

**MINUTES OF THE 571<sup>st</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**

**April 18, 2011**

**Chairman:** (11:00 a.m.) Good morning, it's 11:00 a.m., the meeting will come to order. Will the Interim Assistant Secretary-Treasurer, please call the, excuse me, Interim Assistant Secretary-Treasurer please call the roll?

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

**Mr. Balog:** Here

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

**Mr. Regula:** Here

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

**Mr. Dixon:** Here

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

**Mr. Kidston:** Here

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

**Mr. Pakush:** Here

**Interim Assistant Secretary-Treasurer:** Mr. Cole, Smith, Patton and Goodwin are not here.

**Chairman:** Thank you. We have a number of guests here today and in keeping with past practices I'd like everyone to introduce themselves.

**Those in attendance:** Martin Seekely, CFO/Comptroller, Ohio Turnpike; Eric Erickson, Fifth Third; Debby Sideris, Executive Office, Ohio Turnpike; Jennifer Diaz, Legal Department, Ohio Turnpike; Kathy Weiss, Director of Contracts Administration and Government Affairs, Ohio Turnpike; David Miller, Director of Toll Audit, Ohio Turnpike; St. Lt. Monty Morgan, Ohio Highway Patrol; Neal Gresham, URS; Doug Hedrick, Assistant Chief Engineer, Ohio Turnpike; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Tom Breckenridge, Plain Dealer; Don Glosser, Crawford, Murphy & Tilly; Todd Cooper, Hill International; Vic Spinabelli, Hill International; Sarah Brown, HNTB; Kamran Majidzadeh, Resource International; Kara Majidzadeh, Resource International; Don Taggart, IUOE Local 18; Dave Russell, International Union of Operator Engineers Local 18; Frank Lamb, Huntington Bank; Glen Stephens, G. Stephens; Lauren Hakos, Public Affairs & Marketing Manager, Ohio Turnpike; Sharon Isaac, Director of Toll Operations, Ohio Turnpike; Robin

Carlin, Director of Human Resources, Ohio Turnpike; Sherri Warner, Ohio Trucking Association; Daniel Van Epps, West Virginia University.

**Chairman:** Thank you. This is the 571<sup>st</sup> Meeting of the Ohio Turnpike Commission and we are meeting here at the Commission's headquarters as provided for in the Commission's Code of Bylaws for a Special Meeting. Various reports will be received. We will act on several resolutions, draft copies of which have been previously been sent to the Members and updated drafts are in the Members' folders. The resolutions will be explained during the appropriate reports. Can I have a motion to adopt the Minutes of the March 21, 2011, Commission Meeting?

**Mr. Regula:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Questions? Please call the roll.

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

**Mr. Regula:** Yes

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

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Pakush:** Yes

**Chairman:** If there are no questions we'll proceed with the report of the Secretary-Treasurer, 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 March 21, 2011. They are:

1. Minutes of the March 21, 2011, Commission Meeting

2. Traffic and Revenue Report, March, 2011
3. Total Revenue by Month and Year, March, 2011
4. Investment Report, March, 2011
5. Traffic Crash Summary Report, March, 2011
6. Financial Statement, March, 2011
7. Budget Report, First Three Months of 2011
8. Various News Articles

That completes the report Mr. Chairman, if there are any questions I would be happy to try and answer them.

**Chairman:** Any questions for the Secretary-Treasurer? Thank you sir.

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

**Chairman:** Resolutions, Chief Engineer, Dan.

**Chief Engineer:** Thank you Mr. Chairman. I have five resolutions for your consideration this morning. The first is awarding Invitation 4156 for the purchase of 18 portable air compressors. This purchase was on the 2011 Budget approved by the Commission in December. Inasmuch as this equipment was not available on the DAS or ODOT purchasing programs the Commission issued an invitation for this purchase. We received four bids in response to the invitation. The apparent lowest and lowest responsive and responsible bid was submitted by Hertz Equipment Rental Corporation of Bedford Heights, Ohio, proposing to furnish Sullair portable air compressors in accordance with the specifications in the total amount of \$263,193. The total amount is below the estimate for this purchase. If the General Counsel will please read the Resolved?

**General Counsel:** RESOLVED that the bid of **Hertz Equipment Rental Corporation of Bedford Heights, Ohio** in the amount of **\$263,193.00** for Invitation No. 4156 is deemed by the Commission to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director and Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with Hertz Equipment Rental Corporation in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) direct the return to the other bidders of their bid security at such time as said successful bidder has entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contract.

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

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Questions or discussion on the resolution before the Commission?

