is completed, that the Commission files the rule with the Joint Committee on Agency Rule Review (JCARR), the Common Sense Initiative (CSI), the Legislative Service Commission (LSC) and the Secretary of State. My recommendation is that each of these five rules be filed as a “No Change Rule.” The five “No Change” packages are identified in the resolution that is included in your packets today.

If you approve the resolution that I have prepared for your consideration, these five rules will be electronically filed with JCARR and CSI. Once they have gone through the JCARR and CSI process, and if no comments are received and CSI determines that there is no business impact, then these five rules will automatically become final unless further action is taken.

I am respectfully requesting Commission authority to begin the rule review process and I have prepared a resolution for your consideration and it is in your packets titled: Resolution Authorizing the Filing of Five “No Change Rules” with the Joint Committee on Agency Rule Review.

Chairman: Are there any questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing the Filing of Five “No Change Rules” with the Joint Committee on Agency Rule Review* was made by Mrs. Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 11-2021.

Chairman: The resolution passes unanimously. Anything further, Jennifer?

General Counsel: Mr. Chairman, that concludes my report.

Chairman: Thank you. We will now move on to the report of the Ohio State Highway Patrol, Staff Lieutenant William Haymaker.

Staff Lieutenant Haymaker: Good morning, Mr. Chairman and Commission Members. I have three incidents to share.

Trooper Jim Baker from Criminal Patrol stopped a vehicle on the Turnpike in Cuyahoga County for following too close. The odor of burnt marijuana was detected. During a pat down of the suspect, contraband was felt in his crotch area. The suspect voluntarily removed a baggy containing 40 grams of cocaine. He was traveling from Detroit to Morgantown WV. The vehicle was stopped for a moving violation eastbound on IR-80 near mile post 171 in Cuyahoga County.

On February 5, 2021, at 1921 hours, Trooper Joshua Cross (Unit 170) of the Hiram Highway Patrol Post initiated a traffic stop on the Ohio Turnpike in Portage County. The suspect was driving 91 mph and failed to stop when Trooper Cross activated his lights and siren. The pursuit reached speeds near 120 mph. The pursuit ended at the 209 Exit Plaza after 18 miles. Two Troopers were waiting at the exit. The driver stopped and both suspects were taken into custody without any further incident.

The driver was booked into the Portage County Jail with the following charges:

- Reckless operation
- Felony fleeing
- Driving without a valid license

The passenger was released to another agency, who had an active warrant for his arrest.

On January 31, 2021 at approximately 0339 hours, Trooper Kelsey L. McMillen, Unit 0972, of the Milan Post, stopped out with a disabled vehicle on Milepost 135. Trooper McMillen relayed the driver to get fuel and upon returning to the vehicle, she offered to jump the battery. When she raised the hood, she found a firearm in the engine compartment. Both the driver and the passenger fled on foot. Trooper McMillen was able to take the driver to the ground and place him in handcuffs. During the arrest, the suspect bit her on her right forearm. The passenger was located sometime afterwards and is in custody. The firearm was registered as stolen. Trooper McMillen was taken to Lorain's Mercy Hospital by squad for the injury to her arm.

That completes the report of the Ohio State Highway Patrol, Mr. Chairman.

Chairman: Any questions for Staff Lieutenant Haymaker? Thank you again for the service of yourself and the men and women of the Ohio State Highway Patrol.

The next meeting of the Ohio Turnpike and Infrastructure Commission will take place on March 15, 2021, via Microsoft Teams.

If there is no further business, I will accept a motion to adjourn the 682nd Commission Meeting.

MOTION: A motion to adjourn the 682nd Commission Meeting is made by Chairman Hruby, seconded by Vice Chairman Paradiso, and unanimously approved by all Commission Members present.

Time of adjournment: 10:55 a.m.

Attendees for Record Keeping Purposes:

Commission Members: Chairman Jerry Hruby, Vice Chairman, Timothy Paradiso, Secretary-Treasurer Sandra Barber, Commission Member Guy Coviello, Commission Member Vickie Eaton Johnson, Commission Member Dr. Jack Marchbanks, Office of Budget and Management Representative James Kennedy, and Senator Bill Reineke.

