

**MINUTES OF THE 684th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
APRIL 19, 2021**

Chairman: Good morning. It is 10:05 a.m. Will you please stand and join me in reciting the *Pledge of Allegiance*. The meeting will come to order.

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

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

Assistant Secretary-Treasurer: Chairman Hruby

Chairman, Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman, Timothy Paradiso: Here

Assistant Secretary-Treasurer: Secretary-Treasurer Barber

Secretary-Treasurer, Sandra Barber: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner, Guy Coviello: Here

Assistant Secretary-Treasurer: Ms. Eaton Johnson

Commissioner, Vickie Eaton Johnson: Here

Assistant Secretary-Treasurer: Mr. Pakush

Commissioner, ODOT Proxy, Myron Pakush: Here. (ODOT Representative until the arrival of Dr. Marchbanks at 10:18 a.m.).

Assistant Secretary-Treasurer: Dr. Marchbanks

Commissioner, ODOT Proxy, Dr. Jack Marchbanks: Arrived at 10:18 a.m.

Assistant Secretary-Treasurer: Mr. Kennedy

Office of Budget and Management, James Kennedy: Here

Assistant Secretary-Treasurer: Senator Reineke

Senator Bill Reineke: Here

Assistant Secretary-Treasurer: Representative Swearingen

Representative D.J. Swearingen: Here

Chairman: We have a quorum. This is the 684th Meeting of the Ohio Turnpike and Infrastructure Commission. We are holding a meeting today via Microsoft Teams.

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

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

May I have a motion to adopt the Minutes of the March 15, 2021, Commission Meeting? Call the roll, please.

MOTION: A motion to adopt the Minutes of March 15, 2021, Commission Meeting was made by Mr. Coviello and seconded by Chairman Hruby.

Chairman: The March 15, 2021 Commission Meeting Minutes are adopted. We will move on with the report of the Secretary-Treasurer, Mrs. Barber.

Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on March 15, 2021:

1. Six (6) Resolutions;
2. Draft Minutes of the March 15, 2021, Commission Meeting; and
3. Agenda for today's meeting.

The following additional documents have been made available to Commission Members:

1. Traffic Crash Summary Report, March 2021;
2. Traffic and Revenue Report, March 2021;
3. Budget Report, March 2021; and

4. Financial Statement, March 2021.

That concludes my report, Mr. Chairman.

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

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

Before I begin my report, I would like to welcome Representative Swearingen to the Commission. Hopefully, soon we will be able to meet and have you and Senator Reineke tour our facilities.

I would like to start with an update on construction related to our toll operations. As part of our new Open Road Tolling system, four new toll plazas are being built at mm 4 and 49 at the west end, and 211 and 239 at the east end. Construction is officially underway at all four new mainline toll plazas. The mainline pavement will be replaced in one direction of travel this year, and the entrance and exit ramps as well as the toll plaza site work will be constructed.

The toll plaza at mm 49, which started construction last year, will be completed in 2021. This will be our first completed toll plaza. This will give us the ability to perform some of the new Toll Collection system testing at that Toll Plaza.

At Toll Plazas 4 and 211, the plaza building and booth infrastructure will begin construction later this year. The construction documents are being bid this month and next month, and we anticipate requesting Commission approval at the May and June Commission Meetings.

In addition to the new toll plazas, we are also expanding two of our existing toll plazas at mile markers 64 and 152. For each plaza, we will be adding a toll lane to relieve congestion during periods of high traffic volume.

Now, I will give a wrap-up of snow and ice operations. As of April 16th, the salt usage was approximately 12.5% above our five-year average. The total salt usage was 59,335 tons compared to our five-year average of 52,754 tons.

Overall, the actual snow and ice expenditures were very close to the budgeted expenditures. The budget was approximately \$6.92 million and actual expenditures were approximately \$6.98 million, a little less than \$60,000 above the budgeted amount.

One of our organizational performance metrics is free flow traffic. Our goal is to achieve free flow traffic 99.5% of the time. Our customers experienced very little delay this winter with our overall free flowing traffic averaging 99.94%. So, thank you to our maintenance and toll employees during the snow and ice season.

I would like to congratulate Amy Thatcher and David Ross for reaching their career milestones. Amy and David plan to retire from the Toll Operations Department on April 30th. I thank both of them for their service to the Commission and wish them both the best.

Mr. Chairman, we have a great partnership with the Ohio State Highway Patrol (“OSHP”). I would like to commend two of our team members who were recently recognized by the Ohio State Highway Patrol. The first is Jen Diaz in our Legal Department. I recently received a letter from Lieutenant Reeder, of the OSHP, informing me that in late 2020, Jen Diaz helped the OSHP break a case where a driver had fled the scene of the crash. OSHP reached out to Jen Diaz who was able to get relevant information to the Patrol, which resulted in the identification and apprehension of the vehicle and suspect.

