

**MINUTES OF THE 559<sup>th</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**  
**March 22, 2010**

**Chairman:** (10:08 a.m.) The meeting will come to order. Will the Assistant Secretary-Treasurer please call the roll?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Here

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

**Mr. Regula:** Here

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

**Mr. Dixon:** Here

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

**Mr. Kidston:** Here

**Assistant Secretary-Treasurer:** I believe that's it, do you want me to read the rest of the names Mr. Chairman?

**Chairman:** Yes, please do. That will tell us who isn't here today.

**Assistant Secretary-Treasurer:** Bonnie Teeuwen, Mr. Kaplanov, Mr. Jerse, Senator Patton and Representative Hagan.

**Chairman:** They all indicated that they would not be here. We have a number of guests here today and in keeping with past practices I'd like everyone to introduce themselves.

**Those in attendance:** Andrea Plassard, Financial Consultant; David Miller, Director of Internal Audit, Ohio Turnpike; Kathleen Clark, Fifth Third Securities; Jennifer Diaz, Legal Department, Ohio Turnpike; Heidi Jedel, Executive Office, Ohio Turnpike; Neil Gresham, URS; Kathy Weiss, Director of Contracts Administration, Ohio Turnpike; Roger Hannay, Ohio State Highway Patrol; Mitch McCoy, KCI Associates; Frank Bronzo, KCI Associates; Todd Cooper, dck north america; Nick Spinabelli, dck north america; Doug Hedrick, Assistant Chief Engineer, Ohio Turnpike; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Allan Johnson, retired from the Ohio Turnpike; Carol Zanin, CFO/Comptroller's Office, Ohio Turnpike; Karen Farkas, Plain Dealer; Don Glosser, Crawford, Murphy & Tilly; Lou Dixon, Crawford, Murphy & Tilly; Tom James, IUOE #18; Don Taggart, Operators Union Local 18; Jack Reed *inaudible* Freight; Chris Hopkins, Key Bank; Glen Stephens, G. Stephens; Sam Khorshid, Resource International; Frank Lamb, Huntington Bank; Daniel Van Epps, West

Virginia University; Stefan Holmes, First Merit Bank; Lauren Hakos, Public Affairs & Marketing Manager, Ohio Turnpike; Sandy Turk, Visitor.

**Chairman:** Thank you. This is the 559<sup>th</sup> meeting of the Ohio Turnpike Commission. We are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws for a Special Meeting. Various reports will be received and we will act on several resolutions, draft copies have previously been sent to the Members and updated drafts 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 February 22, 2010 Commission Meeting?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Call the roll please?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

**Chairman:** If there are no questions; we'll proceed with the report of the Secretary-Treasurer, which will be given by Mr. Dixon.

**Secretary-Treasurer:** Thank you Mr. Chairman. The following items have been sent to the Members since the last scheduled meeting of the Commission on February 22, 2010 as read:

1. Minutes of the February 22, 2010 Commission Meeting
2. Traffic and Revenue Report, February, 2010
3. Total Revenue by Month and Year, February, 2010

4. Investment Report, February, 2010
5. Traffic Crash Summary Report, February, 2010
6. Financial Statement, February, 2010

Mr. Chairman that completes my report and would happy to try and answer any questions.

**Chairman:** Any questions for Mr. Dixon? Thank you Mr. Dixon.

**Mr. Dixon:** Thank you Mr. Chairman.

**Chairman:** Next we will have the report of the Executive Director, Mr. Distel.

**Executive Director:** Thank you Mr. Chairman. I have a very short report today. Obviously, we have six resolutions for your consideration as you can see our Engineering Department and our Contract Division have been very, very busy. I want to give you just an update on our Voluntary Separation Incentive Program. In 2008, we had a net loss of eight full-time toll collectors. In 2009, we had a net loss of seventeen full-time toll collector positions for a combined total of twenty-five. Since we are unable to reduce staff solely through attrition, it was agreed to offer full and part-time toll collectors the opportunity to voluntarily resign or retire from the Ohio Turnpike Commission employment. The Voluntary Separation Incentive Program was communicated to field toll collectors November 30, 2009. Part-time summary, seventy-nine part-time toll collectors participated in the program by the deadline, which was January 31<sup>st</sup>. Of this number, seventy-one ended their employment by February 1<sup>st</sup>, while eight will retire between April 1<sup>st</sup> and November 1<sup>st</sup>. Fourteen employees will collect \$5,000, thirty-four will collect \$10,000, and thirty-one will collect \$15,000 for their participation in this program for a total of \$875,000. Thirty-eight part-time toll collectors left in the West, sixteen resigned or retired from the Central Division and twenty-five from the East. A full-time summary is as follows: forty-one, now this says forty, but forty-one we had one sign up today, full-time toll collectors have now signed up to participate by today. The deadline for the paperwork for participation is the end of the month, March 31<sup>st</sup>. Of this forty-one, seventeen will resign by March 31<sup>st</sup>, fourteen will retire by June 30<sup>th</sup>, and nine will resign by November 30<sup>th</sup>. Eleven full-time toll collector reductions will occur in the West and fourteen in the Central and fifteen in the East. The estimated payroll at this time for full-time is \$1.4 million, so the total program at this time looks like it will encompass a total payout of \$2.275 million.

I also want to bring you up-to-date in our quest to hire a CFO/Comptroller. We have received by last Sunday, over forty applications. Myself, and staff have reviewed those forty applications, we have whittled it down to nine people that we will interview starting later this week. Once we again, come down to about three or four, Mr. Chairman, if you don't mind I'll share with the rest of the Commission Members that Joe will then sit in with us and staff, along with Executive Staff to meet with those three or four finalists. Our hope is to have somebody on board by the end of April. With that Mr. Chairman, I'd be happy to answer any questions.

**Chairman:** Two comments I'd make, if any other Commission Member would like to go ahead and participate in that feel free. If you'd send them the information when the interviews are, I think everyone should have an opportunity if they so desire. I have a quick question for you. Seventy-nine part-time, forty-one full-time, can you just tell us again what was our objectives?

**Executive Director:** We had always hoped Mr. Chairman that we would get to about fifty full-time and about ninety part-timers. We are very, very close and we still have a little bit of time until the end of the month. Indications are that we will still have a few more full-timers sign up, but we are very, very close to where we ideally need to be with the new toll collection system and the electronic tolling system.

**Chairman:** Thank you. Commission Members any questions? Thank you for your report. Next we will go to the Chief Engineer since he has all of the excitement. You can see that we are now spending our dollars and cents on construction projects instead of just the E-ZPass system. Dan?