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

**Chairman:** Yes sir.

**Mr. Dixon:** Just a quick question. The word rental just jumps out at me. This is new equipment or is this reconditioned or anything?

**Chief Engineer:** This is new equipment Mr. Dixon.

**Mr. Dixon:** Brand new equipment, okay thank you.

**Chairman:** Further questions or comments? Please call the roll.

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

**Mr. Pakush:** Yes

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

**Mr. Kidston:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Regula:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

### **RESOLUTION NO. 18-2011**

#### **Resolution Awarding a Contract for the Purchase of 18 Current Model Year Portable Air Compressors**

WHEREAS, the Commission has advertised for bids for Invitation No. 4156 for furnishing to the Commission of eighteen current model year air compressors; and

WHEREAS, expenditures of the Commission for the eighteen air compressors under Invitation No. 4156 will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of

the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, four (4) bids were received in response to the Invitation; and

WHEREAS, the bids were reviewed by the Maintenance Engineer who has reported that the lowest responsive and responsible bid was submitted by **Hertz Equipment Rental Corporation of Bedford Heights, Ohio**, proposing to furnish Sullair model 225HDPQ-CAT portable air compressors in accordance with the Commission's specifications; and

WHEREAS, the Maintenance Engineer has recommended award of the Contract to Hertz Equipment Rental Corporation in the amount of **\$263,193.00**; and

WHEREAS, the Director of Contracts Administration has advised the Commission that Hertz Equipment Rental Corporation qualifies for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Invitation No. 4156 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Hertz Equipment Rental Corporation for Invitation No. 4156 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid security in the form of an official check of good and sufficient surety has been submitted by Hertz Equipment Rental Corporation; and

WHEREAS, the Interim 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 to award the Contract for Invitation No. 4156 to Hertz Equipment Rental Corporation; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Hertz Equipment Rental Corporation of Bedford Heights, Ohio** in the amount of **\$263,193.00** for Invitation No. 4156 is deemed by the Commission to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director and Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with Hertz Equipment Rental Corporation in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) direct the return to the other bidders of their bid security at such time as said successful bidder has entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contract.

**Chief Engineer:** Thank you the second resolution this morning is awarding Invitation 4157 for furnishing and applying pavement markings to the Turnpike Roadway Mainline and Interchange Ramps. This was also in our Operating Budget for 2011. We received

four bids in response to this project. The lowest bidder in response to this was submitted as a joint venture comprised of M&M Contractors, Incorporated of Parrish, Florida and T-Mark Services, Incorporated of Ravenna, Ohio, in the total amount of \$567,420.13. After the opening of the bids this bidder advised that they were unable to obtain the requisite insurance and bonding coverage as required in the specifications, therefore this bid is considered non-responsive. The apparent second low bid was submitted by Aero-Mark Incorporated of Streetsboro, Ohio, in the total amount of \$658,080.00. This amount is below the estimate for this project and this contractor has performed satisfactorily in the past for the Commission. If the General Counsel will please read the Resolved?

**General Counsel:** RESOLVED that the bid submitted by the joint venture consisting of **M&M Contractors, Inc. of Parrish Florida** and **T-Mark Services, Inc. of Ravenna, Ohio**, is deemed non-responsive and is hereby rejected; and

FURTHER RESOLVED, that the bid of **Aero-Mark, Inc. of Streetsboro, Ohio** in the total amount of **\$658,080.00** under Invitation No. 4157 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 Interim 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. Regula:** So moved.

**Chairman:** Is there a second?

**Mr. Dixon:** Second.

**Chairman:** Questions or discussions about the resolution?

**Mr. Regula:** This is for the Chief Engineer. Is this an annual event I am assuming?

**Chief Engineer:** Mr. Chairman, Commission Member Regula that is correct, yes.

**Mr. Regula:** Is there anything in the future would suggest that these types of products could last longer than just one year or is it pretty much just with the wear and tear?

**Chief Engineer:** Mr. Chairman, Commission Member Regula in the past, what we have done here in the past, we found that the damage incurred by the pavement markings throughout the winter season for the snow and ice removal pretty much obliterates the line after the winter. What we have done is we've gone from a more expensive material to a less expensive material knowing that we would have to reapply it every year.

**Mr. Regula:** Thank you.

**Chairman:** Noelle could you; I assume that there is a bid security bond that is included when the bids are turned in?

**General Counsel:** Correct.

**Chairman:** How does that work for this joint venture that could not go ahead and obtain their insurance and bonding coverage, do you have any idea on that?