Other Attendees: Zach Stumpf, Scanner Media; Sarah Brown, HNTB; Bethany Pugh, PFM; Michael Burgess, Prime Engineering; Marty Bennett, Freshens; Richard Herrington, HNTB; James Eden, North Carolina DOT; Nate Podoll, Stantec; Robert Horr, Atkins Global; Jon Lorincz, AECOM; Sean Tihal, Stantec; Edward Brisbin, TransCore; Michael Avellano, Woolpert; Kevin Westover, Huntington; Maureen Shildwachter, Huntington; Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Myron Pakush, Ohio Department of Transportation; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Inez James, Douglas Turner, Ohio Turnpike; Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Bryan Emery, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Debby Sideris, Ohio Turnpike; Dana Brown, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; Donna Riolo, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

Approved as a correct record of the February 22, 2021
Meeting of the Ohio Turnpike and Infrastructure
Commission

Sandra K. Barber, Secretary-Treasurer

EXHIBITS

1. Resolution No. 6-2021 – Resolution Authorizing the Purchase of Sewer Truck from Jack Doheny Companies, Inc. Under the DAS Cooperative Purchasing Program for the Total Amount of \$430,462.00.
2. Resolution No. 7-2021 – Resolution Approving the Selection of Suburban Maintenance & Construction, Inc. for Project No. 99-20-06 for the Total Amount of \$168,430.00 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project.
3. Resolution No. 8-2021 – Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Property Located in Riley Township, Sandusky County as Part of Project No. 71-19-02.
4. Resolution No. 9-2021 – Resolution Authorizing Agreement with RKS Management, Inc. for Routine and Incident Based COVID-19 Decontamination Services.
5. Resolution No. 10-2021 – Resolution Authorizing Agreement with AVI Foodsystems, Inc. for the Operation of Food and Retail Concessions at the Commission’s Portage and Brady’s Leap Service Plazas.
6. Resolution No. 11-2021 – Resolution Authorizing the Filing of Five “No Change Rules” with the Joint Committee on Agency Rule Review.

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Sewer Truck from Jack Doheny Companies, Inc. Under the DAS Cooperative Purchasing Program for the Total Amount of \$430,462.00

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay-at-Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends that the Commission finds and determines that the purchase approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, under Resolution No. 32-2003, adopted on July 21, 2003, the Executive Director is authorized to participate in state contracts through the Ohio Department of Administrative Services (“DAS”) Cooperative Purchasing Program, through which members may purchase supplies, services, equipment and other materials in accordance with Ohio Revised Code Section 125.04; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations has determined that the purchase of a sewer vacuum truck is necessary for maintaining the Ohio Turnpike; and

WHEREAS, the Maintenance Department staff has recommended that the Vactor 2115-SE1-PLUS Combination Sewer Cleaner mounted on a Freightliner 114 SD 6x4 Cab and Chassis (“Sewer Vacuum Truck”) meets the requirements to perform its necessary operations; and

WHEREAS, the Sewer Vacuum Truck is available for acquisition through the DAS Cooperative Purchasing Program under DAS Contract Schedule No. 800724, Index No. STS670, through Jack Doheny Companies, Inc., of Twinsburg, Ohio, in the total amount of \$430,462.00; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission’s Code of Bylaws because the expenditures required to purchase the Sewer Vacuum Truck exceeds \$150,000.00; and

WHEREAS, the Executive Director and Chief Engineer have reviewed the recommendation of the Deputy Chief Engineer/Director of Field Operations and concur that the Commission should approve the purchase of the Sewer Vacuum Truck through Jack Doheny Companies under the DAS Cooperative Purchasing Program; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the purchase of Vactor 2115-SE1-PLUS Combination Sewer Cleaner mounted on a Freightliner 114 SD 6x4 Cab and Chassis from Jack Doheny Companies, Inc., through the DAS Cooperative Purchasing Program under Contract Schedule No. 800724, Index No. STS670, in the total amount of \$430,462.00, is approved; and

FURTHER RESOLVED that the Commission finds and determines that the purchase approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 6-2021 adopted February 22, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Suburban Maintenance & Construction, Inc. for Project No. 99-20-06 for the Total Amount of \$168,430.00 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site

memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, pursuant to Section 5537.04 of the Ohio Revised Code, the Commission has the power and authority to designate the locations and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable to ensure the proper operation and maintenance of the Ohio Turnpike, and prohibit entrance to such a turnpike project from any point not so designated; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Bridge Repairs on the Ohio Turnpike over Fostoria Road at Milepost 74.1 in Wood County, Ohio, and designated as Project No. 99-20-06 (the "Project"); and