The second is Assistant Maintenance Foreman, Ryan Hake. On January 6, 2021, Ryan was instrumental in assisting Trooper Brian Mull with a traffic stop and taking an impaired driver into custody who was resisting arrest. On Monday, April 5, 2021, Highway Patrol Superintendent Colonel Richard Fambro came to the Turnpike and presented Ryan Hake with the Superintendent’s “*Citation of Merit Award.*”

We are proud of both Jen and Ryan.

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

Chairman: Let me just echo his words, congratulations to our two retirees, Thatcher and Ross. Then also, Jen Diaz, congratulations for your fine work and the same thing for Ryan. We should keep Ryan in our thoughts in case we have any future difficulties and we need a bouncer. We will always know where we can get one. Ryan, congratulations and thank you.

Any other questions or comments for the Director?

Hearing none, we will now move on to the report of the Chief Engineer, Tony Yacobucci.

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

The first resolution for your consideration seeks the Commission’s authorization for the Executive Director to participate in the Ohio Department of Transportation’s Cooperative Purchasing Program for the procurement of Sodium Chloride (rock salt) for the 2021/2022 snow and ice season. For the past several snow and ice seasons, the Commission authorized the purchase of rock salt through the ODOT Cooperative Purchasing Program. We are once again recommending that all of the Commission’s rock salt be purchased through the ODOT Cooperative Purchasing Program for the 2021/2022 Snow and Ice Season because we believe the best pricing will be available under that program due to consolidated quantities. We are requesting Commission approval for an estimated 56,800 tons of rock salt for winter use, at fourteen delivery locations across the Turnpike, for submittal to ODOT and inclusion in that agency’s bid invitation for the 2021/2022 snow and ice season. The Cooperative Purchasing Program allows for the purchase of between 90% and 110% of the winter use quantities. The average rock salt price the

Commission paid in 2020/2021 was approximately \$52.99 per ton delivered, and it is anticipated that the salt prices will go up slightly for the 2021/2022 snow and ice season due to average demand for rock salt this past season. At the requested purchase quantities noted above and based on a 2021/2022 anticipated unit price of \$65.00 per ton delivered, expenditures under the ODOT Cooperative Purchasing contracts for sodium chloride at the fourteen delivery locations could potentially exceed \$3,692,000.00. Since these expenditures will exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, we are requesting the Commission to authorize the Executive Director to participate in the Ohio Department of Transportation's Cooperative Purchasing Program for the procurement of Sodium Chloride (rock salt) for the 2021/2022 snow and ice season. Furthermore, the Deputy Chief Engineer/Director of Field Operations will issue a report back to the Commission indicating the results of the ODOT bidding process. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing Participation in ODOT Cooperative Purchasing Program for Road Salt For 2021/2022 Winter Season.

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

MOTION: A motion to adopt *Resolution Authorizing Participation in ODOT Cooperative Purchasing Program for Road Salt For 2021/2022 Winter Season* was made by Chairman Hruby, seconded Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 18-2021.

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

Chief Engineer: The second resolution for your consideration seeks the Commission's authorization for the purchase of sixteen (16) portable changeable message boards ("PCMB's") with integrated telecommunications and GPS under the Ohio Department of Transportation's Cooperative Purchasing Program Number 048-21A. The purchase of these boards is included in the 2021 Capital Improvement Budget. The PCMB's are being purchased to replace sixteen (16) existing boards to continue to provide important communications to our patrons during traffic incidents and events. The sixteen (16) American Signal CMS-T333 full matrix PCMB's are available through the ODOT Cooperative Purchasing Program, which selected Lightle Enterprises of Ohio, LLC, of Frankfort, Ohio, as the supplier at the cost of \$15,433.00 per PCMB. Based upon the unit cost indicated the total purchase price for the sixteen (16) PCMB's will be \$246,928.00. In addition, the disposal of the existing sixteen (16) PCMBs will be in accordance with the Commission's Property Disposal Policy. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing the Purchase of Sixteen Portable Changeable Message Boards in the Total Amount of \$246,928.00 Under the ODOT Cooperative Purchasing Program.

Chairman: When you dispose of these, how do you do that?

Chief Engineer: Mr. Chairman and Commission Members, we actually place these on a website, I believe it is called “GovDeals” and they auction them off for us. So, we get the auction price of those that are interested in purchasing the older boards.

Chairman: GovDeals is widely used by many communities so most likely they will end up in the hands of most communities, villages, townships, would you not agree?

Chief Engineer: That is correct, Mr. Chairman.

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

MOTION: A motion to adopt *Resolution Authorizing the Purchase of Sixteen Portable Changeable Message Boards* in the Total Amount of \$246,928.00 Under the ODOT Cooperative Purchasing Program. was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 19-2021.