**General Counsel:** I do know that the Director of Contracts Administration did speak with them and having them, she addressed that issue with them.

**Director of Contracts Administration:** Yes, good morning Mr. Chairman, Commission Members. With respect to this particular bid submission, there was a bid security submitted by one-half of the joint venture, unfortunately the joint venture could not obtain bonding coverage and insurance coverage to cover the entire joint venture. Therefore, that made the bid non-responsive. Had the bidder attempted to withdraw and inappropriately try to withdraw their bid that would constituted grounds for the Commission to retain their bid security, but in this case because the bid is non-responsive and because the Commission is rejecting it due to the fact that the joint venture can't perform the contract in this case what we will do is reject that bid, go to the next lowest bid and in this case return their bid security.

**Chairman:** Okay, because they would enter into the contract for that amount, but we've concluded that it is not adequately protected from a bonding standpoint so we are rejecting it, so we're refunding it then.

**Director of Contracts Administration:** That is absolutely correct Mr. Chairman.

**Chairman:** Okay.

**Mr. Regula:** And if I may Mr. Chairman, could it have been structured any other way to provide them that opportunity in terms of?

**Director of Contracts Administration:** Mr. Chairman, Commission Member Regula yes. The answer really is that had the joint venture done more leg work in preparing to submit its bid to the Commission perhaps by forming a partnership or a corporation of some sort, whereby the bonding coverage would have covered the entire entity as well as the insurance we could have entertained their bid. This is a startup company and frankly the individual from Ravenna, who is presenting himself to the Commission is someone very experienced in the application of pavement markings and we really were looking for a way to award to the low bidder, we went through several conversations with them, but then it came down to the real meat of covering the Commission in terms of insurance and bonding we couldn't get there. So that is why this bid is being rejected. They were very appreciative of the effort that we made to try to award to them and I think they are going to be making steps with their lawyers to try to move forward in the future and submit a bid again to us, perhaps next year.

**Mr. Regula:** Thank you.

**Chairman:** Which fits in right with your earlier question, we do it yearly. Thank you.

**Director of Contracts Administration:** Thank you.

**Chairman:** Further questions or comments? Please call the roll.

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

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

**Mr. Kidston:** Yes

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

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**RESOLUTION NO. 19-2011**

**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. 4157 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 24, 2011, the Commission received four bids 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. 4157 was submitted by a joint venture comprised of M&M Contractors, Inc. of Parrish Florida and T-Mark Services, Inc. of Ravenna, Ohio in the total amount of \$567,420.13, however, this bid is non-responsive due to the inability of the joint venture to obtain the requisite insurance and bonding coverage required under the Invitation, and, therefore, should be rejected; and

WHEREAS, the Maintenance Engineer reports that the second lowest bid was submitted by **Aero-Mark, Inc. of Streetsboro, Ohio** in the total amount of **\$658,080.00**, which bid is below the Commission's estimated expenditure for this Contract; and

WHEREAS, the Maintenance Engineer further reports that Aeromark, Inc. has performed satisfactory work of this kind for the Commission in the past, and he, therefore, recommends that this bid be accepted by the Commission; and

WHEREAS, the Commission's Director of Contracts Administration has submitted a report advising the Commission that, pursuant to the Bidding Documents for Invitation No. 4157 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids and, therefore, may lawfully reject the bids submitted by the joint venture comprised of M&M Contractors, Inc. and T-Mark Services, Inc.; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that bids for Invitation No. 4157 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Aeromark, Inc. for Invitation No. 4157 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 Aeromark, Inc.; and

WHEREAS, the Commission's Interim 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 Commission reject the low bid of the joint venture comprised of M&M Contractors, Inc. and T-Mark Services, Inc. as non-responsive, and that the Contract for Invitation No. 4157 be awarded to the lowest responsive and responsible bidder, Aeromark, Inc.; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid submitted by the joint venture consisting of **M&M Contractors, Inc. of Parrish Florida** and **T-Mark Services, Inc. of Ravenna, Ohio**, is deemed non-responsive and is hereby rejected; and

FURTHER RESOLVED, that the bid of **Aero-Mark, Inc. of Streetsboro, Ohio** in the total amount of **\$658,080.00** under Invitation No. 4157 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 Interim 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.