**Chief Engineer:** Thank you Mr. Chairman, Commission Members. I have six resolutions for your consideration this morning. The first is a resolution awarding a contract for currency and coin pick-up and delivery services. On January 25<sup>th</sup>, the Commission issued a Request for Proposals for Currency and Coin Pick-Up and Delivery Services at our thirty-one toll plazas for a contract term commencing April 1, 2010 for a two-year period with the possibility of one two-year renewal term. We received responses from two companies to perform the required services. An evaluation team consisting of the Director of Toll Operations, Accounting Manager and Senior Internal Auditor reviewed the proposals. As a result of this review this team is recommending an award to Brink's US, a division of Brink's Incorporated of Cleveland, Ohio. Brink's not only submitted the highest technical proposal, but their price proposal was also the lowest of the two RFP's. The first term for the first two years is for a total of \$854,376.12. The second term at the Commission's option predicated on satisfactory performance of the first term is at a total of \$893,228.42. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Proposal submitted by **Brink's U.S. of Cleveland, Ohio** in the amounts of:

<b>First Term:</b>	<b><u>First-year</u></b> <b>\$422,975.16</b>	<b><u>Second-year</u></b> <b>\$431,400.96</b>	<b><u>Total</u></b> <b>\$854,376.12</b>
<b>Second Term:</b>	<b><u>Third-year</u></b> <b>\$442,167.26</b>	<b><u>Fourth-year</u></b> <b>\$451,061.16</b>	<b><u>Total</u></b> <b>\$893,228.42</b>

is, and is by the Commission determined to be, the **best** of the Proposals received in response to the Commission's Request for Proposals for Currency and Coin Pickup and Delivery Services, and is accepted; and

FURTHER RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to execute a Contract with Brink's U.S. for a two (2) year term commencing **April 1, 2010**, with an option to extend the Contract for one (1) additional two (2) year term predicated upon a favorable performance evaluation from the Director of Toll Operations, and further authorizes them to take any and all action necessary or proper to carry out the terms of said Proposal and said Contract; and

FURTHER RESOLVED that the Commission directs the return of the proposal guaranty provided by all RFP respondents with their Proposals as soon as said Contract with Brink's U.S. is executed.

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

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Dixon:** Second.

**Chairman:** Questions or discussion on it? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

#### **RESOLUTION NO. 6-2010**

##### **Resolution Awarding Contract for Currency and Coin Pickup and Delivery Services**

WHEREAS, on January 25, 2010, the Commission issued its Request for Proposals ("RFP") for Currency and Coin Pickup and Delivery Services at its thirty-one (31) toll plaza locations, six (6) days per week, fifty-two (52) weeks per year, excluding bank holidays, for a

Contract term commencing April 1, 2010 for a period of two (2) years, with one (1) possible two (2) year renewal term; and

WHEREAS, expenditures for the Contract to be awarded 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 the award of said Contract; and

WHEREAS, the Commission's RFP was advertised in four (4) newspapers of general circulation in major cities along the Ohio Turnpike and *The Daily Reporter*, and copies of the RFP were mailed to twelve (12) companies identified as participants in the armored car industry; and

WHEREAS, Proposals were duly opened on February 18, 2010, with two (2) companies timely presenting Proposals to furnish the above-mentioned services for the Commission; and

WHEREAS, an Evaluation Team consisting of the Commission's Director of Toll Operations, the Accounting Manager, and the Senior Internal Auditor reviewed the Proposals submitted and awarded Technical Scores to each, after which Price Proposals submitted by both respondents were unsealed and scored by the Purchasing Manager; and

WHEREAS, as a result of this process, the Evaluation Team has recommended that the Contract be awarded to **Brink's U.S., (a Division of Brink's, Incorporated) of Cleveland, Ohio**, which submitted the following Price Proposal:

<b>First Term:</b>	<b><u>First-year</u></b> <b>\$422,975.16</b>	<b><u>Second-year</u></b> <b>\$431,400.96</b>	<b><u>Total</u></b> <b>\$854,376.12</b>
<b>Second Term:</b>	<b><u>Third-year</u></b> <b>\$442,167.26</b>	<b><u>Fourth-year</u></b> <b>\$451,061.16</b>	<b><u>Total</u></b> <b>\$893,228.42</b>

*(Based on an estimated 302 pickup and delivery days each year, which consists of pickups and deliveries six (6) days per week Monday through Saturday, fifty-two (52) weeks per year, excluding ten (10) Bank Holidays recognized by the Federal Reserve.)*

WHEREAS, the Director of Contracts Administration advises that: 1) the Proposals in response to the Commission's RFP were solicited on the basis of the same terms and conditions and the same specifications, 2) due and full consideration has been given to the Proposals received, the respondents' qualifications and their abilities to perform the required services, and 3) Brink's U.S. has provided a proposal guaranty and evidence of its ability to provide the required performance bond and insurance as set forth in the RFP; and

WHEREAS, the Executive Director has reviewed the Evaluation Team's and the Director of Contracts Administration's written recommendations and, predicated on their analysis, concurs that the Contract for Currency and Coin Pickup and Delivery Services be awarded to Brink's U.S.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposal submitted by **Brink's U.S. of Cleveland, Ohio** in the amounts of:

<b>First Term:</b>	<b><u>First-year</u></b> <b>\$422,975.16</b>	<b><u>Second-year</u></b> <b>\$431,400.96</b>	<b><u>Total</u></b> <b>\$854,376.12</b>
<b>Second Term:</b>	<b><u>Third-year</u></b> <b>\$442,167.26</b>	<b><u>Fourth-year</u></b> <b>\$451,061.16</b>	<b><u>Total</u></b> <b>\$893,228.42</b>

is, and is by the Commission determined to be, the **best** of the Proposals received in response to the Commission's Request for Proposals for Currency and Coin Pickup and Delivery Services, and is accepted; and

FURTHER RESOLVED that the Executive Director and Director of Contracts Administration hereby are authorized to execute a Contract with Brink's U.S. for a two (2) year term commencing **April 1, 2010**, with an option to extend the Contract for one (1) additional two (2) year term predicated upon a favorable performance evaluation from the Director of Toll Operations, and further authorizes them to take any and all action necessary or proper to carry out the terms of said Proposal and said Contract; and

FURTHER RESOLVED that the Commission directs the return of the proposal guaranty provided by all RFP respondents with their Proposals as soon as said Contract with Brink's U.S. is executed.