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

Chief Engineer: The third resolution for your consideration seeks the Commission’s authorization for the purchase of three (3) replacement wheel loaders (“loaders”) under the Sourcwell Cooperative Purchasing Contract 032119-CAT. The purchase of these loaders is included in the 2021 Capital Improvement Budget to replace our existing 2006, 2007, and 2008 model year loaders. Maintenance staff has compared four similar loader manufacturer’s models, all available on various Cooperative Purchasing Programs, against our existing 3-yard and 2-yard loaders and determined that the 2021 CAT 914 loader is the best equipment to replace our existing models. The CAT loaders are superior compared to the other models in terms of pricing, engine power, breakout force, hydraulic flow and cycle times, lift height and reach, and tipping load capabilities. The loaders are available under Sourcwell Cooperative Purchasing Contract 032119-CAT through Ohio CAT, of Broadview Heights, Ohio. The total cost for the three loaders will be \$381,115.21. In addition, three existing loaders shall be disposed of in accordance with the Commission’s Property Disposal Policy after the new loaders are placed into service. The expenditures by the Commission for the three (3) loaders will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission authorization of this purchase is required. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing the Purchase of Three Wheel Loaders in the Total Amount of \$381,115.21 Under the Sourcwell Cooperative Purchasing Program.

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

MOTION: A motion to adopt *Resolution Authorizing the Purchase of Three Wheel Loaders in the Total Amount of \$381,115.21 Under the Sourcwell Cooperative Purchasing Program* was made by Secretary-Treasurer Barber, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 20-2021.

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

Chief Engineer: The fourth resolution for your consideration seeks the Commission's authorization to award Contract No. 59-21-01 for the Partial Interchange Resurfacing of the Eastbound and Westbound Ramps at Toll Plaza 25 in Fulton County. This work is included in the 2021 Capital Improvement Budget. On March 16, 2021, Procurement received one (1) bid in response to this Project. The apparent low bid was submitted by the Gerken Paving, Inc. ("Gerken"), of Napoleon, Ohio, in the amount of \$806,144.40, which is approximately 1% above the Engineer's Estimate. Commission staff evaluated the unit bid prices to other similarly sized projects and found them to be reasonable and the bid tabulation did not appear to contain any errors or anomalies. It should be noted that due to the geographical location of the project, there are few, if any, asphalt plants that would be able to service the project without significantly increasing the material pricing due to trucking cost. Based on a review of Gerken's Financial Statement and Experience Questionnaire it appears they have the capacity to perform this work. They have previously performed similar projects for the Commission in the past with favorable results. In addition, Gerken has committed to exceed the 10% SBE goal as set by the Office of Equity and Inclusion. Therefore, it is recommended that the Commission award Contract No. 59-21-01 to Gerken Paving, Inc., of Napoleon, Ohio in the amount of \$806,144.40. With your permission, may the General Counsel please read the title of the Resolution?

General Counsel: Resolution Approving the Selection of Gerken Paving, Inc. for Project No. 59-21-01 for the Total Amount of \$806,144.40.

Chairman: Any questions or comments?

Dr. Marchbanks: Mr. Chairman, I just wanted to confirm what I heard from Chief Engineer Yacobucci, that the main reason there was only one bid was because of the geographic situation where there are no asphalt plants nearby that will make other companies competitive because of the hauling costs, is that what I heard?

Chief Engineer: Mr. Chairman and Commission Member Marchbanks, yes. I believe as most Commission Members are probably aware, every time we bid a job out west, we typically only get one bid and we have even put in our contract documents in the past that they are permitted to use portable asphalt plants and that has not been successful either. So, obviously with a very small project, an \$800,000 small partial interchange resurfacing project, you are definitely not going to get a portable asphalt plant to accommodate that.

Secretary-Treasurer Barber: Mr. Chairman, if I could add to the Chief Engineer's comments being that I am from this area, I am very well aware of the lack of contractors in this area, so I support it 100%. We have a lot of corn and bean fields out here and that is just about it.

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

MOTION: A motion to adopt *Resolution Approving the Selection of Gerken Paving, Inc. for Project No. 59-21-01 for the Total Amount of \$806,144.40* was made by Ms. Johnson, seconded

by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 21-2021.

