

**MINUTES OF THE 659th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
FEBRUARY 25, 2019**

Chairman: Good morning. Please stand and join me in reciting the *Pledge of Allegiance*.

The meeting will come to order. Have all guests signed the sign-in sheet in the Lobby? If not, please do so prior to leaving so we can maintain an accurate account of attendance.

Mr. Peterson is unable to attend today's meeting.

Will the Assistant Secretary-Treasurer please call the roll?

Assistant Secretary-Treasurer Martin Seekely: Chairman Hruby

Chairman Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Commissioner Timothy Paradiso: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner Guy Coviello: Here

Assistant Secretary-Treasurer: Ms. Johnson

Commissioner Vickie Eaton Johnson: Here

Assistant Secretary-Treasurer: Mr. Marchbanks

Commissioner Jack Marchbanks: Here

Assistant Secretary-Treasurer: Mr. Kauffman

Commissioner Kurt Kauffman: Here

Chairman: We have a quorum. This is the 659th Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting here at the Commission's headquarters, as provided for in the Commission's Code of Bylaws for a Commission Meeting.

Various reports will be received, and we will act on several resolutions. Draft copies have previously been sent to the Members and updated versions are in the Members' folders. The Resolutions will be explained during the appropriate reports.

May I have a motion to adopt the Minutes of the January 28, 2019, Commission Meeting? Any questions, comments, or additions? Hearing none, please call the roll.

MOTION: A motion to adopt the Minutes of the January 28, 2019, Commission Meeting was made by Mr. Paradiso and seconded by Chairman Hruby. All Commission Members present voted to approve the Minutes.

Chairman: The minutes are adopted. We will move on to the report of the Assistant Secretary-Treasurer, Marty Seekely.

Assistant Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on January 28, 2019:

1. Four Resolutions;
2. Draft Minutes of the January 28, 2019, 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 and Revenue Report, January 2019;
2. Total Revenue by Month and Year, January 2019;
3. Investment Report, January 2019; and
4. Financial Statement, January 2019.

That concludes my report, Mr. Chairman.

Chairman: As you all know, Marty Seekely was appointed as the Commission's Interim Executive Director and has done a marvelous job in that capacity and we would like to personally thank him for his service. With that being said, we have identified a person to fill the position as the Commission's Executive Director. We believe this person has the knowledge and the skills to guide the Commission in its future endeavors. As we move forward in technology and making the road better, the improvements that are coming in the future, all of the wonderful things and the partnerships that we have developed over the years, especially our partnership with ODOT, and with the Legislature, good things are going to continue to happen with this road. It is one of the finest in the nation and I am very proud to represent the Commission as its Chairman, but each and every one of these people sitting up here are the main reason why because they support the staff. I want to thank my colleagues on the Commission for the direction and for the leadership that they presented in the time. I move that we hold an executive session to consider the appointment of an Executive Director under the provisions of Ohio Revised Code Section 121.22(G)(1). At the end of such Executive Session, the Commission shall resume its open meeting.

MOTION: A motion to adjourn into Executive Session was made by Chairman Hruby, seconded by Mr. Paradiso, and approved by all Commission Members present.

Chairman: We are in Executive Session.

Time: 10:07 a.m.

Chairman: I move that we conclude the Executive Session pursuant to the provisions of Ohio Revised Code Section 121.22(G)(1).

MOTION: A motion to conclude the Executive Session was made by Chairman Hruby, seconded by Ms. Johnson, and approved by all Commission Members present.

Time of adjournment of Executive Session: 10:23 a.m.

Chairman: We are adjourned from Executive Session and will continue with our open meeting.

At this time, I would like to make a motion to adopt the *Resolution Authorizing the Appointment of Ferzan M. Ahmed as Executive Director, Effective February 25, 2019.*

May the General Counsel, Jennifer Stueber, please read the title of the resolution.

General Counsel: Resolution Authorizing the Appointment of Ferzan M. Ahmed as Executive Director, Effective February 25, 2019.

Chairman: We believe that Governor DeWine's recommendation of bringing you forth as the new Executive Director is a very positive thing for the Turnpike. The Governor is dedicated towards transportation, I think you all see that and recognize that, he is making some monumental steps in a positive way to bring funds to the program and one of the things that was very important to him was the Director of ODOT and he got an outstanding one in Jack Marchbanks and then next was the Director of the Ohio Turnpike and Infrastructure Commission, and now we have just that individual that we are going to be voting on, Ferzan Ahmed. I will just say this, I did have an opportunity to spend some time with this young man, and he is just an outstanding candidate. His background is wonderful, he has been in the private sector, he has worked with ODOT, Jack brought him on and promoted him. He was a Deputy Director. He has done it all and we look forward to good things. He knows the challenges before him. We are really looking forward to making this a great experience and I strongly recommend my colleagues to vote in favor of the appointment. Please call the roll.