**(Resolution No. 6-2010 adopted March 22, 2010)**

**Chief Engineer:** Thank you. The second resolution is the resolution awarding a contract for the furnishing and installation of diesel emission reduction devices on a portion of our truck fleet pursuant to Invitation 4130. The Commission may recall that in November of last year the Commission authorized Resolution No. 30-2009, which authorized the Executive Director to execute an agreement with the Ohio Department of Development to accept diesel emission reduction grant funds. This resolution pertains to approximately \$189,600 of the total grant to be utilized for installation of fuel operated cab heaters and diesel reduction mufflers on a portion of our fleet. The invitation was divided into four groups, Group I was for fifty-five fuel operated cab heaters, Group II was for eleven diesel oxidation catalyst mufflers, Group III was for two diesel multi-stage filtered mufflers and Group IV was for sixteen diesel oxidation catalyst mufflers. Bidders were given an option to bid a combination bid for all four groups. We received five bids in response to the subject invitation. The apparent low bid was submitted in the form of a combination bid for all four groups by W.W. Williams, Midwest, Inc., of Brunswick, Ohio in the total amount of \$137,948. The total amount is below the estimate and this bidder proposed to furnish materials in accordance with the specifications. Since the bids were approximately \$50,000 below the total allocated funds of \$189,600 a request may be made

to amend the grant agreement to allow for additional purchases of up to \$189,600 to equip additional trucks. If General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Combination Bid of **W.W. Williams, Midwest, Inc.** of **Brunswick, Ohio**, in the total amount of **\$137,948.00** for Groups I, II, III and IV under Invitation No. 4130, is, and is by the Commission, determined to be the lowest responsive and responsible of all bids received, and is accepted; and

FURTHER RESOLVED that the Executive Director and the Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bids, 2) direct the return to each of the bidders of their bid security, when appropriate, 3) authorize additional purchases under the Contract if it is deemed in the Commission's best interest, and 4) take any and all action necessary or proper to carry out the terms of said Contract; and

FURTHER RESOLVED that the Executive Director and the General Counsel, or either of them, hereby are authorized to execute any amendment necessary to the final grant agreement executed by and between the Ohio Turnpike Commission and the Ohio Department of Development to allow for the savings incurred during the bidding process for Invitation No. 4130 to be utilized for the purchase of additional diesel emission reduction devices under the Contract with W.W. Williams, Midwest, Inc.

**Chairman:** Motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Discussions, questions about the resolution before us?

**Mr. Regula:** Just one if I may. Dan, in the future is this going to be mandatory on all trucks being produced? These types of systems? I know there's a change coming up here because the trucking industry has been saying: buy your trucks now because change is coming. But is it the same type of equipment that will be mandatory in the future?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, yes, a portion of the mufflers are in the newer fleets that are being manufactured today, the diesel cab heaters that were options. Trucks would not require those in the future.

**Mr. Regula:** And would it be something probably that as we move forward and buy new equipment that we would be putting into the bid specs on any equipment we get in the future?



**Chief Engineer:** Yes.

**Mr. Regula:** Thank you.

**Chairman:** Any further questions? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog.

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

#### **RESOLUTION NO. 7-2010**

##### **Resolution Awarding a Contract for Furnishing and Installation of Diesel Emission Reduction Devices on Ohio Turnpike Medium and Heavy Duty Diesel Trucks under Invitation No. 4130**

WHEREAS, via Resolution 30-2009, the Commission accepted a National Clean Diesel Funding Assistance Grant in conjunction with the American Recovery and Reinvestment Act of 2009, which funds are to be used for the purpose of reducing fuel consumption, operating vehicles on biodiesel fuel, and reducing fuel emissions; and

WHEREAS, under the final grant agreement executed by and between the Ohio Turnpike Commission and the Ohio Department of Development, \$189,600 of the Grant is to be utilized for installation of fuel operated cab heaters, diesel oxidation catalyst mufflers, and diesel multi-stage filter mufflers on a portion of the Commission's diesel truck fleet; and

WHEREAS, in accordance with the final grant agreement, the Commission advertised for bids under Invitation No. 4130 for the Furnishing and Installation of Diesel Emission Reduction Devices on Ohio Turnpike Medium/Heavy Diesel Trucks, and specifically for the following Groups: Group I - fifty-five (55) Fuel Operated Cab Heaters, Group II - eleven (11) Diesel Oxidation Catalyst Mufflers, Group III - two (2) Diesel Multi-stage Filter Mufflers, and Group IV - sixteen (16) Diesel Oxidation Catalyst mufflers in combination with Closed Crankcase Ventilation Units; and

WHEREAS, bidders were also given the option of submitting a Combination Bid for all four (4) Groups; and

WHEREAS, on February 19, 2010, the Commission received five (5) bids in response to the various Groups within Invitation No. 4130; and

WHEREAS, said bids were reviewed and analyzed by the Commission's Maintenance Engineer, whose report concerning said analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that the low bid for **Groups I, II, III and IV** was submitted in the form of a Combination Bid by **W.W. Williams, Midwest, Inc. of Brunswick, Ohio**, in the total amount of **\$137,948**; and

WHEREAS, the Maintenance Engineer further indicates that the apparent low bid is below the estimate, and that this bidder proposes to furnish the specified diesel emission reduction devices in accordance with the Specifications, and is, therefore, the lowest responsive and responsible bidder; and

WHEREAS, the Contract Documents for Invitation No. 4130 include an option for the Commission to purchase additional diesel emission reduction devices based on the unit costs quoted, and since the bid for the devices was well below the \$189,600 allocated under the final grant agreement, a request may be made to amend the grant agreement to allow for additional purchases; and

WHEREAS, inasmuch as expenditures for the Contract to be awarded under Invitation No. 4130 could exceed \$150,000, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is requested for the award of said Contract; and

WHEREAS, the Director of Contracts Administration has advised the Commission that W.W. Williams, Midwest, Inc. qualifies for consideration under the Commission's "Buy Ohio Bid Preference" policy, and has further advised that: 1) bids for Invitation No. 4130 were solicited on the basis of the same terms and conditions and the same specifications, 2) the bid of W.W. Williams, Midwest, Inc. for Invitation No. 4130 conforms to the requirements of Ohio Revised Code Section 5537.07 and Section 9.312, and 3) a bid guaranty and performance bond of good and sufficient surety bond has been submitted by W.W. Williams, Midwest, Inc.; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation to the Commission that the Contract for Invitation No. 4130 be awarded to the lowest responsive and responsible bidder for Groups I, II, III and IV to W.W. Williams, Midwest, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Combination Bid of **W.W. Williams, Midwest, Inc. of Brunswick, Ohio**, in the total amount of **\$137,948.00** for Groups I, II, III and IV under Invitation No. 4130, is, and is by the Commission, determined to be the lowest responsive and responsible of all bids received, and is accepted; and

FURTHER RESOLVED that the Executive Director and the Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bids, 2) direct the return to each of the bidders of their bid security, when appropriate, 3) authorize additional purchases under the Contract if it is deemed in the Commission's best interest, and 4) take any and all action necessary or proper to carry out the terms of said Contract; and

FURTHER RESOLVED that the Executive Director and the General Counsel, or either of them, hereby are authorized to execute any amendment necessary to the final grant agreement executed by and between the Ohio Turnpike Commission and the Ohio Department of Development to allow for the savings incurred during the bidding process for Invitation No. 4130 to be utilized for the purchase of additional diesel emission reduction devices under the Contract with W.W. Williams, Midwest, Inc.