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

Chief Engineer: The fifth and final resolution for your consideration seeks the Commission's authorization of continuing expenditures for the Contract with Fishbeck, Thompson, Carr, and Huber ("FTCH"), of Toledo, Ohio, for the 71-18-07 Bridge Deck Rehabilitation and Bridge Removal Project in Sandusky County, Ohio. FTCH, formerly Northwest Consultants, Inc., submitted the highest-ranking proposal for Project No. 71-18-07 and was authorized to perform Phase I design services under Commission Resolution No.'s 46-2018 and 57-2019. FTCH completed final design, the construction project was advertised as Project No. 43-21-02, and subsequently awarded to the Kokosing Construction Company by Resolution No. 13-2021. As requested by the Engineering Department, as part of the scope of services for Project No. 71-18-07, FTCH submitted a fee proposal dated April 6, 2021, in the not-to-exceed amount of \$552,649, to perform Phase II Construction Administration and Inspection Services. The Engineering staff has reviewed FTCH's proposal and finds it to be reasonable for the scope to be performed. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing a Modification to the Contract with Fishbeck, Thompson, Carr & Huber, Inc. to Perform Phase II Construction Administration and Inspection Services Under Project No. 43-21-02 in an Amount Not-to-Exceed \$552,649.00 For a Total Aggregate Contract Amount of \$912,793.00.

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

MOTION: **MOTION:** A motion to adopt *Resolution Authorizing a Modification to the Contract with Fishbeck, Thompson, Carr & Huber, Inc. to Perform Phase II Construction Administration and Inspection Services Under Project No. 43-21-02 in an Amount Not-to-Exceed \$552,649.00 For a Total Aggregate Contract Amount of \$912,793.00* was made by Chairman Hruby, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 22-2021.

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

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

Chairman: Thank you very much. We appreciate your work. We will move on next to the CFO/Comptroller/Deputy Executive Director, Marty Seekely.

CFO/Comptroller/DED: Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of March.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike since the beginning of 2019. Passenger car vehicle miles traveled were up 22.2% from March of last year but down 16.2% from March of 2019.

Commercial traffic continued to increase and was up 20.3% from March of last year and up 18.8% from March of 2019. There was one more weekday in March this year versus March of last year and two more weekdays in March of this year versus March of 2019.

The change in passenger car traffic combined with the toll rate increases caused passenger car toll revenues to increase 24.1% from March of last year and to decrease 13.3% from March of 2019.

The increase in commercial traffic combined with the toll rate increases caused commercial vehicle toll revenues to increase 22.7% from March of last year and 25.0% from March of 2019.

This chart shows year-to-date toll revenues through the month of March during each year over the past decade. Year-to-date total toll revenues were \$5.2 million or 7.9% above the amount from last year and \$4.4 million or 6.6% above the amount from 2019.

If you subtract February 29th from last year's total, total toll revenues are up \$5.8 million or 8.8% over last year.

That completes my report Mr. Chairman.

Chairman: Any questions or comments? Seems like the numbers are getting better and better and we appreciate your good work.

We will now move on to the report of our General Counsel, Jennifer Stueber.

General Counsel: No report this morning, Mr. Chairman.

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

Staff Lieutenant Haymaker: Good morning, Mr. Chairman and Commission Members.

On March 31, 2021, Trooper Kyle Mayle stopped a 2017 Nissan Maxima near milepost 100 for window tint violation. Trooper Mayle deployed his canine partner on the vehicle resulting in a positive alert to the presence of narcotic odor. A probable cause search revealed eight pounds of marijuana in a duffel bag in the trunk.

In an effort to increase commercial motor vehicle compliance on the Ohio Turnpike, a commercial motor vehicle TAC squad was implemented from March 22, 2021 to March 26, 2021 in Erie, Sandusky, Cuyahoga and Lorain Counties. The results of the TAC squad included 113 total enforcement contacts, of which, 79 commercial motor vehicle enforcement contacts were

made. Units participating also made a total of 64 non-enforcement contacts, 117 commercial motor vehicle contacts, 15 seat belt enforcements, 28 warnings, 17 assists, 2 hazardous material inspections and three distracted driving citations. Enforcement contacts included speed (heavily concentrated in construction zones), marked lanes, seat belt, over-weight, DUS and distracted driving violations.

We have a new Sergeant at the Hiram Post. Sergeant Adam Doles is one of our newest Sergeants there. He actually transferred from the Medina Post. He has twenty plus years on the Division and will be a good addition to the Hiram Post.

That completes my report, Mr. Chairman.

Chairman: Any questions for Staff Lieutenant Haymaker?

Vice Chairman Paradiso: I just want to personally thank you as well, Staff Lieutenant, as the whole Ohio State Highway Patrol for all that you do for our Turnpike. I guess I am just sensitive to some of the press lately with law enforcement and I want you to hear it from me, a heartfelt thank you. Your team puts their lives on the line every day and we appreciate that. Thank you.

Chairman: Thank you again for the service of yourself and the men and women of the Ohio State Highway Patrol. We welcome the new Sergeant and hope he has a good lengthy safe career.

We will move on to the report of our Director of Administration, Matt Cole.