MOTION: A motion to adopt the *Resolution Authorizing the Appointment of Ferzan M. Ahmed as Executive Director, Effective February 25, 2019,* was made by Mr. Paradiso, seconded by Mr. Marchbanks, and approved by all Commission Members present. Resolution No. 8-2019.

Chairman: The resolution passes unanimously. Congratulations, Mr. Ahmed. If you would like to say a few words.

Executive Director, Ferzan Ahmed: Chairman Hruby and Commission Members, thank you. I am grateful to so many people for this opportunity. You mentioned the nomination by our Governor, I am thankful for that. I am grateful to you, Sir, for your kindness and all of the time that you spent with me and helped me through this transition. I also want to talk about another person that I am very grateful to through all of the changes that I have been through in the last few years since I left ODOT, my doctor was making fun of me that after I left ODOT, I keep changing and every time I go and see him for my annual physical, I've got a new insurance company, so wait until I go see him again. But, fortunately, those changes have been for good reasons, for learning new things, for new opportunities, new challenges and just growing as a professional, and that has brought me here today. Throughout all of those changes, every time I have wanted to do something new, my wife, Cathy, would always look at me and say, "whatever it is you want to do, I support you." Without that support, I would not be standing here. Thank you, Cathy. My daughter is with us today as well. I thank you for being here as well. I appreciate that very much.

Chairman, I am fully aware of the wonderful job previous Executive Directors have done. A couple of people asked me if I feel that this is going to be a daunting task following such great leaders? Not at all, Sir, I will tell you why, because I was talking to our Director of Administration and he mentioned that there are approximately 990 people that run the operations of this organization and the Executive Director happens to be one of them which means I have the support of 989 others. So, I don't feel overwhelmed by this challenge, I feel challenged by this challenge, a bit of a play on words, but I am looking forward to this because those people are still here and those people are the ones who have made this organization a leading organization among its peer organizations in the United States of America and that is a big deal. I want to thank Mr. Seekely, he has done an outstanding job as the Interim Executive Director. He has been very helpful to me through my transition as well. It is my intention, as soon as physically possible, to meet each and every person who works for the Ohio Turnpike, shake their hand, thank them for what they do and ask them how I can serve them as their leader. The pillars of leadership are accountability and service. I intend to be accountable to all of you, to my family and the staff, and I intend to lead with service. I am very grateful for this opportunity. Thank you.

Chairman: Thank you. We will 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 is to reject the lone bid received for Project No. 59-19-01. This represented a contract for Repairs and Resurfacing of the Eastbound and Westbound Roadway between Mileposts 7.19 and 14.80, as well as the Partial Eastbound Shoulder Reconstruction from Mileposts 2.87 to 7.19 in Williams County. On February 5, 2019, Procurement received one (1) bid for this Project, with the lone bid being submitted by Gerken Paving, Inc. ("Gerken"), of Napoleon, Ohio, in the amount of \$13,247,915.64. The lone bid was more than 10% above the Engineer's Estimate and cannot be considered for award, and must be

rejected. It is recommended that the lone bid received for Project No. 59-19-01 be rejected, and the project be re-advertised. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Rejecting the Bid Received on Project No. 59-19-01 for the Mainline Repairs and Resurfacing.

Chairman: Any questions or comments?

Mr. Coviello: What is the reason for only one bid and why so high?

Chief Engineer: Mr. Chairman and Commission Member Coviello, unfortunately, out in Williams County we have this issue very often. Gerken Paving is really the only contractor out there that has a paving plant. As part of our plans, what we did is we put a note in there that allowed portable asphalt plants to be placed at our Toll Plaza 13. Unfortunately, it didn't entertain any other bidders to move into the area to allow that to happen.

Ms. Johnson: When we re-advertise, what will we do different to attract more bidders?

Chief Engineer: Mr. Chairman and Commission Member Johnson, unfortunately, there isn't a whole lot that we can do to attract more bidders because of the fact that there only a couple plants out there and they are both Gerken's plants. We will leave the portable asphalt plant option in there. One of the reasons that this bid was higher, is we did try to modify our maintenance of traffic plan. We were trying to get all of the barrels off of the road by the beginning of June and the end of August, which is somewhat unusual because that is the main part of the season, but it is also the highest peak travel times that we have and we only have two lanes of traffic out there. So, we actually had the contractor build this in the spring and in the fall with no barrels on the road in the summer. Now what we are doing is allowing the contractor to work some of the summer. We cut them off at the beginning of July and towards the middle of August. There will be about a month and a half that they won't be on the road doing that construction. We are looking for the prices to come down. The product will be better because we are going to move traffic over to one side of the road, doing bidirectional traffic and this way the contractor can get in and get out and doesn't have all of the phasing that the other concept required.