**(Resolution No. 7-2010 adopted March 22, 2010)**

**Chief Engineer:** The third resolution is a resolution awarding Contract No. 4131 for applying pavement markings on the Ohio Turnpike's mainline roadway and interchange ramps from milepost 0 to milepost 241.2. We received bids from five bidders in response to the subject contract. The lowest bid was submitted by Aero-Mark, Inc., of Streetsboro, Ohio in the total amount of \$754,457. The total amount is below the engineer's estimate for this project. Furthermore, this bidder has performed satisfactorily for the Commission in the past. Would the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid of **Aero-Mark, Inc. of Streetsboro, Ohio**, in the total amount of **\$754,457.00** under Invitation No. 4131 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Executive Director and Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; 2) direct the return to the bidders of their bid security, when appropriate; and 3) take any and all action necessary or proper to carry out the terms of said Contract.

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

**Mr. Dixon:** So moved.

**Chairman:** Is there a second.

**Mr. Regula:** Second.

**Chairman:** Questions or discussion on the resolution? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

#### **RESOLUTION NO. 8-2010**

##### **Resolution Awarding a Contract to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike's Mainline Roadway and Interchange Ramps**

WHEREAS, the Commission duly advertised according to law for bids under Invitation No. 4131 for furnishing and applying retro-reflective pavement markings on the Ohio Turnpike's mainline roadway and interchange ramps located in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull and Mahoning Counties, Ohio (*Milepost 0.0 to Milepost 241.2*); and

WHEREAS, expenditures for the Contract to be awarded 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 the award of said Contract; and

WHEREAS, on March 3, 2010, the Commission received bids from five (5) bidders in response to said Invitation; and

WHEREAS, said bids were reviewed and analyzed by the Commission's Maintenance Engineer, whose report concerning said analysis is before the Commission; and

WHEREAS, the Maintenance Engineer reports that the lowest responsive and responsible bid for the performance of the work under Invitation No. 4131 was submitted by **Aero-Mark, Inc.** of **Streetsboro, Ohio** in the total amount of **\$754,457.00**, which bid is below the

Commission's estimated expenditure for this Contract, and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Invitation No. 4131 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Aero-Mark, Inc. for Invitation No. 4131 conforms to the requirements of Ohio Revised Code Sections 5537.07, Section 9.312 and Section 153.54, and that a bid guaranty and performance bond of good and sufficient surety has been submitted by Aero-Mark, Inc.; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Maintenance Engineer and the Director of Contracts Administration and, predicated upon such analysis, has made his recommendation to the Commission that the Contract for Invitation No. 4131 be awarded to the lowest responsive and responsible bidder, Aero-Mark, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Aero-Mark, Inc. of Streetsboro, Ohio**, in the total amount of **\$754,457.00** under Invitation No. 4131 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Executive Director and Director of Contracts Administration, or either of them, hereby is authorized to: 1) execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; 2) direct the return to the bidders of their bid security, when appropriate; and 3) take any and all action necessary or proper to carry out the terms of said Contract.

**(Resolution No. 8-2010 adopted March 22, 2010)**

**Chief Engineer:** Thank you the next resolution is a resolution authorizing amendment to Construction Management Services Agreement with dck north america. In July 2007, the Commission advertised an RFP to provide construction management services for the reconstruction of the Indian Meadow/Tiffin River Service Plazas in Williams County, Ohio. As a result of the technical review process it was concluded that Dick Corporation of Cleveland, Ohio, was the most qualified firm to perform the construction management services. It is noted that since this time, the assets of Dick Corporation have been acquired by dck worldwide holdings inc. and the request was made to our Contracts Department and granted to assign the agreement to dck north america. An agreement for the Phase I preconstruction services was established in the not to exceed amount of \$113,982.50. Since we're proceeding with the construction of the plazas on March 12<sup>th</sup> of 2010, dck submitted a fee proposal in the amount not to exceed \$1,944,049.53 to perform the construction management services for this project for the Commission. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the Commission authorizes the Executive Director and the Director of Contracts Administration to execute the amendment to the

previously awarded Construction Management Services Agreement with **dck north america, LLC** for the performance of construction phase services, all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto.

**Chairman:** Motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Mr. Balog:** Questions or discussions? Just one I have for you Dan, I see that quite often we receive information from you that you have been involved in negotiations and I see the report that says the negotiated fee proposal has been deemed to be appropriate and reasonable by the Chief Engineer. Is this a negotiated number that you have been involved in?

**Chief Engineer:** Yes it is Mr. Chairman. They not only are hourly rates are not only capped by our rates, by our maximums, but also with their overhead factor. This was negotiated down from approximately \$2.1 million. It represents approximately 6% of the total contract award that I'll be referring to in the next resolution. Very competitive and along the same lines that the past construction management agreements that we had with our other service plaza reconstruction projects.

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

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

## **RESOLUTION NO. 9-2010**

### **Resolution Authorizing Amendment to Construction Management Services Agreement with dck north america, LLC (Project No. 71-07-04)**

WHEREAS, on March 6, 2007, the Commission published notice of its Request for Proposals ("RFP") for Project No. 71-07-04 seeking Construction Management Services during reconstruction of the Indian Meadow and Tiffin River Service Plazas located at Milepost 20.8 in Williams County, Ohio; and

WHEREAS, in conformance with the requirements set forth in Ohio Revised Code Section 9.331, on July 13, 2007, the Commission advertised its RFP to select a pre-qualified firm to provide the aforementioned Construction Management Services, and on August 14, 2007, the Commission received proposals from three (3) firms.

WHEREAS, the Commission's Engineering staff reviewed and ranked the proposals and concluded that **Dick Corporation of Cleveland, Ohio** was most qualified to perform the Construction Management Services; and

WHEREAS, an Agreement for Phase 1 pre-construction design development and drawing review services, and Phase 2 pre-award document and bid review services in a not-to-exceed amount of **\$113,982.50** was executed with Dick Corporation based on the Chief Engineer's recommendation; and

WHEREAS, the Commission has been advised by its Director of Contracts Administration that said RFP selection process and the selection of Dick Corporation conformed with the requirements of Ohio Revised Code Section 9.331, and Sections 153.65 to 153.71, and that proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, On December 15, 2010, the Commission was informed that the assets of Dick Corporation had been acquired by dck worldwide holdings, Inc., and a request was made to assign the Construction Management Services Agreement for Project No. 71-07-04 to **dck north america, LLC of Large, Pennsylvania** (an affiliate of dck worldwide); and

WHEREAS, on February 23, 2010, after having reviewed the request for assignment and received all appropriate documentation, the Executive Director gave his consent, and the Agreement was accordingly assigned to dck north america, LLC; and

WHEREAS, On March 12, 2010, dck north america submitted its fee proposal for Phase 3 construction services in the not-to-exceed amount of **\$1,944,049.53**, which fee proposal has been deemed to be appropriate and reasonable by the Chief Engineer who recommends that the dck north america Agreement be modified to add the construction phase services; and

WHEREAS, the total not-to-exceed amount of the Construction Management Services Agreement will now be in excess of the \$150,000.00 spending authority granted the Executive

Director under the Commission's Bylaws and, therefore, the amendment to the Agreement for performance of the Phase 3 construction services requires Commission approval; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs that the proposed amendment to the Agreement with dck north america, LLC to add performance of Phase 3 construction services should be approved by the Commission; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission authorizes the Executive Director and the Director of Contracts Administration to execute the amendment to the previously awarded Construction Management Services Agreement with **dck north america, LLC** for the performance of construction phase services, all in accordance with the terms and conditions of the Commission's Request for Proposals and its responses thereto.