WHEREAS, the Commission received four bids to perform the Contractor's obligations on the Project; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Suburban Maintenance & Construction, Inc., of North Royalton, Ohio, submitted the apparent low bid on the Project in the total bid amount of \$168,430.00; and

WHEREAS, the Staff Attorney determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of Suburban Maintenance & Construction, Inc. conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Suburban Maintenance & Construction, Inc. submitted a performance bond with good and sufficient surety; and

WHEREAS, the Manager of the Office of Equity and Inclusion waived the program requirements due to lack of opportunity and availability of certified firms; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Project No. 99-20-06 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Suburban Maintenance & Construction, Inc. as the lowest responsive and responsible bidder for the Project; and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer and Deputy Chief Engineer/Director of Field Operations' recommendation that the Commission approve the award of the Project to Suburban Maintenance & Construction, Inc. as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the Project is hereby declared to be necessary and appropriate for the proper operation and maintenance of the Ohio Turnpike and the bid of Suburban Maintenance & Construction, Inc. for Project No. 99-20-06 in the amount of \$168,430.00, is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission approves the Chief Engineer assigning AECOM Technical Services, Inc. to perform the necessary construction administration and inspection services for the Project in accordance with the Contract for Consulting Engineering Services from 2019 through 2023 between the Ohio Turnpike and Infrastructure Commission and said firm; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

(Resolution No. 7-2021 adopted February 22, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Property Located in Riley Township, Sandusky County as Part of Project No. 71-19-02

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay-at-Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the real property acquisition approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and

Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, for the purpose of maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire approximately 0.8019 acre parcel under the Turnpike bridge over the abandoned railroad in Riley Township, Sandusky County (near milepost 98.9), which said approximate 0.8019 acre parcel (as legally described as Parcel 1 on Exhibit A attached hereto and incorporated herein, “Parcel 1”) is a portion of the real estate described in the deed filed for record March 24, 1881 in Deed Volume 34 Page 566 of the Sandusky County, Ohio Records, which Parcel 1 currently has no permanent parcel identification number assigned; and

WHEREAS, for the purpose of accessing Parcel 1 during construction, the Commission additionally desires to acquire approximately 1.7317 acre parcel adjacent to Parcel 1 and which connects Parcel 1 to State Route 510 in Riley Township, Sandusky County, which said approximate 1.7317 acre parcel (as legally described as Parcel 2 on Exhibit A attached hereto and incorporated herein, “Parcel 2”) is a portion of the real estate listed in the Sandusky County Auditor’s Records as Parcel No. 08-23-00-0037-00.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Parcel 1 is necessary for the removal of the main line bridge and the filling in under it with soil embankment, and for the maintenance of the public roadway improvements therefor, all for the proper operation and maintenance of the Ohio Turnpike, as part of Design Project No. 71-19-02; and

FURTHER RESOLVED that the Commission hereby declares that said acquisition of Parcel 2 is necessary to provide the contractor access related to the removal of the main line bridge and the filling in under it with soil embankment, and for the maintenance of the public roadway improvements therefor, all for the proper operation and maintenance of the Ohio Turnpike, as part of Design Project No. 71-19-02; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapter 163, the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement for the purchase, or any such lesser real estate interest as recommended by both Chief Engineer and General Counsel, of Parcel 1 and Parcel 2, with the following entity identified to be the current owner of both Parcel 1 and Parcel 2:

Norfolk and Western Railway Company (formerly The Lake Erie and Western Railroad Company, formerly The New York Chicago and St. Louis Railroad Company),
c/o NORFOLK SOUTHERN CORPORATION
Three Commercial Place - Box 209
Norfolk, Virginia 23510

and such other persons or entities that have or may have an interest in said Parcel 1 and Parcel 2 or are otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title, or any such lesser real estate interest as recommended by both Chief Engineer and General Counsel, to Parcel 1 and Parcel 2 and any necessary easements on and over Parcel 1 and Parcel 2 described herein or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of Parcel 1 and Parcel 2 described herein may be commenced and completed; and

FURTHER RESOLVED that the Commission finds and determines that the real property acquisition approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 8-2021 adopted February 22, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Agreement with RKS Management, Inc. for Routine and Incident Based COVID-19 Decontamination Services in the Maximum Amount of \$750,000.00 for a 1 Year Term