Mr. Paradiso: So, it is time-sensitive, as well? We need to get this done this year, correct?

Chief Engineer: Mr. Chairman and Commission Member Paradiso, correct. This project would actually be delayed for about four years because of our toll collection system that is going in from the zero to the 7.19 milepost and the partial depth reconstruction of the right shoulder is also part of that project. So, we are trying to do that this year so the contractor that comes in next year to do the toll collection system doesn't have that preliminary work that has to be done on another tight schedule.

Mr. Coviello: Can this project be tacked on to that project?

Chief Engineer: Mr. Chairman and Commission Member Coviello, no it can't because of the tight schedule of the next project. If we try to tack that on, they would never be able to get it done in the timeframe that is necessary for the pavement replacement job.

Mr. Marchbanks: What is the timeframe for the rebid?

Chief Engineer: Mr. Chairman and Commission Member Marchbanks, it is actually out on the street right now. We have a little over two and one-half weeks. We tried to go three weeks, but we are a little over two and one-half. We are, hopefully, bringing this to the next Commission Meeting with a good bid and a good estimate.

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

MOTION: A motion to adopt the *Resolution Rejecting the Bid Received on Project No. 59-19-01 for the Mainline Repairs and Resurfacing*, was made by Mr. Paradiso, seconded by Mr. Marchbanks, and approved by all Commission Members present. Resolution No. 9-2019.

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

Chief Engineer: The second resolution for your consideration seeks authorization to award Contract No. 43-19-02 for the removal of the Ohio Turnpike bridges over the abandoned railroad at Milepost 34.2, and the deck replacement and rehabilitation of the Ohio Turnpike bridges over State Route 108 at Milepost 34.5, and the County Route 14 bridge over the Ohio Turnpike at Milepost 35.2 all in Fulton County. This work is included in the 2019 Capital Improvement Budget. On February 13, 2019, Procurement received one (1) bid in response to this Project. The lone bid was submitted by Kokosing Construction Company, Inc. ("Kokosing"), of Westerville, Ohio, in the amount of \$8,623,609.96, which is about 4.2% below the Engineer's Estimate of \$9,000,000.00. This bid was evaluated by both the design consultant, GPD Group, of Cleveland, Ohio, as well as Commission staff and was found to contain no errors or anomalies. Kokosing 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 Kokosing has sufficient capacity to perform this project. Therefore, it is recommended that the Commission award Contract No. 43-19-02 to Kokosing Construction Company, Inc., of Westerville, Ohio, in the amount of \$8,623,609.96. This resolution also contains provisions to assign GPD Group, of Cleveland, Ohio, to perform construction administration and inspection services, and CTL Engineering, Inc., of Brunswick, Ohio, a Commission certified MBE/SBE, to perform material testing services. With your permission, may the General Counsel please read the title of the Resolution.

General Counsel: Resolution Approving the Selection of Kokosing Construction Company, Inc. for the Bridge Removal, Deck Replacement and Rehabilitation of Three Bridges Under Project No. 43-19-02 for the Total Amount of \$8,623,609.96 and Approving the Assignments of GPD Group and CTL Engineering, Inc. to Perform Professional Services on the Project.

Chairman: Any questions or comments?

Mr. Marchbanks: I am pleased to see that the subcontractor make up has SBEs, DBEs, and MBEs who are doing things other than trucking. That is a very good thing, particularly with the percentages I am seeing on this contract.

Chief Engineer: Thank you. Mr. Chairman and Commission Member Marchbanks, I will give that credit to our Office of Equity and Inclusion, Diana Anthony and Mark Musson, the Director of Contract Administration.

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

MOTION: A motion to adopt the *Resolution Approving the Selection of Kokosing Construction Company, Inc. for the Bridge Removal, Deck Replacement and Rehabilitation of Three Bridges Under Project No. 43-19-02 for the Total Amount of \$8,623,609.96 and Approving the Assignments of GPD Group and CTL Engineering, Inc. to Perform Professional Services on the Project*, was made by Chairman Hruby, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 10-2019.