**(Resolution No. 9-2010 adopted March 22, 2010)**

**Chief Engineer:** The fifth resolution is awarding the construction contract for Contracts 53-10-01 and 53-10-02 for reconstruction of the Indian Meadow/Tiffin River Service Plazas located in Williams County, Ohio at milepost 20.8. The contract was divided into bid packages representing the five trades, Site Work-Bid Package A, General Trades-Bid Package B, HVAC/Mechanical-Bid Package C, Plumbing-Bid Package D and Electrical Bid Package E. Bidders were also given the option to submit a combined bid for all of the aforementioned packages. The Site Work, Bid Package A also requested alternate bids for asphalt concrete, which was Alternate A and roller compacted concrete Alternate B. We received bids from sixteen bidders on this project, no combination bids were received. The Director of Contracts Administration has advised that the apparent low bidder for Bid Package E, the electrical trades that was submitted by Vaughn Industries has requested to withdraw their bid due to an unintentional clerical error. The Director of Contracts Administration is further recommending that the Commission approve the withdrawal request. The remaining low bids have been reviewed and are as follows:

Bid Package A - Site Work, Miller Brothers Construction Company, Inc., Archbold, Ohio, in the amount of \$13,463,850.75. This is recommended with Alternate B, the roller compacted concrete pavement. Bid Package B - General Trades, Rudolph/Libbe, Inc., Walbridge, Ohio, in the amount of \$9,990,000.00. Bid Package C - HVAC/Mechanical, and Bid Package D, Plumbing, L.R. Babcock Plumbing & Heating, Inc., Napoleon, Ohio. Bid Package C amount of \$2,183,000.00 and Bid Package D \$1,123,000.00. And finally Bid Package E - Electrical was submitted by the Romanoff Electric Company, LLC, Toledo, Ohio, in the amount of \$3,018,789.00. All bids are below the Engineer's estimate. Bidders in response to Bid Packages A and B have performed satisfactorily in the past with the Commission. References for the bidders for Bid Packages C, D and E have been contacted with favorable results. The resolution also includes provisions to assign dck north america of Large,



Pennsylvania, to the contract for Construction Services in the accordance with the agreement that was just approved by the Commission. It also includes provisions to assign Richard L. Bowen and Associates Inc. of Cleveland, Ohio, to the contract for performing Construction Administration Services specific to the buildings in accordance with the agreements specific with the agreement to the contract. CT Consultants of Willoughby, Ohio, for the purposes of performing Construction Administration Services specific to the sites, again with the agreements specific to the project. Hull Associates of Toledo, to the contract for assigning Environmental Engineering Services and finally Solar Testing Laboratories of Brooklyn Heights, Ohio, for the purpose of Performing Materials Testing and Inspection in accordance with their 2009 and 2010 General Engineering Services Agreement. If the General Counsel would please read the Resolved?

**General Counsel:** RESOLVED that the bid withdrawal request of Vaughn Industries, LLC for the Electrical Trades Work (Bid Package E), is deemed to be in accordance with the requirements of Article 4 of the Instructions to Bidders for Contract No. 53-10-01 and 53-10-02, as well as Ohio Revised Code Section 9.31, which govern bid withdrawals, and is hereby approved; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,778,639.75** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-10-01 and 53-10-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc. of Archbold, Ohio** in the amount of **\$13,463,850.75**, the General Trades Contract with **Rudolph/Libbe, Inc. of Walbridge, Ohio** in the amount of **\$9,990,000.00**, the Plumbing Contract and the HVAC/Mechanical Contract with **L.R. Babcock Plumbing and Heating, Inc. of Napoleon, Ohio** in the respective amounts of **\$2,183,000.00** and **\$1,123,000.00**, and the Electrical Contract with **Romanoff Electric Company, LLC of Toledo, Ohio** in the amount of **\$3,018,789.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of the bidders of their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **dck north america, LLC of Large, Pennsylvania** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and dck north america, LLC, as previously authorized by the Commission on this date; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc. of Cleveland, Ohio** (the Project Architect) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio

Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 39-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CT Consultants of Willoughby, Ohio** (the Project Site Design Consultant) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and CT Consultants, as previously authorized by Resolutions 10-2007 and 40-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hull & Associates of Toledo, Ohio** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering Services Agreement specific to this Project between the Ohio Turnpike Commission and Hull & Associates, as previously authorized by Resolutions 24-2006 and 4-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Solar Testing Laboratories, Inc., of Brooklyn Heights, Ohio** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2009-2010 General Engineering Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc.; and

**[FURTHER RESOLVED that Project No. 53-10-01 and 53-10-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

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

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Questions for Dan?

**Mr. Regula:** Mr. Chairman, Dan, realizing we are just awarding this, best case scenario, when would you expect we open the doors of this facility?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, we are hoping by Memorial Day of 2012, 11, we don't want to make it any longer than it is.

**Chairman:** So, a year plus project. Dan, could you...since we took the alternative B for the parking lot, can you help me out? What is roller compacted concrete?

**Chief Engineer:** Well Mr. Chairman, roller compacted concrete is an innovative material that I wish Commission Member Teeuwen was here, because we went out on an ODOT project and viewed this material being put down. It's material that is batched on site, it's batched through a pug mill instead of a typical concrete plant that you would see. With that they're able to use much less water in the material and it also reduces the cement content, content. It's put down as a very, very thick, very low slump material. Actually that's after it's put down it's screeded off, it's actually compacted with a roller. The reason we're going with this, I realize it's actually \$300,000 more than the low bid is I'll show you some problems we're having with the existing pavement at the service plazas. This pavement here is at our Middle Ridge/Vermilion Valley Service Plazas. It's been in service a little under 7 years, I wish we had a little bit more water on the pavement there, but you can see in the wheel paths of the trucks this material is rolling, and rutting due to the heavy loads imparted by the trucks. The next slide, again this pavement is only seven years old and we're just not getting the life out of it that we would like to see in that parking area. We feel this is an innovative material and with the saving we realized through these bids we'd like to try it out.

**Chairman:** Thank you. You can see in that first slide, the cause and the rolling because the trucks pull into the same spot because the lines are in the same spot. I just hadn't heard of roller compacted concrete. So it's concrete material?

**Chief Engineer:** Yes, it is, portland cement concrete.

**Mr. Regula:** If I may Mr. Chairman, do you also then put in wire underneath it similar to concrete where you use some type of reinforcement?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, no there's no reinforcement in this material. Due to the low water content in this, you don't get the cracks that you would normally experience with regular concrete and therefore you don't have to come back and cut all the control joints in this material that you would typically with regular concrete also. That results in some savings in that also.