**Chief Engineer:** Thank you the third resolution is awarding Invitation No. 4159 for furnishing of interior and exterior furniture for the newly reconstructed Indian Meadow and Tiffin River Service Plazas that are scheduled to reopen in June of this year. This purchase was on our 2011 Capital Budget. The Invitation was organized into eight groups. Bidders were permitted to submit a bid on one or any combination of the groups. We received bids from five bidders on this Invitation. The apparent low bid submitted in response to Groups I, II, IV, V, VI and VIII were submitted by E.M.M./Black Distributors of Dayton, Ohio, in the total amount of \$189,246.94. The lowest bid in response to Group III in the amount of \$93,129.44 was submitted by Environments 4 Business, of Cleveland, Ohio, and the lowest bid in response to Group VII in the amount of \$927.12 was submitted by Continental Office Furniture of Columbus, Ohio. Both of the bids for Group III and Group VII are below the Commission threshold for approval of contracts and have been awarded under the Executive Director's authority. The total award amount is within five percent of the estimate. If the General Counsel will please read the Resolved?

**General Counsel:** RESOLVED that the bid of **E.M.M./Black's Distributor of Dayton, Ohio** for Invitation No. 4159 is deemed by the Commission to be the lowest responsive and responsible bid received for Groups I, II, IV, V, VI and VIII in the total amount of **\$189,246.94**, and is accepted, and the Interim Executive Director and Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with E.M.M./Black's Distributor in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) direct the return to the other bidders of their bid security at such time as E.M.M./Black's Distributor has entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contract.

FURTHER RESOLVED, that the Commission concurs with the award by the Interim Executive Director and Director of Contracts Administration for the lowest responsive and responsible bids received for Group III in the amount of \$93,129.44 to Environments 4 Business, LLC of Cleveland, Ohio, and for Group VII in the amount of \$927.12 to Continental Office Furniture of Columbus, Ohio.

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

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Questions? Kathy can I just ask you a question on this, I saw that the estimate was \$269,900.00, so \$270,000.00, nominally, is that for all three bids?

**Director of Contracts Administration:** Mr. Chairman, Commission Members that would be for all of the eight groups.....

**Chairman:** All three, all the categories, I am sorry.

**Director of Contracts Administration:** All categories.

**Chairman:** So then they had to be at \$283,500 approximately or slightly below it, so we just, are we sure we are underneath that five percent threshold?

**Director of Contracts Administration:** Mr. Chairman, Commission Members, the bidding threshold of ten percent applies actually by law only to construction contracts, but we are I believe five percent, just five percent over the estimate on this, so we are fine either way and yeah I don't see any problem with this at all.

**Chairman:** Okay I was just wondering. I knew it was very close.

**Director of Contracts Administration:** Yeah, it was slightly over.

**Chairman:** Questions? Please call the roll.

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

**Mr. Pakush:** Yes

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

**Mr. Kidston:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

**RESOLUTION NO. 20-2011**

**Resolution Awarding a Contract for the Purchase  
of Interior and Exterior Service Plaza Furniture**

WHEREAS, the Commission has advertised for bids for Invitation No. 4159 for furnishing to the Commission of Interior and Exterior Service Plaza Furniture to be delivered to the newly reconstructed Indian Meadow and Tiffin River Service Plazas; and

WHEREAS, inasmuch as expenditures by the Commission for one of the Contracts to be awarded as a result of Invitation No. 4159 will exceed \$150,000.00, 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 Invitation was organized into eight Groups or categories of furniture, and bidders could submit bids for one or all eight Groups; and

WHEREAS, bids were received from five bidders in response to the Invitation; and

WHEREAS, the bids were reviewed by the Maintenance Engineer who has reported that the lowest responsive and responsible bid for Groups I, II, IV, V, VI and VIII was submitted by **E.M.M./Black's Distributor of Dayton, Ohio**, and that this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Maintenance Engineer has recommended award of a Contract to E.M.M./Black's Distributor for Groups I, II, IV, V, VI and VIII in the total amount of **\$189,246.94**; and

WHEREAS, the lowest responsive and responsible bid received for Group III in the amount of \$93,129.44 was submitted by Environments 4 Business, LLC of Cleveland, Ohio, and the lowest responsive and responsible bid received for Group VII in the amount of \$927.12 was submitted by Continental Office Furniture of Columbus, Ohio, and inasmuch as both bids are both below the Commission threshold for approval of contracts, the Contracts for Group III and Group VII have been awarded by the Interim Executive Director pursuant to his contracting authority; and

WHEREAS, the Director of Contracts Administration has advised the Commission that all bids qualify for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Invitation No. 4159 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of E.M.M./Black's Distributor for Invitation No. 4159 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid security in the form of a certified check of good and sufficient surety has been submitted by E.M.M./Black's Distributor; and