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

Chief Engineer: The final resolution for your consideration seeks authorization for the purchase of two (2) aerial bucket trucks, with the cab and chassis of the trucks purchased under the Ohio Department of Transportation's ("ODOT's") Cooperative Purchasing Program Contract Number 023-19 and the aerial bucket truck bodies purchased under the Ohio Department of Administrative Services Cooperative Purchasing Program, State Term Contract Index No. STS515, Schedule No. 800463. The purchase of these aerial bucket trucks are included in the 2019 Capital Budget and is required to replace existing 2005 aerial bucket trucks. The Procurement Manager has determined that the lowest cost of obtaining the two (2) aerial bucket trucks is to purchase the cab and chassis under ODOT's Cooperative Purchasing Program from Cleveland Freightliner, Inc. dba Valley Freightliner, of Parma, Ohio, in the amount of \$146,988.00, and to purchase the aerial bucket truck bodies and installation, under the Ohio Department of Administrative Services Cooperative Purchasing Program from Utility Truck Equipment, Inc., of Circleville, Ohio, in the amount of \$307,800.00. The total combined cost for the two (2) aerial bucket trucks will be \$454,788.00. In addition, the existing 2005 aerial bucket trucks shall be disposed of in accordance with the Commission's Property Disposal Policy after the new trucks are placed into service. With your permission, may the General Counsel please read the title of the Resolution?

General Counsel: Resolution Authorizing the Purchase of Two Truck Cab and Chassis from Cleveland Freightliner, Inc. in the Amount of \$146,988.00 and Two Aerial Bucket Truck Bodies from Utility Truck Equipment, Inc. in the Amount of \$307,800.00 Under the ODOT and DAS Cooperative Purchasing Programs for the Total Amount of \$454,788.00.

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

MOTION: A motion to adopt the *Resolution Authorizing the Purchase of Two Truck Cab and Chassis from Cleveland Freightliner, Inc. in the Amount of \$146,988.00 and Two Aerial Bucket*

Truck Bodies from Utility Truck Equipment, Inc. in the Amount of \$307,800.00 Under the ODOT and DAS Cooperative Purchasing Programs for the Total Amount of \$454,788.00, was made by Ms. Johnson, seconded by Mr. Paradiso, and approved by all Commission Members present. Resolution No. 11-2019.

Chairman: The resolution passes unanimously. Anything further?

Chief Engineer: That completes my report Mr. Chairman.

Chairman: Thank you. We will move on to the report of our General Counsel, Jennifer Stueber.

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

I've identified five rules that were due for their 5-year rule review, on December 31, 2018 and January 1, 2019, respectively.

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 requires the Commission to review its rules every five years. When a rule is up for review, we look to determine: (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 were identified as "No Change" rules.

In accordance with applicable statutory provisions, including ORC Section 111.15 of the Ohio Revised Code, I recommend that the Commission initiate the process by filing with the Joint Committee on Agency Rule Review (JCARR), the Common Sense Initiative (CSI), the Legislative Service Commission (LSC) and the Secretary of State a "No Change Rule" for the five rules that are identified in the resolution that is included in your packets today.

If you approve, 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's 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: Any questions or comments?

Mr. Coviello: On 5537-4-05, why does the federal government get a free pass on the Turnpike?

General Counsel: There is a statutory provision in the Revised Code Section 5537, which prohibits free passage except for military vehicles, so the rule amplifies the 5537 code section.

Chairman Hruby: Do you want to just give a brief accounting of this so those seated behind you understand better and those seated in front of you would also.

General Counsel: The Ohio Revised Code is where the state legislature has authorized the Commission to act and has all of its powers and authorities, and included in 5537.16 the state legislature has said to the Commission, you can make up your own rules as to the procedures of how to carry-out your responsibilities of maintaining the road. Those rules are codified, as they are for each agency within the state, in the Ohio Administrative Code. Several years ago, the state legislature decided that a best practice would be to review all of these rules that have been on the books for some time and set the standard of every five years, every state agency, including the Commission, must review all of these rules. We believe it is a good practice, and along with all of the other state agencies, we do continually look at our rules to see whether or not updates need to be implemented. At this point, we have the five rules that are up for rule review. We have taken the month of January and a little bit into February, we have talked about them in connection with the toll collection system that we will be implementing over the next year or two. We may need some changes to comport with that, but at this time we have all of the rules that are on our books and we do not believe any rule needs to be changed at this time.

Mr. Coviello: What was the rationale at the time that the law was put into place, but on the federal vehicles, and it says, "in the discharge of their duties," does that include just passing through, if they are just using our Turnpike to get from somewhere out-of-state to somewhere out-of-state? Are there other cases where they would pay to use our road?

General Counsel: Based on my experience, if a military convoy comes through and when I say convoy, we usually get some kind of notice, and there is a long line of federal vehicles, I coordinate with Director Sharon Isaac and the gates are lifted.

Mr. Coviello: That would make sense to me. I was just thinking more in terms of a single EPA car.

General Counsel: No.

Mr. Coviello: It does not get a free pass.