Director of Administration: Good morning, Mr. Chairman and Commission Members. I suggest that we head into Executive Session to discuss that matters of my resolution.

Chairman: It is 10:38 a.m. and I move that we hold an Executive Session to discuss the negotiations with the Teamsters Local 436 under the provisions of Ohio Revised Code Section 121.22(G)(4). At the end of such Executive Session, the Commission shall resume its open meeting.

10:38 a.m. - MOTION: A motion to adjourn into Executive Session was made by Chairman Hruby, seconded by Vice Chairman Paradiso, and approved by all Commission Members present.

Chairman: I move that we conclude the Executive Session pursuant to the provisions of Ohio Revised Code Section 121.22(G)(4) and resume the open meeting of the Commission.

11:04 a.m. - MOTION: A motion to adjourn Executive Session was made by Chairman Hruby, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present.

Chairman: It is 11:04 a.m. and we are adjourned from Executive and will resume the Commission Meeting.

I believe there is a resolution. General Counsel, Jennifer Stueber, please read the title of the resolution.

General Counsel: Resolution Authorizing Execution of the Collective Bargaining Agreement for the Part-Time Toll Collector Bargaining Unit Represented by the Teamsters Local Union 436.

Chairman: I will echo the Commission's appreciation to the negotiating team. We appreciate the cooperative spirit. We appreciate the fine work everyone did putting this together. Thank you so much.

Any other comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing Execution of the Collective Bargaining Agreement for the Part-Time Toll Collector Bargaining Unit Represented by the Teamsters Local Union 436* was made by Chairman Hruby, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 23-2021.

Chairman: The resolution passes unanimously. Any other business to come before the Commission? Hearing none, the next meeting of the Ohio Turnpike and Infrastructure Commission will take place on May 17, 2021, at 10:00 a.m., via Microsoft Teams.

If there is no further business, I will accept a motion to adjourn the 684th Commission Meeting.

MOTION: A motion to adjourn the 684th Commission Meeting is made by Chairman Hruby, seconded by Mr. Coviello, and unanimously approved by all Commission Members present.

Time of adjournment: 11:07 a.m.

Attendees for Record Keeping Purposes:

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

Other Attendees: Caliope Voiklis, Stantec; Zach Stumpf, Scanner Media; Robert Horr, Atkins Global; Hamid Homae, KS Associates; Edward Adamczyk, Arcadis-US; Sarah Brown, HNTB; Bethany Pugh, PFM; Jon Lorincz, AECOM; Maureen Shildwachter, Huntington; Nathan Podoll, Stantec; Sean Tihal, Stantec; Vickie Wildeman, DLZ; Suzie Reineke; Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Myron Pakush, Ohio Department of Transportation; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio

Turnpike; Diana Anthony, Ohio Turnpike; Stacey Verespe, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Meghan Gallagher, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; William Davis, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Joseph Mannion, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; Tara Cottrell, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

Approved as a correct record of the April 19, 2021
Meeting of the Ohio Turnpike and Infrastructure
Commission

Sandra K. Barber, Secretary-Treasurer

EXHIBITS

1. Resolution No. 18-2021 – Resolution Authorizing Participation in ODOT Cooperative Purchasing Program for Road Salt For 2021/2022 Winter Season
2. Resolution No. 19-2021 – Resolution Authorizing the Purchase of Sixteen Portable Changeable Message Boards in the Total Amount of \$246,928.00 Under the ODOT Cooperative Purchasing Program
3. Resolution No. 20-2021 – Resolution Authorizing the Purchase of Three Wheel Loaders in the Total Amount of \$381,115.21 Under the Sourcewell Cooperative Purchasing Program
4. Resolution No. 21-2021 – Resolution Approving the Selection of Gerken Paving, Inc. for Project No. 59-21-01 for the Total Amount of \$806,144.40
5. Resolution No. 22-2021 – Resolution Authorizing a Modification to the Contract with Fishbeck, Thompson, Carr & Huber, Inc. to Perform Phase II Construction Administration and Inspection Services Under Project No. 43-21-02 in an Amount Not-to-Exceed \$552,649.00 For a Total Aggregate Contract Amount of \$912,793.00
6. Resolution No. 23-2021 – Resolution Authorizing Execution of the Collective Bargaining Agreement for the Part-Time Toll Collector Bargaining Unit Represented by the Teamsters Local Union 436

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Participation in ODOT Cooperative Purchasing Program for Road Salt For 2021/2022 Winter Season