**Mr. Regula:** So it's just a continuous surface, no expansion, cracks, or anything? You don't have to cut any as well?

**Chief Engineer:** Yes.

**Chairman:** The problem with asphalt it's relatively simple in this day and age to go in grind it, recycle that material and make new asphalt out of it and repave it. You have the same problem in six or seven years as you show here, what do they expect for life of this particular material and the second question is how do we repair it?

**Chief Engineer:** Mr. Chairman, this as you said with the asphalt this may not typically be a problem with the asphalt itself, this could be a problem that we're looking at here

with the sub-grade material where the asphalt being a flexible pavement would just reflect what's underneath it. The concrete being a rigid pavement would tend to bridge any poor sub-grade material. Now as far as life for the concrete pavement we would expect to get twenty to thirty years out of that. As far as maintenance of the concrete pavement, the roller compacted concrete will still have a one and half inch, pardon me, two inch asphalt surface on it to bring us up to grade. In the future we just come back and mill off the asphalt and put new asphalt on it.

**Chairman:** Make note in twenty years I want to talk to Dan about this and see what he says. I've heard the discussion and I've heard numbers kicked around, I didn't see it in the packet, the total engineer's estimate. I heard numbers in the forty-two range, I see that our project is less than thirty million.

**Chief Engineer:** Mr. Chairman, Doug, what is it forty-two million?

**Assistant Chief Engineer:** Just under forty-two million.

**Chief Engineer:** Some good news that we did have with this coming in so far under budget. This is running along the same lines as far as percentages under budget that we've experienced with our resurfacing projects that we've awarded earlier this year. The Commission may recall that in the Capital Budget I presented in December, it had the alternate provisions in there that if we did not receive the TIGER Grant, that we did not receive, there were provisions to transfer up to \$20 million from our Reserve Funds to our System Projects Funds to help fund this project. With the savings we are realizing here and the additional savings that we've seen in our resurfacing projects the transfer is going to be well under the \$20 million.

**Chairman:** Thank you. The withdrawal of Vaughn, I saw where they had the clerical error, where they put in \$46,500 instead of \$465,000, which changed their bid by \$400 some thousand dollars and the second bidder was cheaper than that. Was that a typical approval that they can withdraw if the bids are open and they discover their clerical error?

**Chief Engineer:** Yes, Mr. Chairman, I would defer to the Director of Contracts Administration.

**Director of Contracts Administration:** Good morning Mr. Chairman, Commission Members, there's a statute that governs this and typically they have to show a substantial error that made their bid substantially lower than the other bids and you can see there is about a 10% difference between their bid and the other bids and the next lowest bid. They also have to show that their bid was made in good faith. They provided us documentation that showed they clerical error the \$46,000 versus the \$400 plus thousand that resulted in approximately \$418,000 error. Those are the rules for submitting a withdrawal, they complied with them, it's acceptable.

**Chairman:** Thank you. My last question is, I see everything on here all talks about Ohio and when we started the Dick Corporation was Ohio corporation, we're too far down the road to go back, but I've seen now that their listed as dck north america of Large, Pennsylvania. Do they not have an office in Ohio anymore?

**Chief Engineer:** Yes they do Mr. Chairman, that's where their headquarters is, they have offices not only in Akron, but also in Perrysburg, Ohio, which is relatively close to this project where they'll be running most of the staffing out of.

**Chairman:** Okay, thank you. Questions, any other questions?

**Mr. Regula:** One last question with the savings that we're seeing here, I'm thinking forward, what would be probably the projection that we would work towards a replacement of the Eastgate plaza?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, you may recall at our last meeting we authorized ms consultants to proceed with the design of the site. We also plan on using the same building that we're building here, so it's our hope that we would have that plaza under construction in the next construction season and awarding in a year from now.

**Executive Director:** Mr. Chairman, if I might just add a comment. We're still hopeful that we may be able to demolish that set of plazas this year and start on construction hopefully next.

**Mr. Kidston:** And will we save considerably on engineering fees because we're duplicating?

**Chief Engineer:** Yes, definitely.

**Chairman:** Any further questions, comments? Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

## **RESOLUTION NO. 10-2010**

### **Resolution Awarding Contract No. 53-10-01 and 53-10-02**

WHEREAS, the Commission has duly advertised according to law for bids upon Contracts for the reconstruction of the previously demolished Service Plazas, known as the Indian Meadow and Tiffin River Service Plazas, located at Milepost 20.8 in Williams County, Ohio, designated as **Contract No. 53-10-01 and 53-10-02**; and

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

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

WHEREAS, expenditures for the award(s) to be made under Contract No. 53-10-01 and 53-10-02 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for said Contract award(s); and

WHEREAS, on February 23, 2010, the Commission received bids from sixteen (16) bidders for the performance of the various Prime Contracts (Bid Packages A through E), but no Combination Bids for the Project were received; and

WHEREAS, the Director of Contracts Administration has advised the Commission that the apparent low bidder for the Electrical Trades (Bid Package E), Vaughn Industries, LLC, timely requested to withdraw its bid due to an unintentional clerical error that resulted in a major \$418,500.00 mathematical error in the preparation of that company's bid; and

WHEREAS, the Director of Contracts Administration further advises that the Vaughn Industries' request appears to meet the requirements of Article 4 of the Instructions to Bidders for the Project as well as Ohio Revised Code Section 9.31 governing bid withdrawals in that: 1) the Vaughn Industries Bid was substantially lower than the other bids received for Bid Package E, 2) the bid appears to have been made in good faith, and 3) the request properly explains the error that caused the bid to be substantially lower, and she has, therefore, recommended that the Commission approve the withdrawal request; and

WHEREAS, the remaining apparent low bids have been reviewed and analyzed by the Commission's Chief Engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer advises that the following bids for the performance of Bid Packages A, B, C, D and E under Contract No. 53-10-01 and 53-10-02 are all below the

Engineer's estimate and have been determined to be the lowest responsive and responsible bids received:

<b><u>Bid Package</u></b>	<b><u>Bidder</u></b>	<b><u>Amount</u></b>
A - Site Work	Miller Brothers Construction Company, Inc. Archbold, Ohio	\$13,463,850.75*
B - General Trades	Rudolph/Libbe, Inc. Walbridge, Ohio	9,990,000.00
C - HVAC/Mechanical	L.R. Babcock Plumbing & Heating, Inc. Napoleon, Ohio	2,183,000.00
D - Plumbing	L.R. Babcock Plumbing & Heating, Inc. Napoleon, Ohio	1,123,000.00
E - Electrical	Romanoff Electric Company, LLC Toledo, Ohio	3,018,789.00
<b>Total Awards .....</b>		<b><u>\$29,778,639.75</u></b>