General Counsel: No, with no notice. They pull up like everybody else and there is no indication that they are with the federal government and they are not in a marked car. I would say the more typical situation is the convoys coming through whether it is the state or the federal, we get notice. Cory Skoczen, our Manager of Safety Services, also coordinates with the Ohio State Highway Patrol and we make sure that there are not any problems.

Mr. Marchbanks: So, if someone from the Federal Highway Administration was leaving Pennsylvania and wanted to get to Chicago and they had a Federal plate on their vehicle, when they use the Ohio Turnpike, they would or would not have to pay the tolls?

General Counsel: Probably not.

Chairman Hruby: The resolution is just about reviewing the rules and now we are talking about specific rules. We had it earlier when I first came on the Commission about this. There was a problem at the time if you recall, and I will just come out and say it, there were some that thought that because they had a certain state or federal car, they could go fishing up in the islands, which it is not what it is for, it is in the line of duty and, again, a convoy is obvious. A convoy pulls up and as you said they announce that, they let us know and the gates are opened. I hope that those of you in the audience don't think that the Turnpike is obstructionist to let federal, state, or any agency on during the time of their official business. I know our emergency vehicles come on the Turnpike and assist frequently and they have never had a problem getting on and getting off. They are very good about that.

General Counsel: We work very closely with all of the local governments for emergency services. We have non-revenue transponders for them. We have a good system to work closely with them, so when we do have an incident on the mainline, that is addressed immediately.

Chairman: Any rule changes or anything that comes out of this is going to come back here anyhow, correct?

General Counsel: Yes. So, if this resolution is passed this morning, the process begins with the filing with JCARR. We file simultaneously with CSI to see if there is a business impact. Typically, with "no change" rules, there is no business impact, but we still let CSI know. If there are no comments, the rule will automatically stay on the books and there will not be any changes. If there are comments, I will come back to you and let you know and you can decide what the next step is.

Chairman: Thank you. Please call the roll.

MOTION: A motion to adopt the *Resolution Authorizing the Filing of Five "No Change Rules" with the Joint Committee on Agency Rule Review*, was made by Chairman Hruby, seconded by Mr. Marchbanks, and approved by all Commission Members present. Resolution No. 12-2019.

Chairman: The resolution passes unanimously. We will move on to the report of our Interim Comptroller, Lisa Mejac.

Interim Comptroller: Thank you, Mr. Chairman, I have a brief update on traffic and revenue this morning.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled were down 4.0% in January. The last two weeks of January this year were negatively impacted by snow and cold winter weather.

Commercial traffic continued to benefit from the strong economy and as a result was 0.5% higher than January of last year.

The decrease in passenger car traffic caused passenger car toll revenue to decrease 2.7% in January.

The slight increase in commercial traffic combined with the toll rate increase on January 1 caused commercial vehicle toll revenues to increase 2.5% in January.

This chart shows toll revenues for the month of January during each year over the past decade. Total toll revenues for January were \$143,000 or 0.7% above the amount from last year.

That completes my report, Mr. Chairman.

Chairman: Thank you. Any question or comments? Hearing none, we will move on to the report of the Ohio State Highway Patrol, Staff Lieutenant Travis Hughes.

Staff Lieutenant Hughes: Good morning, Mr. Chairman and Commission Members. I am going to highlight three traffic stops.

A traffic stop occurred on January 23, 2019, in Summit County. A vehicle was stopped for a traffic violation. Criminal indicators were observed. A K-9 indicated to the odor of an illegal controlled substance. A subsequent search of the vehicle revealed twenty-five pounds of marijuana in a Home Depot box. The driver was a Florida resident. The approximate street value was \$75,000.00.

The next stop occurred on February 7, 2019, in Summit County. A vehicle was stopped for a traffic violation. A K-9 indicated to the odor of an illegal controlled substance. A subsequent search revealed fourteen pounds of marijuana, along with marijuana edibles, ten grams of solid hash and sixteen grams of hash oil. The approximate street value of this seizure was \$37,000.00.

Lastly, most notably, occurred on February 10, 2019, in Portage County. A vehicle was stopped for a traffic violation. A K-9 indicated to an odor of an illegal controlled substance. A probable cause search revealed three and a half pounds of fentanyl inside a stuffed animal that was on the back seat. Again, I hope you realize the lives saved from the amount of fentanyl being

taken off of the street. The street value of that seizure was just over \$1 million. Due to an ongoing investigation with this subject and vehicle, I cannot disclose additional details about that stop.

That concludes my report, Mr. Chairman.

Chairman: Thank you, Staff Lieutenant Travis Hughes. Keep up the good work.