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

WHEREAS, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the purchases approved pursuant to this Resolution are necessary for the Commission to continue its operations and that all activities required to participate in the contract described herein shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is authorized to participate in contracts awarded by the Ohio Department of Transportation (“ODOT”) for the purchase of machinery, materials, supplies, or other articles under Section 5513.01(B) of the Ohio Revised Code; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends leveraging the volume pricing ODOT is able to obtain from salt suppliers for fulfilling the Commission’s requirements for road salt; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations has recommended the following estimated quantities for the 2021/2022 Winter season under ODOT Contract No. 018-22 (the “ODOT Salt Contract (018-22)”) for the counties where the following delivery sites are located:

<u>Delivery Locations</u>	<u>Estimated Winter Use</u>
Kunkle MB (Williams Cty.)	3,500 Tons
Swanton MB (Fulton Cty.)	2,700 Tons

TP 59 (Lucas Cty.)	500 Tons
Elmore MB (Ottawa Cty.)	2,700 Tons
River Road (Sandusky Cty.)	1,200 Tons
Castalia MB (Erie Cty.)	4,100 Tons
Humm Road (Erie Cty.)	3,200 Tons
Amherst MB (Lorain Cty.)	8,100 Tons
TP 161 (Cuyahoga Cty.)	5,400 Tons
Boston MB (Summit Cty.)	9,400 Tons
TP 187 (Portage Cty.)	3,000 Tons
Hiram MB (Portage Cty.)	4,600 Tons
TP 218 (Mahoning Cty.)	3,900 Tons
Canfield MB (Mahoning Cty.)	4,500 Tons
TOTAL	56,800 Tons

WHEREAS, the ODOT Salt Contract (018-22) will be structured such that the Commission must commit to order at least a minimum of 90% and no more than 110% of the estimated quantities for each delivery location; and

WHEREAS, at an estimated salt cost of \$65.00 per ton, the estimated expenditures for rock salt for the 2021/2022 Winter season will potentially exceed \$3,692,000.00 and the maximum purchase of 110% of the estimated quantities would result in a potential total estimated cost of \$4,061,200.00; and

WHEREAS, in accordance with Section 5513.01(B) of the Ohio Revised Code, the Commission must file a certified copy of a Commission resolution requesting authorization to participate in the ODOT Salt Contract (018-22) and agreeing to be bound by such terms and conditions as the Director of the Department of Transportation prescribes; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations and the Executive Director recommend that the Commission authorize participation in the ODOT Cooperative Purchasing Program, ODOT Contract No. 018-22 for sodium chloride in the counties specified for the above-referenced delivery locations during the 2021/2022 Winter season; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Ohio Turnpike and Infrastructure Commission hereby agrees to participate in the Ohio Department of Transportation Cooperative Purchasing Program, Annual Winter Road Salt Bid (Invitation No. 018-22) in accordance with Section 5513.01(B) of the Revised Code, and that the Executive Director is authorized to take any and all actions necessary in the name of the Ohio Turnpike and Infrastructure Commission concerning its participation in the ODOT Contract for Road Salt during the Winter of 2021/2022 (“ODOT Salt Contract (018-22)”) and

FURTHER RESOLVED, that the Commission hereby requests to participate in ODOT Salt Contract (018-22) in the total estimated amount of 56,800 tons of Sodium Chloride (Road Salt), which the Commission agrees to purchase from the awarded salt supplier(s) for each of the above-specified delivery locations in the subtotal quantities provided as the Estimated Winter Use at the bid price per ton awarded by the Director of Transportation, and the Commission agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier(s) during the term of ODOT Salt Contract (018-22); and

FURTHER RESOLVED, that the Commission hereby agrees to be bound by all terms and conditions established under the ODOT Salt Contract (018-22), and acknowledges that upon award of the Contract by the Director of Transportation the Commission shall be bound by all such terms and conditions included in the contract and that upon the signing of the ODOT Salt Contract (018-22) by the Director of Transportation, the agreement shall effectively form a contract between the awarded salt supplier(s) and the Commission; and

FURTHER RESOLVED, that the Commission hereby agrees to place orders under the ODOT Salt Contract (018-22) directly with the awarded salt supplier(s) and make payments directly to the awarded salt supplier(s) on a 30 day net basis for all road salt received under the ODOT Salt Contract (018-22), and the Commission agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT Salt Contract (018-22) and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Commission's participation in the ODOT Salt Contract (018-22); and

FURTHER RESOLVED, that the Commission instructs the Deputy Chief Engineer/Director of Field Operations to issue a report back to the Commission indicating the results of the ODOT bidding process; and

FURTHER RESOLVED, that the Executive Director is authorized to submit a certified copy of this Resolution to the Director of Transportation providing the Commission's authorization and commitment to participate in the ODOT Salt Contract (018-22) for the purchase of road salt in the quantities and at the delivery sites referenced above; and

FURTHER RESOLVED, that the Commission must provide ODOT with a resolution setting for its estimated quantities of road salt for the 2021/2022 winter season on or before April 30, 2021; and