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay-at-Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by f “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Director of Administration recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s

work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is currently performing Incident Based COVID-19 Decontamination Services pursuant to the expenditure approved by the Commission under Resolution No. 55-2020, adopted on August 17, 2020, and, on September 16, 2020, the Commission issued its Request for Proposals No. 6-2020 (“RFP”) to select a company to perform Routine and Incident Based COVID-19 Decontamination Services for an initial agreement term of one year, which may be extended for two additional, one-year periods; and

WHEREAS, on October 27, 2020, sixteen companies submitted proposals to provide Routine and Incident Based COVID-19 Decontamination Services to the Commission; and

WHEREAS, an Evaluation Team comprised of the Director of Administration, Director of Toll Operations, Safety Services Manager and Maintenance Operations Engineer II conducted the technical review of the proposals submitted; and

WHEREAS, based on the technical review, the Evaluation Team awarded the highest technical score to RKS Management, Inc. (“RKS”), of Ravenna, Ohio, a female-owned small business enterprise; and

WHEREAS, after the respondents were ranked by technical scores, the Evaluation Team reviewed the fee proposals submitted and, as a result of this competitive process, concluded that the proposal submitted by RKS delivers the best value in terms of service and price and recommends that an Agreement be entered into with that company for an initial term of one (1) year, with two additional one (1) year renewal terms, in the aggregate maximum total amount of \$2,250,000.00 (or \$750,000.00 per 12-month term); and

WHEREAS, expenditures under the Agreement to be awarded for Routine and Incident Based COVID-19 Decontamination Services 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 award; and

WHEREAS, the Staff Attorney has determined that all legal requirements have been performed and that the aforesaid proposals were solicited on the basis of the same terms, conditions and specifications with respect to all respondents, that RKS has provided evidence of its ability to provide all required insurance, and that the Commission may legally enter into an agreement with said company; and

WHEREAS, the Office of Equity and Inclusion Manager determined there were no available companies listed in the DAS or UCP registries and, on this basis, waived the SBE goal for this contract; and

WHEREAS, the Executive Director has reviewed the report of the Evaluation Committee and concurs with the recommendation that the agreement for Routine and Incident Based COVID-19 Decontamination Services be awarded to RKS; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the proposal submitted by RKS is determined to deliver the best value in terms of service and price of all proposals received in response to the Commission's RFP No. 6-2020 for Routine and Incident Based COVID-19 Decontamination Services and is hereby accepted; and

FURTHER RESOLVED that the Executive Director and/or General Counsel hereby are authorized to execute a contract with RKS Management, Inc. of Ravenna, Ohio for an initial one-year term in the maximum amount of \$750,000.00, in the form prescribed by the Commission pursuant to the RFP, provided that such changes to the form of agreement may be made when recommended by the Commission's General Counsel; and to take any and all action necessary or proper to carry out the terms of said contract.

FURTHER RESOLVED that the Commission finds and determines that the agreement approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Projects or increase its costs.

(Resolution No. 9-2021 adopted February 22, 2021)

OHIO TURNPIKE & INFRASTRUCTURE COMMISSION

Resolution Authorizing Agreement with AVI Foodsystems, Inc. for the Operation of Food and Retail Concessions at the Commission's Portage and Brady's Leap Service Plazas

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a "Stay at Home Order" which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay-at-Home Order, the Ohio Turnpike and Infrastructure Commission ("Commission") continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the "Director's Stay Safe Ohio Order," which was in effect through May 29, 2020 and subsequently revised by "Updated and Revised Order for Business Guidance and Social Distancing," dated May 29, 2020, and extended until rescinded or modified by the Director of Health or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission's contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission's website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Director of Service Plaza Operations recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and

Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, on September 24, 2020, in conformance with the requirements of Ohio Revised Code Section 5537.13, the Commission published notice of its Request for Proposals (“RFP”) for Food and Retail Concession Operations at the Portage and Brady’s Leap Service Plazas located at Milepost 197.0 in Portage County (Agreement No. 2020-SP-7-MCA-FRC); and

WHEREAS, on December 4, 2020, three Proposals for the operation of food and retail concessions were received from 7-Eleven, Inc., of Irving, Texas, Petrogas Group dba Applegreen PLC, of Andover, Massachusetts, and AVI Foodsystems, Inc., of Warren, Ohio; and

WHEREAS, an Evaluation Team consisting of staff from the Service Plaza Operations Department and Office of Equity and Inclusion reviewed the Proposals submitted and concluded that the best Proposal in terms of branding, financial and operational capabilities was submitted by AVI Foodsystems, Inc. and further indicated in the evaluation summary that AVI Foodsystems, Inc. has significant experience and expertise in operating food and retail concessions in the business, education, healthcare and leisure sectors; and