The next meeting will be held on March 18, 2019, at 10:00 a.m. If there is no further business, I will accept a motion to adjourn.

MOTION: A motion to adjourn the Commission Meeting is made by Chairman Hruby, seconded by Mr. Coviello and unanimously approved by all Commission Members present.

Time of adjournment: 10:56 a.m.

Attendees for Record Keeping Purposes:

David Buchanan, AECOM; Maureen Shildwachter, Huntington; Jake Siesel, IUOE 18; Halle Jones Capers, G. Stephens; Beth Fulton, TRC; Mike Kline, GPI; Myron Pakush, ODOT; Allen Biehl, TranSystems; Dave Ray, JMT; Nabil Farah, TranSystems; Hassan Zahran, CTL; Mo Darwish, GPD Group; Todd Majidzadeh, Resource International; Biaggio Impala, Huntington National Bank; Kevin Westover, Huntington National Bank; Ferzan M. Ahmed, P.E., Ohio Turnpike; Mrs. Cathy Ahmed; Ms. Yasmeen Ahmed; Anthony Yacobucci, Ohio Turnpike; Martin Seekely, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Matt Cole, Ohio Turnpike; Denise Criscuolo, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Mark Musson, Ohio Turnpike; Diana Anthony, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Joseph Mannion, Ohio Turnpike; Adam Greenslade, Ohio Turnpike; and Brian Newbacher, Ohio Turnpike.

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

Secretary-Treasurer, Michael A. Peterson

EXHIBITS

1. Resolution No. 8-2019 – Resolution Authorizing the Appointment of Ferzan M. Ahmed as Executive Director, Effective February 25, 2019;
2. Resolution No. 9-2019 – Resolution Rejecting the Bid Received on Project No. 59-19-01 for the Mainline Repairs and Resurfacing;
3. Resolution No. 10-2019 – Resolution Approving the Selection of Kokosing Construction Company, Inc. for the Bridge Removal, Deck Replacement and Rehabilitation of Three Bridges Under Project No. 43-19-02 for the Total Amount of \$8,623,609.96 and Approving the Assignments of GPD Group and CTL Engineering, Inc. to Perform Professional Services on the Project;
4. Resolution No. 11-2019 – Resolution Authorizing the Purchase of Two Truck Cab and Chassis from Cleveland Freightliner, Inc. in the Amount of \$146,988.00 and Two Aerial Bucket Truck Bodies from Utility Truck Equipment, Inc. in the Amount of \$307,800.00 Under the ODOT and DAS Cooperative Purchasing Programs for the Total Amount of \$454,788.00; and
5. Resolution No. 12-2019 – 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 Appointment of Ferzan M. Ahmed as Executive Director, Effective February 25, 2019

WHEREAS, Martin Seekely has served as the Interim Executive Director since January 14, 2019, and the Commission wishes to thank Mr. Seekely for his service to the Commission during this period; and

WHEREAS, the Executive Director serves at the pleasure of the Commission and compensation for this position is established by the Chairman in accordance with the authority granted under Article I, Section 2.00 of the Commission's Code of Bylaws dated July 1, 2013; and

WHEREAS, the Chairman has recommended to the Commission that Ferzan M. Ahmed be appointed as the new Executive Director effective February 25, 2019; and

WHEREAS, Mr. Ahmed has disclosed to the Commission that his former employer, AECOM Technical Services, Inc. (AECOM), is currently providing consulting and various engineering services to the Commission pursuant to certain written contracts which have been approved by this Commission; and

WHEREAS, Mr. Ahmed has represented to the Commission that he no longer maintains any relationship or receives any financial benefit from AECOM as his former employer, nor does he have any relationship or financial gain resulting from any contract entered into between the Commission and AECOM, whether AECOM is the primary contractor or a subcontractor; and

WHEREAS, the Interim Executive Director/CFO/DED has advised the Commission that there are contracts between AECOM and the Commission pending and currently being performed, and those that are currently being performed are in good standing, and the Interim Executive Director/CFO/DED recommends that all said current and pending contracts between the Commission and AECOM be administered by the Chief Engineer without the input or oversight by the Executive Director to prevent any appearance of or actual conflict of interest; and

WHEREAS, the Commission has reviewed the information disclosed by Mr. Ahmed, the Commission has considered the recommendation made by Interim Executive Director/CFO/DED, and the Commission concurs with said recommendation by the Chairman to appoint Mr. Ahmed as the Executive Director; and

WHEREAS, the Chairman has also recommended to the Commission that Ferzan M. Ahmed, as the Executive Director, shall also serve as the Assistant Secretary-Treasurer of the Commission.