WHEREAS, the Interim 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 to award the Contract for Invitation No. 4159 to E.M.M./Black's Distributor; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **E.M.M./Black's Distributor of Dayton, Ohio** for Invitation No. 4159 is deemed by the Commission to be the lowest responsive and responsible bid received for Groups I, II, IV, V, VI and VIII in the total amount of **\$189,246.94**, and is accepted, and the Interim Executive Director and Director of Contracts Administration, or either of them, is hereby authorized to: 1) execute a Contract with E.M.M./Black's Distributor in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) direct the return to the other bidders of their bid security at such time as E.M.M./Black's Distributor has entered into a Contract, and 3) take any and all action necessary to properly carry out the terms of said Contract.

FURTHER RESOLVED, that the Commission concurs with the award by the Interim Executive Director and Director of Contracts Administration for the lowest responsive and responsible bids received for Group III in the amount of \$93,129.44 to Environments 4 Business, LLC of Cleveland, Ohio, and for Group VII in the amount of \$927.12 to Continental Office Furniture of Columbus, Ohio.

**Chief Engineer:** The fourth resolution is awarding Invitation No. 4160 for furnishing retro-reflective and non-reflective sheeting. This is for use by our sign shop for production of roadway signage. This contract has a one year period, with the possibility of two one-year renewal terms. We received one bid, pardon me, two bids in response to this Invitation. The lowest bid was submitted by 3M Corporation of St Paul, Minnesota, in the total amount of \$92,120 based on the estimated quantities. This amount is below the estimate for this material. Since these are estimated quantities we are recommending establishing an annual blanket amount of \$95,000. Will the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid of **3M Corporation of St. Paul, Minnesota** under Invitation No. 4160 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director or the Director of Contracts Administration, or either of them, is hereby authorized: 1) to execute a blanket Contract in the annual amount of **\$95,000.00** with the successful bidder for a one-year

period in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) to exercise either or both of two possible, one-year renewal options upon satisfactory performance evaluations by the Maintenance Department, and 3) to take any and all action necessary to properly carry out the terms of said Contract.

**Chairman:** A motion to adopt?

**Mr. Regula:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Questions or discussions? Please call the roll.

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

**Mr. Regula:** Yes

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

**Mr. Kidston:** Yes

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

**Mr. Pakush:** Yes

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

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

### **RESOLUTION NO. 21-2011**

#### **Resolution Awarding a Contract for the Purchase of Retroreflective and Non-Reflective Sheeting and Electronic Cuttable Overlay Film under Invitation No. 4160**

WHEREAS, the Commission duly advertised for bids to furnish the Commission with its requirements for Retroreflective and Non-Reflective Sheeting and Electronic Cuttable Overlay Film for a one-year period under Invitation No. 4160 with two possible, one-year renewal terms; and

WHEREAS, Invitation No. 4160 was divided into six different Groups listing estimated quantities and various sizes of retroreflective, non-reflective sheeting and electronic cuttable overlay film to be used in the Commission's Sign Shop; and

WHEREAS, it is anticipated that total Contract expenditures by the Commission for the above-described materials under Invitation No. 4160 will exceed \$150,000, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

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

WHEREAS, the Maintenance Engineer reports that, collectively, the lowest responsive and responsible bid received for all six Groups under Invitation No. 4160 was submitted by **3M Corporation of St Paul, Minnesota** in the total annual amount of **\$92,120.00** based on the estimated quantities to be ordered by the Commission as set forth in the Invitation; and

WHEREAS, the Maintenance Engineer further reports that 3M Corporation proposes to furnish materials and services in accordance with the Specifications and has satisfactorily furnished similar materials to the Commission in the past; and

WHEREAS, for all of the above reasons, the Maintenance Engineer recommends that a Contract be awarded to the lowest responsive and responsible bidder, 3M Corporation, in an annual blanket amount of **\$95,000.00**; and

WHEREAS, the Director of Contracts Administration has advised the Commission that 3M Corporation qualifies for consideration under the Commission's "Domestic and Ohio Preference" Policy; and

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 4160 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid of 3M Corporation conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Interim 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 Contract No. 4160 be awarded to the lowest responsive and responsible bidder, 3M Corporation of St. Paul, Minnesota; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **3M Corporation of St. Paul, Minnesota** under Invitation No. 4160 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted, and the Interim Executive Director or the Director of Contracts Administration, or either of them, is hereby authorized: 1) to execute a blanket Contract in the

annual amount of **\$95,000.00** with the successful bidder for a one-year period in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, 2) to exercise either or both of two possible, one-year renewal options upon satisfactory performance evaluations by the Maintenance Department, and 3) to take any and all action necessary to properly carry out the terms of said Contract.