WHEREAS, Revenue Sharing Proposals were then unsealed; and

WHEREAS, AVI Foodsystems submitted the best Technical and Revenue Sharing Proposal, which was further negotiated by Commission staff, with the overall Proposal summarized as follows:

<u>Concessionaire</u>	<u>Brand Concepts</u>	<u>Payments to the Commission</u>
AVI Foodsystems, Inc.	<ul style="list-style-type: none">- Dunkin’- Jersey Mike’s- Freshens Fresh Food Kitchen- Wendy’s- Retail Store	<p>The Commission will get 10% of gross receipts, which is comprised of the following:</p> <ul style="list-style-type: none">(1) 5% of gross receipts of food and retail concessions,(2) 4% for property management, and(3) 1% for capital improvements made by the Commission. <p>The Commission will also receive an amount equal to 50% of the common area maintenance costs, which include utilities and janitorial services.</p> <p>AVI Foodsystems is contractually obligated to pay to the Commission a Minimum Guaranteed Payment of \$550,000 in Calendar Year 2022 for both Service Plazas if gross receipts do not exceed \$5,500,000.</p>

WHEREAS, the Commission’s Staff Attorney has determined that the AVI Foodsystems, Inc. proposal conforms to the requirements of Ohio Revised Code Sections 5537.07 and 5537.13, Proposals were solicited on the basis of the same terms and conditions with respect to all

respondents and potential respondents, AVI Foodsystems, Inc. has provided the requisite proposal guaranty and proof of insurance required under the RFP, and the Commission may legally accept said company's proposal; and

WHEREAS, the Executive Director has reviewed the recommendation of the Evaluation Team and, predicated upon their analysis, has made his recommendation to the Commission that Agreement No. 2020-SP-7-MCA-FRC be awarded to AVI Foodsystems, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposal submitted by AVI Foodsystems, Inc., of Warren, Ohio, for the performance of Food and Retail Concession Operations at the Portage and Brady's Leap Service Plazas is hereby accepted, and that the Executive Director and/or General Counsel are directed to: 1) execute Agreement No. 2020-SP-7-MCA-FRC with AVI Foodsystems, Inc. for an initial term of ten (10) years, 2) direct the return to each respondent of their proposal guaranty at such time as AVI Foodsystems, Inc. has entered into the Agreement with the Commission, 3) renew said Agreement for up to five (5) additional, five-year periods, and 4) take any and all action necessary to properly carry out the terms of said Agreement; and

FURTHER RESOLVED that the Commission finds and determines that the agreement approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Projects or increase its costs.

(Resolution No. 10-2021 adopted February 22, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Filing of Five “No Change Rules” with the Joint Committee on Agency Rule Review

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“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, the General Counsel has advised the Commission that the following Ohio Administrative Rules 5537-9-01, 5537-9-02, 5537-9-03, 5537-9-04, and 5537-9-05 are now up for review as required by Section 111.15 of the Ohio Revised Code; and

WHEREAS, the General Counsel has further advised the Commission that, as a result of the periodic administrative rule review required every five years pursuant to the requirements set forth in Section 111.15 of the Ohio Revised Code, all of the Ohio Administrative Rules 5537-9-01, 5537-9-02, 5537-9-03, 5537-9-04, and 5537-9-05 do not require change; and

WHEREAS, administrative rules previously adopted by the Commission in accordance with Section 5537.16 of the Ohio Revised Code that have been identified as not requiring revision must be filed with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State as “No Change Rules” in accordance with Section 119.03 of the Ohio Revised Code; and

WHEREAS, the Commission concurs that the process for adopting proposed amendments to the administrative rules, for promulgating a newly proposed rule, and for adopting “No Change Rules” should be initiated.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and/or General Counsel to initiate the process of submitting its “No Change Rules,” on Ohio Administrative Rules 5537-9-01, 5537-9-02, 5537-9-03, 5537-9-04, and 5537-9-05 in order to comply with the statutory rule-making requirements imposed by the Joint Committee on Agency Rule Review; and

FURTHER RESOLVED that the Commission shall be presented with an additional resolution once the aforementioned statutory procedures for filing the rules have been completed, which resolution shall authorize the filing in final form of all the administrative rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

(Resolution No. 11-2021 adopted February 22, 2021)