NOW, THEREFORE, BE IT

RESOLVED that Ferzan M. Ahmed is hereby appointed to the position of Executive Director of the Commission effective February 25, 2019, to serve at the pleasure of the Commission; and

FURTHER RESOLVED that Ferzan M. Ahmed shall be authorized to perform all of the duties and powers granted to the Executive Director as governed by Article V, Section 1.00 of the Commission's Code of Bylaws dated July 1, 2013, excepting therefrom: Mr. Ahmed shall recuse himself of all responsibility and oversight on any contract with AECOM if such responsibility and oversight would present a potential or an appearance of a conflict; and

FURTHER RESOLVED that the Chairman is authorized and directed to execute all paperwork necessary to employ Ferzan M. Ahmed as the new Executive Director and to establish his terms of employment and compensation; and

FURTHER RESOLVED that Ferzan M. Ahmed is appointed to serve as the Assistant Secretary-Treasurer effective February 25, 2019, and is authorized to perform all duties set forth in Article I, Section 5.10 of the Commission's Code of Bylaws dated July 1, 2013; and

FURTHER RESOLVED that Martin Seekely shall return to the position of Deputy Executive Director/CFO/Comptroller effective as of the date of the adoption of this Resolution; and

FURTHER RESOLVED that for any and all contracts that have been entered into between AECOM and the Commission, or which have been awarded to AECOM, that the Chief Engineer shall have all authority, responsibility, oversight and administration of such contracts in the event that the new Executive Director has recused himself to avoid any actual or appearance of a conflict of interest on said contracts; and

FURTHER RESOLVED that it is hereby determined that all formal actions of the Commission relating to the adoption of this Resolution were taken in an open meeting, and that all deliberations of the Commission and of its committees, if any, which resulted in formal action were in meetings open to the public, in full compliance with Section 121.22 of the Ohio Revised Code.

(Resolution No. 8-2019 adopted February 25, 2019)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Rejecting the Bid Received on Project No. 59-19-01 for the Mainline Repairs and Resurfacing

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law to advertise an Invitation for Bids on a contract to repair and resurface the mainline roadway between Milepost 7.19 and Milepost 14.80 and to perform partial eastbound shoulder reconstruction between Milepost 2.87 and Milepost 7.19 in Williams County, Ohio, designated as Project No. 59-19-01 (the “Project”); and

WHEREAS, the Commission received one bid to perform the Contractor’s obligations on the Project, and the Chief Engineer’s report analyzing the bid is before the Commission; and

WHEREAS, the Commission’s Chief Engineer and Deputy Chief Engineer report that the bid received is more than ten percent over the Engineer’s Estimate and recommend that the bid be rejected; and

WHEREAS, the Commission’s Director of Contracts Administration advises the Commission that the Commission’s discretion to select bids received in excess of ten percent of the Engineer’s estimate for award is limited under the Bidding Documents for the Project pursuant to Sections 5537.02(A) and 153.12 of the Ohio Revised Code; and

WHEREAS, based on the reports submitted by the Chief Engineer, the Deputy Chief Engineer and the Director of Contracts Administration, the Interim Executive Director concurs with their recommendation that the Commission should reject the lone bid on the Project; and

WHEREAS, the Commission has duly considered said recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid received in response to Project No. 59-19-01 is rejected.

(Resolution No. 9-2019 adopted February 25, 2019)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Kokosing Construction Company, Inc. for the Bridge Removal, Deck Replacement and Rehabilitation of Three Bridges Under Project No. 43-19-02 for the Total Amount of \$8,623,609.96 and Approving the Assignments of GPD Group and CTL Engineering, Inc. to Perform Professional Services on the Project

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a Contract for the removal of the Ohio Turnpike Bridge over the Abandoned Railroad at Milepost 34.2 and the deck replacement and rehabilitation of the Ohio Turnpike Bridge over State Route 108 at Milepost 34.5 and the County Route 14 Bridge over the Ohio Turnpike at Milepost 35.2 in Fulton County (“Project No. 43-19-02”); and

WHEREAS, the Commission received one bid to perform the Contractor’s obligations on the Project, and the report of the Commission’s Chief Engineer and Deputy Chief Engineer concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer report that Kokosing Construction Company, Inc., of Westerville, Ohio (“Kokosing”), submitted the apparent low bid on Project No. 43-19-02 in the total bid amount of \$8,623,609.96, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Director of Contracts Administration advises that bids for Project No. 43-19-02 were solicited from all bidders on the basis of the same terms, conditions and specifications, that the bid of Kokosing for Project No. 43-19-02 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that Kokosing submitted a performance bond with good and sufficient surety and made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project; 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. 43-19-02 that will exceed \$150,000.00; and