FURTHER RESOLVED, that the Commission finds and determines that all activities required to participate in the ODOT Salt Contract (018-22), as authorized above, shall comply with the requirements of the "Director's Amended Order for Social Distancing, Facial Coverings and Non-Congregating," as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 18-2021 adopted April 19, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Sixteen Portable Changeable Message Boards in the Total Amount of \$246,928.00 Under the ODOT Cooperative Purchasing Program

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

WHEREAS, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the purchase of sixteen portable changeable message boards approved pursuant to this Resolution is necessary for the Commission to continue its operations and that all activities required to participate in the contract described herein shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is authorized to participate in contracts awarded by the Ohio Department of Transportation (“ODOT”) for the purchase of machinery, materials, supplies, or other articles under Ohio Revised Code Section 5513.01(B); and

WHEREAS, the Chief Engineer has determined that the purchase of sixteen portable changeable message boards is necessary for maintaining traffic on the Ohio Turnpike in a safe and efficient manner; and

WHEREAS, the Maintenance Department staff has recommended that the best equipment available to perform its operations is the American Signal CMS-T333 full matrix message boards with cellular telecommunications and GPS; and

WHEREAS, the portable changeable message boards are available for acquisition through the ODOT Cooperative Purchasing Program, under ODOT Contract No. 048-21A from Lightle Enterprises of Ohio, LLC, of Frankfort, Ohio, in the amount of \$15,433.00 each for a total price of \$246,928.00; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission's Code of Bylaws because the expenditure required to purchase the sixteen portable changeable message boards exceeds \$150,000.00; and

WHEREAS, the Executive Director and Chief Engineer have reviewed the recommendation of the Maintenance Department and concur with the recommendation that the Commission approve the purchase of the sixteen portable changeable message boards from Lightle Enterprises of Ohio, LLC through the ODOT Cooperative Purchasing Program.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the purchase of sixteen portable changeable message boards, specifically the American Signal CMS-T333 full matrix message board with cellular telecommunications and GPS, from Lightle Enterprises of Ohio, LLC, of Frankfort, Ohio, through the ODOT Cooperative Purchasing Program under Contract No. 048-21A, in the total amount of \$246,928.00, is approved; and

FURTHER RESOLVED, that the Commission finds and determines that all activities required to purchase sixteen portable changeable message boards from Lightle Enterprises of Ohio, LLC, of Frankfort, Ohio, through the ODOT Cooperative Purchasing Program under Contract No. 048-21A, as authorized above, shall comply with the requirements of the "Director's Amended Order for Social Distancing, Facial Coverings and Non-Congregating," as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 19-2021 adopted April 19, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Three Wheel Loaders in the Total Amount of \$381,115.21 Under the Sourcewell Cooperative Purchasing Program

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

WHEREAS, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating,” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the purchase of three wheel loaders approved pursuant to this Resolution is necessary for the Commission to continue its operations and that all activities required to participate in the contract described herein shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is authorized to participate in contracts awarded by Sourcewell, formerly National Joint Powers Alliance, a political subdivision cooperative purchasing program, for the purchase of equipment, materials, supplies or services under Ohio Revised Code Section 9.48, and the Commission authorizes its continued membership in the Sourcewell cooperative purchasing program; and

WHEREAS, the Chief Engineer has determined that the purchase of three wheel loaders is necessary for the continued efficient operation of the Maintenance Department; and

WHEREAS, the Maintenance Department staff has recommended that the best equipment available to perform its operations is the 2021 Caterpillar 914 Wheel Loader with two (2) yard Buckets and other options; and

WHEREAS, the three (3) wheel loaders are available for acquisition through the Sourcewell Cooperative Purchasing Program, under Sourcewell Contract No. 032119-CAT from Caterpillar Inc., of Peoria, Illinois, in the total amount of \$381,115.21; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission's Code of Bylaws because the expenditure required to purchase the three wheel loaders exceeds \$150,000.00; and

WHEREAS, the Executive Director and Chief Engineer have reviewed the recommendation of the Maintenance Department and concur with the recommendation that the Commission approve the purchase of three wheel loaders from Caterpillar Inc. through the Sourcewell Cooperative Purchasing Program.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the purchase of three wheel loaders, specifically the 2021 Caterpillar 914 Wheel Loader with two (2) yard Buckets with other options, from Caterpillar, Inc. through the Sourcewell Cooperative Purchasing Program under Contract No. 032119-CAT, in the total amount of \$381,115.21, is approved; and

FURTHER RESOLVED, that the Commission finds and determines that all activities required to purchase three wheel loaders from Caterpillar Inc. through the Sourcewell Cooperative Purchasing Program under Contract No. 032119-CAT, as authorized above, shall comply with the requirements of the "Director's Amended Order for Social Distancing, Facial Coverings and Non-Congregating," as may be amended from time to time, unless or until such order is lifted entirely.