**Chief Engineer:** Thank you the final resolution I have this morning is a resolution awarding Agreement TRM-9F for furnishing janitorial services at the Indian Meadow and Tiffin River Service Plazas. We issued an RFP to provide these services on March 15<sup>th</sup>, 2011. This RFP has an initial of term of two years with provisions for up to five successive one-year extensions. One firm submitted a proposal in response to this RFP, namely ISS Facility Services, Incorporated of Pepper Pike, Ohio. An evaluation team comprised of staff from the Service Plaza Operations Department reviewed this proposal and found that they could satisfactorily perform the work. The Commission will note that this is the same company that was awarded the Blue Heron and Wyandot Service Plazas and Portage/Brady's Leap Service Plazas at our last meeting. The fee is an annual fee per building of \$274,940.88 per building with an hourly rate of \$9.92. This hourly rate is used for any additional services; it is also used as a deduction for payment to the contractor for failure to provide the required services. The Commission is again reminded that one-half of the total cost of this project is reimbursed by concessionaires operating in the plazas. Will the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the Proposal submitted by **ISS Facility Services, Inc. of Pepper Pike, Ohio**, which included the following Price Proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate *</u>
Indian Meadow	\$22,911.74	\$274,940.88	\$9.92
Tiffin River	\$22,911.74	\$274,940.88	\$9.92

*\* for any additional requested services*

is, and is by the Commission determined to be, the best Proposal received for the performance of Agreement TRM-9F and is accepted; and

FURTHER RESOLVED that the Interim Executive Director and Director of Contracts Administration hereby are authorized to: 1) execute Agreement TRM-9F with **ISS Facility Services, Inc.** to furnish janitorial services at the Commission's Indian Meadow and Tiffin River Service Plazas for an initial term of two years, 2) direct the return of the proposal guaranty provided by ISS Facility Services as soon as the Agreement is executed, 3) extend the Agreement predicated on satisfactory performance reviews by the Director of Service Plaza Operations for no more than five, successive one-year periods, pursuant to the terms and conditions of the aforesaid Agreement, and 4) to take any and all action necessary or proper to carry out the terms of the RFP and the Agreement.

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



**Mr. Kidston:** So moved.

**Chairman:** Is there a second?

**Mr. Pakush:** Second.

**Chairman:** Questions, discussions? I see there is only one bidder. Could you just explain the process we went through, it just seems funny to get only one bidder?

**Director of Contracts Administration:** Sure Mr. Chairman, Commission Members, I think if you look at the list of contractors that we sent the RFP to you also see that we reached out to contractors in both Indiana and Michigan as well given the fact that the new service plazas are located so close to the state line out west and our belief as to why we only received one bid has to do with the fact that as the Interim Director mentioned, last month we awarded a contract to ISS Facility Services for the Blue Heron and Portage/Brady's Leap Plazas and for them this contract made abundant sense because they are investing in providing significant janitorial services out west to the Commission already so they'll have the forces dedicated out there for them this made the most economic sense in terms of a bid, for the other potential bidders that we have seen before in the past for them to dedicate resources so far out west in the state for instances ADW or Service Master didn't make sense and that is why didn't submit bids.

**Chairman:** How does the price compare? I just don't recall.

**Chief Engineer:** Mr. Chairman this is within nine percent of last months awards. That's reasonable as we're expecting this plaza is going to be busier than both buildings that were awarded last year being it is the first building in the state...

**Chairman:** Yes it is the last one.

**Chief Engineer:** and the last one leaving. So they will spend more materials and supplies.

**Director of Contracts Administration:** Plus there is distance involved as well with transporting folks out that far if you know if they are from even the Toledo area.

**Chairman:** My last question, what's our opinion of them for work done to date?

**Chief Engineer:** Mr. Chairman this is a new bidder with the Commission, they have not held any contracts prior with the Commission, but there was quite a bit of work by our Service Plaza Operations Department checking out their references and their staffing and their infrastructure.