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

WHEREAS, the Commission has been advised by the Director of Contracts Administration that: 1) all bids for Contract No. 53-10-01 and 53-10-02 were solicited on the basis of the same terms and conditions and the same specifications, 2) the low bids of the above-identified contractors for each Bid Package under Contract No. 53-10-01 and 53-10-02 conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and 3) a bid guaranty and performance bond of good and sufficient surety has been submitted by each low bidder; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission that it approve the withdrawal request of Vaughn Industries, LLC for Bid Package E, and award Contract No. 53-10-01 and 53-10-02 Bid Package A with Pavement Alternate B to Miller Brothers Construction Company, Inc., Bid Package B to Rudolph/Libbe, Inc., Bid Packages C and D to L.R. Babcock Plumbing and Heating, Inc., and Bid Package E to Romanoff Electric Company, LLC; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid withdrawal request of Vaughn Industries, LLC for the Electrical Trades Work (Bid Package E), is deemed to be in accordance with the requirements of Article 4 of the Instructions to Bidders for Contract No. 53-10-01 and 53-10-02, as well as Ohio Revised Code Section 9.31, which govern bid withdrawals, and is hereby approved; and

FURTHER RESOLVED that the above-mentioned bids in the total amount of **\$29,778,639.75** for the performance of Bid Packages A, B, C, D and E under Contract No. 53-

10-01 and 53-10-02 are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized to: 1) execute the Site Work Contract with **Miller Brothers Construction Company, Inc.** of **Archbold, Ohio** in the amount of **\$13,463,850.75**, the General Trades Contract with **Rudolph/Libbe, Inc.** of **Walbridge, Ohio** in the amount of **\$9,990,000.00**, the Plumbing Contract and the HVAC/Mechanical Contract with **L.R. Babcock Plumbing and Heating, Inc.** of **Napoleon, Ohio** in the respective amounts of **\$2,183,000.00** and **\$1,123,000.00**, and the Electrical Contract with **Romanoff Electric Company, LLC** of **Toledo, Ohio** in the amount of **\$3,018,789.00**, in the form heretofore prescribed by the Commission pursuant to their respective bids, 2) direct the return to each of the bidders of their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **dck north america, LLC** of **Large, Pennsylvania** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Management Services over the Prime Contractors, with such assignment in accordance with the Construction Management Services Agreement specific to this Project between the Ohio Turnpike Commission and dck north america, LLC, as previously authorized by the Commission on this date; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Richard L. Bowen & Associates, Inc.** of **Cleveland, Ohio** (the Project Architect) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services, with such assignment in accordance with the Architectural Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and Richard L. Bowen & Associates, Inc., as previously authorized by Resolution 39-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **CT Consultants** of **Willoughby, Ohio** (the Project Site Design Consultant) to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Construction Administration Services for the Site Work portion of the Project, with such assignment in accordance with the Site Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and CT Consultants, as previously authorized by Resolutions 10-2007 and 40-2007; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Hull & Associates** of **Toledo, Ohio** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Professional Engineering Services associated with the environmental remediation portion of the Project, with such assignment in accordance with the Professional Engineering Services Agreement specific to this Project between the Ohio Turnpike Commission and Hull & Associates, as previously authorized by Resolutions 24-2006 and 4-2007; and



FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Solar Testing Laboratories, Inc.**, of **Brooklyn Heights, Ohio** to Contract No. 53-10-01 and 53-10-02 for the purpose of performing Materials Testing and Inspection, with such assignment in accordance with the 2009-2010 General Engineering Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc.; and

**[FURTHER RESOLVED that Project No. 53-10-01 and 53-10-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**(Resolution No. 10-2010 adopted March 22, 2010)**

**Chief Engineer:** Thank you. The final resolution is resolution rejecting the bid received for Contract 59-10-01. This represented a contract for the resurfacing of the mainline roadway from milepost 14.8 to milepost 27.5 in Williams, County. We received one bid in response to this contract. The bid was substantially in excess of 10% above the engineer's estimate and therefore the bid cannot be considered for award, it must be rejected. If the General Counsel would you please read the Resolved?

**General Counsel:** RESOLVED that the bid received from **Gerken Paving, Inc.** of **Napoleon, Ohio** pursuant to the Invitation for Bids for **Contract No. 59-10-01**, be and the same hereby is rejected, and the Executive Director and the Director of Contracts Administration, or either of them, is authorized to notify the bidder in writing of said action, and to return to the bidder the bid security it furnished in response to said Invitation; and

FURTHER RESOLVED that, when deemed appropriate, the Executive Director and Director of Contracts Administration hereby are authorized to take any and all action necessary to re-advertise for bids for Contract No. 59-10-01 for Repairs and Resurfacing in the Eastbound and Westbound Lanes from Milepost 14.8 to Milepost 27.5 in Williams County, Ohio.

**Chairman:** Motion to adopt?

**Mr. Regula:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Discussions and questions on the resolution before us? Dan, I see that the bid was 25% over the engineer's estimate, we have been getting bids that are 25% under the engineer's estimate, so it's a significant swing and I see there's only one bidder. What's the thought and what's our plan?

**Chief Engineer:** Mr. Chairman, we are not going to rebid this project this year. We've taken a look at the contract documents, there's nothing we can do to revise the contract to reduce the cost and I don't see that by going out to bid again now anything that would change with this bid. Furthermore, this contract was set-up as a spring/fall job to keep the zones off the

road during the summer, even if we did go and award we'd have zones out there during the summer which I don't think is prudent. Our Contracts Department and our Purchasing Department is reaching out to contractors in the southwest portion of Michigan and also in eastern Indiana to see if we can get some interest in this area. Hopefully, we'll get at it again next year.

**Mr. Regula:** To clarify that, is this a matter of where the location is or is it just not adequate individuals that can supply this service in that area?

**Chief Engineer:** Mr. Chairman, Commission Member Regula, I believe that's correct, there's just not too many asphalt companies in this area.

**Mr. Kidston:** How difficult Dan would it be to take this \$11 million contract and divide it into three \$3 million or \$4 million contracts?

**Chief Engineer:** Mr. Chairman, Commission Member Kidston, it can be done, I don't, typically we get economies of scale on a contract like this. I don't know if doing that will save us anything, we can make it a small contract, but we have, we're not doing anything to increase the amount of bidders.

**Mr. Kidston:** Well I believe the problem out on the west end is the availability of bidders being able to bond a \$10 million project. I think if we reduced it into smaller contracts you'd have a lot more players that could participate.

**Chief Engineer:** Mr. Chairman, Commission Member Kidston, maybe that's something I can have our Purchasing Department research along with what we're doing as far as reaching out to other companies. If we can get it down to a smaller contract that we can get some more interest from smaller paving companies, then maybe we can go with a smaller contract in the fall.

**Chairman:** Yeah, maybe do the worst section of the road? I know its fourteen miles long, there might be part of it that might make sense to do now. Questions? Motion to adopt the bids? I apologize, do we have a motion to adopt?

**Mr. Kidston:** We did, didn't we?

**Mr. Regula:** Yes we did.

**Executive Director:** We have a first and a second to approve the resolution, first motion was made by Mr. Regula, seconded by Mr. Kidston.