WHEREAS, the Commission’s Chief Engineer, Deputy Chief Engineer and the Director of Contracts Administration recommends the Commission select Kokosing as the lowest responsive and responsible bidder for Project No. 43-19-02; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Kokosing Construction Company, Inc. for Project No. 43-19-02 in the amount of \$8,623,609.96 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 Executive Director and the Chief Engineer are authorized to assign Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Group, of Cleveland, Ohio, to perform all necessary construction administration and inspection services in accordance with its contract previously authorized under Resolution No. 46-2017, and assign CTL Engineering, Inc., of Brunswick, Ohio, to perform the necessary materials testing services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts as a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract awards, 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. 10-2019 adopted February 25, 2019)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Two Truck Cab and Chassis from Cleveland Freightliner, Inc. in the Amount of \$146,988.00 and Two Aerial Bucket Truck Bodies from Utility Truck Equipment, Inc. in the Amount of \$307,800.00 Under the ODOT and DAS Cooperative Purchasing Programs for the Total Amount of \$454,788.00

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 Ohio Turnpike and Infrastructure Commission (“Commission”) is authorized further to participate in contracts awarded by the Ohio Department of Transportation (“ODOT”) under its Cooperative Purchasing Program for the purchase of machinery, materials, supplies, or other articles in accordance with Section 5513.01(B) of the Ohio Revised Code; and

WHEREAS, the Deputy Chief Engineer has determined that the purchase of two aerial bucket trucks is necessary to replace two existing aerial bucket trucks used for operating and maintaining the Ohio Turnpike that have reached the end of their viable economic life and are recommended for disposal under the Commission’s Property Disposal Policy; and

WHEREAS, the Maintenance Department staff has recommended that the Freightliner M2-106 cab and chassis outfitted with a Versalift manufactured VST-600-I body meet the requirements to perform its necessary operations; and

WHEREAS, the truck cab and chassis are available for acquisition through the ODOT Cooperative Purchasing Program, and the Procurement Manager has determined that the lowest cost of obtaining the two truck cab and chassis is under ODOT Invitation 023-19 from Cleveland Freightliner, Inc. dba Valley Freightliner, of Parma, Ohio, in the total amount of \$146,988.00; and

WHEREAS, the aerial bucket truck bodies are available for acquisition and installation through the DAS Cooperative Purchasing Program, and the Procurement Manager has determined that the lowest cost to obtain the two aerial bucket truck bodies with installation is under DAS Contract Schedule No. 800463, Index No. STS515, from Utility Truck Equipment, Inc., of Circleville, Ohio, in the total amount of \$307,800.00; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission’s Code of Bylaws because the expenditure required to purchase the two truck cab and chassis and the two aerial bucket truck bodies exceeds \$150,000.00; and

WHEREAS, the Executive Director and Chief Engineer have reviewed the evaluation and report of the Deputy Chief Engineer and concur with the recommendation that the Commission approve the purchase of the two truck cab and chassis from Cleveland Freightliner, Inc. through the ODOT Cooperative Purchasing Program, and acquire the two aerial bucket truck bodies and

installation from Utility Truck Equipment, Inc. 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 two truck cab and chassis from Cleveland Freightliner, Inc., through the ODOT Cooperative Purchasing Program under Invitation 023-19, in the total amount of \$146,988.00, is approved; and

FURTHER RESOLVED that the purchase of two installed aerial bucket truck bodies from Utility Truck Equipment, Inc., through the DAS Cooperative Purchasing Program under DAS Contract Schedule No. 800463, Index No. STS515, in the total amount of \$307,800.00, is approved.

(Resolution No. 11-2019 adopted February 25, 2019)

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 Executive Director and the Commission that the following Ohio Administrative Rules 5537-1-01, 5537-4-02, 5537-4-04, 5537-4-05, and 5537-7-01 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 Executive Director and 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, Ohio Administrative Rules 5537-1-01, 5537-4-02, 5537-4-04, 5537-4-05, and 5537-7-01 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 Common Sense Initiative, the Legislative Service Commission and the Secretary of State as “No Change Rules” in accordance with Section 111.15 of the Ohio Revised Code; and

WHEREAS, the Commission concurs that the process for adopting “No Change Rules” should now be initiated for Ohio Administrative Rules 5537-1-01, 5537-4-02, 5537-4-04, 5537-4-05, and 5537-7-01.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the Executive Director and General Counsel to initiate the process of submitting five “No Change Rules,” on Ohio Administrative Rules 5537-1-01, 5537-4-02, 5537-4-04, 5537-4-05, and 5537-7-01 in order to comply with the statutory rule-making requirements imposed by the Joint Committee on Agency Rule Review.

(Resolution No. 12-2019 adopted February 25, 2019)