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

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

**Mr. Kidston:** Yes

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

**Mr. Pakush:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

**RESOLUTION NO. 22-2011**

**Resolution Awarding Agreement TRM-9F for Janitorial Services at the Commission's Indian Meadow and Tiffin River Service Plazas**

WHEREAS, on March 15, 2011, the Commission issued its Request for Proposals ("RFP") to furnish janitorial services at the Commission's Indian Meadow and Tiffin River Service Plazas (Agreement TRM-9F), for an initial term of two years, with provisions for up to five successive, one-year extension periods); and

WHEREAS, expenditures of the Commission for janitorial services at the Indian Meadow and Tiffin River Service Plazas under Agreement TRM-9F will exceed \$150,000.00 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of said Agreement; and

WHEREAS, on April 4, 2011, one firm submitted a Proposal to furnish the specified janitorial services; and

WHEREAS, an Evaluation Team comprised of the Director of Service Plaza Operations and the Eastern Division and Western Division Service Plaza Managers reviewed the Proposal submitted by **ISS Facility Services, Inc. of Pepper Pike, Ohio**, and have indicated that said firm is capable of providing the required janitorial service in accordance with the requirements of the RFP, and have recommended that Agreement TRM-9F be awarded to ISS Facility Services, Inc., which submitted the following Price Proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate *</u>
Indian Meadow	\$22,911.74	\$274,940.88	\$9.92

<b>Tiffin River</b>	<b>\$22,911.74</b>	<b>\$274,940.88</b>	<b>\$9.92</b>
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*\* for any additional requested services*

WHEREAS, the Director of Contracts Administration advises that: 1) the RFP conforms to the requirements of applicable statutes including Sections 5537.07 and 5537.13 of the Ohio Revised Code, 2) the aforesaid Proposals were solicited on the basis of the same terms and conditions with respect to all potential respondents, 3) due and full consideration has been given to the Proposal received, the respondent’s qualifications and its abilities to perform the required services, and 4) ISS Facility Services, Inc. has provided a proposal guaranty of good and sufficient surety and evidence of its ability to provide the required performance bond and insurance as set forth in the RFP; and

WHEREAS, the Interim Executive Director has reviewed the Evaluation Team’s and the Director of Contracts Administration’s written recommendations and, predicated on such analysis, concurs with the selection of ISS Facility Services, Inc. to perform Agreement TRM-9F; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposal submitted by **ISS Facility Services, Inc. of Pepper Pike, Ohio**, which included the following Price Proposal:

<u>Service Plaza</u>	<u>Monthly Per Plaza Fee</u>	<u>Annual Fee</u>	<u>Hourly Rate *</u>
<b>Indian Meadow</b>	<b>\$22,911.74</b>	<b>\$274,940.88</b>	<b>\$9.92</b>
<b>Tiffin River</b>	<b>\$22,911.74</b>	<b>\$274,940.88</b>	<b>\$9.92</b>

*\* for any additional requested services*

is, and is by the Commission determined to be, the best Proposal received for the performance of Agreement TRM-9F and is accepted; and

FURTHER RESOLVED that the Interim Executive Director and Director of Contracts Administration hereby are authorized to: 1) execute Agreement TRM-9F with **ISS Facility Services, Inc.** to furnish janitorial services at the Commission’s Indian Meadow and Tiffin River Service Plazas for an initial term of two years, 2) direct the return of the proposal guaranty provided by ISS Facility Services as soon as the Agreement is executed, 3) extend the Agreement predicated on satisfactory performance reviews by the Director of Service Plaza Operations for no more than five, successive one-year periods, pursuant to the terms and conditions of the aforesaid Agreement, and 4) to take any and all action necessary or proper to carry out the terms of the RFP and the Agreement.

**Chief Engineer:** That completes my report Mr. Chairman.

**Commission Member Kidston left the meeting at 11:22 a.m.**

**Chairman:** Thank you. Any questions? Next General Counsel, Noelle?

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

**Chairman:** CFO.

**CFO/Comptroller:** Good morning Mr. Chairman and Commission Members I have an updated on our traffic and revenue for the month of March. This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. We may be beginning to feel the effects of the recent increase in the cost of gas, as passenger car vehicle traveled decreased in March and were 2.2% less than last year. Commercial traffic continues to increase with the improving economy. As a result commercial vehicle miles traveled increased in March and were 4.9% higher than last year. The decrease in passenger car miles traveled combined with an increase in percentage of E-ZPass use caused passenger car toll revenues to decline 3.6% in March compared to last year. Revenues from commercial vehicles were up 5% in March compared to last year. And this chart shows year-to-date toll revenues through the month of March during each year over the past decade. Total toll revenues for the first three months of this year were \$849,000 or 1.8% above the amount from last year. This report shows the actual and budgeted revenues, expenditures and transfers for the General Fund for the first three months of the year. The total revenues for the first three months of the year are \$449,000 or .9% higher than budgeted and \$1,029,000 or 2% higher than last year. Total expenditures including debt service payments for the first three months of the year were \$1.8 million or 4% lower than budgeted. Most of these savings were the result of lower than expected fringe benefit cost, lower snow and ice removal cost, and lower toll operation wages due to the continued control of overtime. Total expenditures were \$4.2 million or 8.8% lower than last year. Last year included \$2.5 million in voluntary separation incentive payment costs and the remaining reduction from last year was primarily a result of lower toll operation wages. And after paying our operating expenses and debt service the balance of the revenue is used to fund our 2011 capital expenditures. That completes my report Mr. Chairman I would be happy to respond to any questions.