**Chairman:** Okay, so we will have a vote on the motion, please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

### **RESOLUTION NO. 11-2010**

#### **Resolution Rejecting the Bid Received for Contract No. 59-10-01**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Repairs and Resurfacing of the Eastbound and Westbound Lanes from Milepost 14.8 to Milepost 27.5 in Williams County, Ohio, designated as **Contract No. 59-10-01**; and

WHEREAS, the Commission received one (1) bid for the performance of said Contract from **Gerken Paving, Inc. of Napoleon, Ohio**; and

WHEREAS, said bid has been reviewed and analyzed by the Commission's Chief Engineer whose report concerning said analysis is before the Commission; and

WHEREAS, the Commission's Chief Engineer reports that the bid for Contract No. 59-10-01, as submitted by Gerken Paving, was in excess of ten percent (10%) above the Engineer's Estimate and, therefore, the bid cannot be considered for award and must be rejected; and

WHEREAS, the Commission's Director of Contracts Administration concurs with the Chief Engineer's recommendation and has submitted a report advising the Commission that, pursuant to the Bidding Documents for Contract No. 59-10-01 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject bids if they are greater than ten percent (10%) above the Engineer's Estimate; and

WHEREAS, the Commission's Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration, and has made his recommendation to the Commission to reject the bid received for Contract No. 59-10-01 predicated upon their analysis; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the bid received from **Gerken Paving, Inc.** of **Napoleon, Ohio** pursuant to the Invitation for Bids for **Contract No. 59-10-01**, be and the same hereby is rejected, and the Executive Director and the Director of Contracts Administration, or either of them, is authorized to notify the bidder in writing of said action, and to return to the bidder the bid security it furnished in response to said Invitation; and

FURTHER RESOLVED that, when deemed appropriate, the Executive Director and Director of Contracts Administration hereby are authorized to take any and all action necessary to re-advertise for bids for Contract No. 59-10-01 for Repairs and Resurfacing in the Eastbound and Westbound Lanes from Milepost 14.8 to Milepost 27.5 in Williams County, Ohio.

**(Resolution No. 11-2010 adopted March 22, 2010)**

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

**Chairman:** Thank you, General Counsel, Noelle?

**General Counsel:** No report Mr. Chairman.

**Chairman:** Thank you. Comptroller, Andrea?

**Ms. Plassard:** Good morning Mr. Chairman, Commission Members. I have a brief, in addition to the financial information, I'm sorry, bear with me a moment. In addition to the financial information you've received, I have a brief update on traffic and revenue as of February.

This first chart shows monthly passenger vehicle miles traveled on the Turnpike during corresponding periods over the last two years. During the month of February passenger vehicle miles fell by 7.2%, but prior to February the levels have been slightly increasing. For the most part weather most likely impacted miles traveled during the month of February.

The next chart shows the commercial vehicle miles traveled during the same corresponding periods. Commercial miles continue to lag prior year miles with a decline of 1.9% in February over prior years. The numbers appear to be converging, so the results over the next few months should be interesting to monitor.

This next graph is total vehicle miles traveled during the same corresponding periods. This period continues to show slight lags over prior year numbers with a 5.1% decline in February.

Now I have some updates on our E-ZPass statistics. During the month of February 28.6% of passenger car traffic volume was by our E-ZPass users. While 70.9% of commercial customers used our transponders, or used transponders in general. Those percentages are both up slightly from prior month.

This next graph is miles and as you'd expect the miles in vehicles numbers percentages are very comparable.

For toll revenues shown by payment method, we see that 22% of toll revenue during the month of February was from passenger vehicle E-ZPass users and 67.9% was for commercial revenue from also E-ZPass users. In total for the month of February 50.7% of our revenues are from E-ZPass users, that's up 1% from last month.

These next few charts are our passenger car and commercial results of revenues during corresponding periods over the last two years. This chart in particular shows favorable trends over the two years with a 22.9% increase this February over prior year. Looking at the commercial vehicle revenue data, also we are seeing favorable trends particularly beginning in February of '09 with an increase of 26.5% over last year. And looking at our total toll revenues over the same corresponding two years, we see that there is a 25.1% increase this February over last year with favorable trends beginning in October once again.

This final chart is a look at our year-to-date toll revenues through the month of February over the last ten years. Passenger car revenue is at approximately \$11.4 million year-to-date and commercial revenue is at approximately \$18 million. This is an increase of 26.6% from prior year-to-date amounts. But also interesting to note is that revenue amounts have increased by approximately 10% over 2007 levels and at about 9% over 2008 levels. That concludes my report today.

**Chairman:** Any questions? Thank you very much. Financial Advisor?

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

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

**General Consultant:** No report today.

**Chairman:** Thank you. Trustee?

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

**Chairman:** Ohio State Highway Patrol?

**Captain Hannay:** Just a brief report Mr. Chairman, Commission Members. You received a copy of our Annual Report over the last month I hope you saw that favorable. I was very pleased with 2009, even though we saw a slight increase in fatalities, that was well within and well under the average we've seen on the Ohio Turnpike with twelve deaths annually. We're working, so far this year we've got a great year going. Traffic crashes in general are down 9% this year, we were 20% last year over 2008 and I hope that trend continues. That's my report Sir.

**Chairman:** Thank you. Keep the good work up. Any questions or comments?

**Mr. Regula:** Just one comment. I think when we talked about the speed increase on the Turnpike some years ago there was an awful lot of concern by a lot of different individuals in regards to accidents and what they may cause, but that has really proved itself to not be the case. Is that correct?

**Captain Hannay:** That is correct, Mr. Chairman, Commission Member Regula, that is correct. Statewide we haven't really seen the speed increase on the rural interstates impact commercials and crashes like it was expected and I think that's a benefit to not only the work that our troopers have been doing, but also the condition of the Turnpike and the safety of the Turnpike and the employees that work here on the Turnpike. In the partnership that we have out here, the commercial industry is really helping us police themselves and that truly is a benefit.

**Mr. Regula:** That's a good thing, thank you.

**Chairman:** Thank you. Any further questions or comments? I think most of you are probably aware, but Senator Patton was not here today. Senator Patton's son was a police officer in Cleveland Heights and a week ago this past Saturday he died in pursuit of a suspect, so we'd like on behalf of the Commission to extend our condolences to Senator Patton and I wonder if we could have just a moment of silence and prayers for his son. Thank you very much.

Next meeting would be set in April, we have talked among the Commission Members, we are going, the next meeting we are going to hold is going to be a special meeting. It's going to be scheduled for Monday, May 3, 2010 at 10 a.m. Please note than there will not be a meeting then in April and the May meeting is being moved forward to go ahead and let us continue with our business. So we are set for May 3<sup>rd</sup> at 10:00 am. Everybody's good with that? If there is no further business, we will have a motion to adjourn?

**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Dixon:** Second.

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

**Chairman:** Thank you.

Time of adjournment was 10:56 a.m.

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

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George F. Dixon, Secretary-Treasurer