(Resolution No. 20-2021 adopted April 19, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Gerken Paving, Inc. for Project No. 59-21-01 for the Total Amount of \$806,144.40

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

WHEREAS, during the State of Emergency, the Commission continued operations as Essential Infrastructure and Essential Governmental Functions under orders issued by the Director of Health, specifically the “Director’s Stay Safe Ohio Order,” dated April 30, 2020, and the “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020; and

WHEREAS, on April 5, 2021, the Director of Health rescinded several health orders, including those under which the Commission was continuing its operations, and issued a new order titled “Director’s Order for Social Distancing, Facial Coverings and Non-Congregating” which was amended on April 8, 2021 and contains requirements applicable to all Ohioans to prevent the spread of COVID-19, including requirements for wearing face coverings, social distancing, congregating, sanitation, large gatherings, signage (i.e., requiring masks), ventilation in buildings accessible to the public, procedures for confirmed cases, and more; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and that the work to be performed under the contract shall comply with the requirements of the “Director’s Amended Order for Social Distancing, Facial Coverings and Non-Congregating,” as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Partial Interchange Resurfacing at Interchange 25, Eastbound and Westbound Ramps, Milepost 25.30 to Milepost 26.10, in Fulton County, Ohio, designated as Project No. 59-21-01 (hereinafter the “Project”); and

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

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Gerken Paving, Inc. (“Gerken”), of Napoleon, Ohio, submitted the apparent low bid on the Project in the total bid amount of \$806,144.40, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

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

WHEREAS, the Office of Equity and Inclusion Manager has found that Gerken has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 10% which meets the SBE participation goal of 10% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under the Project that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Gerken as the lowest responsive and responsible bidder for the Project; and

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

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the bid of Gerken Paving, Inc. for Project No. 59-21-01 in the amount of \$806,144.40 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED, that the Commission finds and determines that that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and that the work to be performed under the contract shall comply with the requirements of the "Director's Amended Order for Social Distancing, Facial Coverings and Non-Congregating," as may be amended from time to time, unless or until such order is lifted entirely; and

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

(Resolution No. 21-2021 adopted April 19, 2021)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing Execution of the Collective Bargaining Agreement for the Part-Time Toll Collector Bargaining Unit Represented by the Teamsters Local Union 436

WHEREAS, on March 28, 2002, Teamsters Local Union No. 436, affiliated with the International Brotherhood of Teamsters (“the Union”) was certified by the State Employee Relations Board as the exclusive bargaining representative of the part-time, non-supervisory field employees in the Commission’s Toll Operations Department, hereinafter collectively referred to as “Bargaining Unit Employees”; and

WHEREAS, the current Part-Time Collective Bargaining Agreement between the Commission and the Union expired on December 31, 2020; however, pursuant to Ohio Administrative Code Section 4117-9-02(E), the Agreement continued in full force and effect after the expiration date until all dispute settlement procedures were exhausted; and

WHEREAS, the Commission’s Director of Administration has reported that negotiations between representatives of the Commission and the Union concerning the wages, hours, terms and conditions of employment for the Bargaining Unit Employees have taken place in accordance with the requirements set forth in Chapter 4117 of the Ohio Revised Code; and

WHEREAS, the Director of Administration served as the Commission’s Chief Negotiator, leading a negotiating team that included Commission staff from the Legal and Toll Operations Departments; and

WHEREAS, the Director of Administration has reported that a Tentative Agreement has been reached with Part-Time Bargaining Unit Employees, whereby the parties have agreed to certain changes to the current wages, hours, terms and conditions of employment under the Agreement; and

WHEREAS, the Director of Administration has reported that a vote on the Tentative Agreement by the Bargaining Unit was concluded by the Union on April 5, 2021 for the Part-Time Unit, and recommends that the Commission authorize the Executive Director to execute a new three-year Collective Bargaining Agreement, as the Bargaining Unit voted to approve the Tentative Agreement by a majority vote; and

WHEREAS, the Executive Director concurs with the recommendation of the Director of Administration that the execution of a new three-year Collective Bargaining Agreement with the Part-Time Bargaining Unit should be authorized by the Commission; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director to execute a new Collective Bargaining Agreement with the Part-Time Bargaining Unit represented by the

Teamsters Local Union 436 as the Part-Time Bargaining Unit has voted by a majority to approve their Tentative Agreement; and

FURTHER RESOLVED, that the Commission authorizes the Executive Director and the Director of Administration to take any other action necessary to carry out the terms and provisions of the new Collective Bargaining Agreement with the Part-Time Bargaining Unit.

(Resolution No. 23-2021 adopted April 19, 2021)