**Chairman:** Thank you. Trustee?

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

**Chairman:** Ohio State Highway Patrol?

**St./Lt. Morgan:** Good morning Mr. Chairman, also Commission Members. I am pitch hitting for Captain Zurcher today he is spending his week in Florida, so hopefully he's got a little bit better weather than we do here. Just over the first three months of 2011, we've experienced some significant success in our criminal & drug interdiction efforts. To date we have seized over \$11 million dollars in drugs and assets just in the first three months of 2011, so the addition of the K9 officer and some other folk's expertise in criminal patrol and drug

interdiction has lead to some pretty successful efforts. Glad to report there are zero fatalities for the first three months thru March 2011, unfortunately our crashes are up about 29%. We don't really contribute any of that to the increase to the 70 mile-per-hour speed limit yet; those numbers are still coming in since the speed limit change April 1<sup>st</sup>, 2011. We are also working very diligently and have begun discussions with Traffic Safety Services of the Ohio Turnpike Commission, Engineering and the contractors in efforts to provided a safe environment in the numerous construction zones of projects that we currently do have operating. With the increase in the speed limit and also in some of the increases that we have seen in vehicular traffic it's going to be challenging process through the summer months particularly for the Highway Patrol, but I feel pretty confident between this joint venture and partnership between the four of us that we can have some pretty good success here. That's all I have Mr. Chairman.

**Chairman:** Thank you any questions?

**Mr. Dixon:** How are you doing question? Question do we seize, do we ever seize automobiles or other valuables of that type?

**St./Lt. Morgan:** Mr. Chairman and Mr. Dixon, the Ohio Turnpike Commission does not seize assets, the Highway Patrol does as the law enforcement agency does seize those assets, we usually share in the processing of those assets with the County Prosecutor or if it is a local forfeiture action or through the federal agencies that process those forfeitures/seizures for us.

**Mr. Dixon:** Okay that was my question. Okay, thank you.

**Mr. Regula:** And to continue that line of questioning, than so you share with a portion of the revenues from those seizures, correct?

**St./Lt. Morgan:** That is correct, sir.

**Mr. Regula:** But does it go to, back to the State Highway Patrol in terms of their general fund or does it stay here to support your efforts here on the Turnpike since you are the ones making the seizure?

**St./Lt. Morgan:** There is two different funds, one is the general fund, the other is dedicated specifically to criminal patrol efforts, in other words they can be used to purchase equipment, to fund overtime specifically directed at criminal operations, but those assets are not specifically directed back to the Highway Patrol assigned to the Ohio Turnpike.

**Mr. Regula:** So the revenues we are receiving from your efforts here on the Turnpike that we compensate the State Highway Patrol for here, it doesn't come back to you, it goes back to Columbus where it is distributed throughout the state?

**St./Lt. Morgan:** Correct, statewide sir.

**Mr. Regula:** Just to get that clear.

**St./Lt. Morgan:** Statewide, yes sir.

**Mr. Regula:** We appreciate your efforts.

**Chairman:** Thank you. Financial Advisor?

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

**Chairman:** General Consultant?

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

**Chairman:** Thank you, any other questions or comments from the Commission? If not, if there is no further business, we accept a motion to adjourn. The next meeting will be Monday, May 16<sup>th</sup> at 10:00 a.m.

**Mr. Dixon:** What time was that Mr. Chairman?

**Chairman:** 10:00 a.m. A few of the Commission Members were here for the 10:00 a.m. meeting that started at 11:00 today.

**Mr. Regula:** So we will make an assumption that there are no animals in harms way next May, correct?

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

**Mr. Pakush:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Adjourn seconded, please call the roll.

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

**Mr. Pakush:** Yes

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

**Mr. Regula:** Yes

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

**Mr. Dixon:** Yes

**Interim Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Chairman:** Meeting is adjourned.

Time of adjournment is 11:28 a.m.

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

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George F. Dixon, Secretary-Treasurer