

**MINUTES OF THE 697th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
MAY 16, 2022**

Chairman: Good morning. It is 10:00 a.m. Please stand and join me in reciting the *Pledge of Allegiance*.

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

Will the Assistant Secretary-Treasurer, Ferzan M. Ahmed, P.E., please call the roll?

Assistant Secretary-Treasurer: Chairman Hruby

Chairman, Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman, Timothy Paradiso: Here

Assistant Secretary-Treasurer: Secretary-Treasurer Barber

Secretary-Treasurer, Sandra Barber: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner Guy Coviello: Here

Assistant Secretary-Treasurer: Ms. Eaton Johnson

Commissioner, Vickie Eaton Johnson: Here

Assistant Secretary-Treasurer: Dr. Marchbanks

Commissioner, ODOT Proxy, Jack Marchbanks, PhD: Here

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 Ghanbari

Representative Haraz N. Ghanbari: Here (arrived at 10:02 a.m.)

Chairman: We have a quorum. This is the 697th Meeting of the Ohio Turnpike and Infrastructure Commission. We are here today at the Commission's Administration Building.

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

May I have a motion to adopt the Minutes of the April 18, 2022, Commission Meeting? Any corrections, additions, or questions regarding the Minutes? Hearing none, please call the roll.

MOTION: A motion to adopt the Minutes of the April 18, 2022, Commission Meeting was made by Mr. Coviello, seconded by Secretary-Treasurer Barber and approved by all Commission Members present, with the exception of Vice Chairman Paradiso who abstained.

Chairman: The April 18, 2022, Commission Meeting Minutes are adopted unanimously. 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 April 18, 2022:

1. Five (5) Resolutions;
2. Draft Minutes of the April 18, 2022, Commission Meeting; and
3. Agenda for today's meeting.

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

1. Traffic and Revenue Report April 2022;
2. Total Revenue by Month and Year April 2022;
3. Investment Report April 2022; and
4. Financial Statement April 2022.

Chairman: Thank you. Any questions or comments concerning the report? Hearing none, we will move on to the report of the Executive Director, Ferzan Ahmed.

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

The *Light Ohio Blue* Campaign in support of law enforcement, and for us, the Ohio State Highway Patrol (OSHP), is this week from May 15-22, 2022. To support our OSHP colleagues the Administration Building and Service Plazas will be lit up at night with blue lights.

I would like to provide a construction update, as well as an update of the system integration projects associated with the new TCS. Construction has finished on the mainline/Open Road Tolling (ORT) plaza at TP 49. Additionally, the TP 49 occupancy permit has been issued. Being our first ORT plaza, this is where most of our new system testing is taking place.

At the other two locations for new open road tolling plazas, TP 4 and TP 211, the construction is on schedule for both the toll plaza and mainline construction.

The existing TP 239 will be reconfigured for the new system. The road construction there is underway and on schedule. At existing plazas TP 64 and TP 152, a new toll lane is being constructed. Construction got underway last week at TP 64 and is expected to start this week at TP 152.

System integration and system acceptance testing with Conduent (the consultant that is installing the new Toll Collection System) took place at TP 49 from May 2-5, 2022. Conversion of the existing plaza toll lanes at TP 52 through TP 209 is scheduled to begin at the end of May. "Go Live" is scheduled for the end of March 2023.

Risks to the TCS system project are interface testing and integration with the current back-office system, supply chain issues/delays, and possible technical issues. A current issue is with ticket readers that need to read our current tickets, as well as the future new tickets. We have seen some glitches such as misreads and jams and are working with Conduent to resolve these issues. On the construction side, risks are the coordination that needs to happen between the construction contractor and Conduent.

Ultimately, we have to stand up the new system host, and then convert the toll lanes from the old system to the new system. We are working with Conduent to develop and implement a lane conversion plan that can mitigate possible delays.

We don't have any delays right now. However, due to the complexity of installing a new system and then replacing the old system with the new system, I do want to keep the Commission updated of any potential risks. If the risks do become delays, then I want to make sure the Commission is advised as soon as we know so this is not a surprise to any Commission Members.

Last month, I mentioned that we needed to repair a bridge at MP 230 without going through the standard bidding process. It was necessary to manage this work as an emergency to prevent a hazardous situation for our customers. Per the Bylaws of the Commission, the Executive Director can authorize emergency work and report back to the Commission. I am pleased to report that we have the information, and Chief Engineer Matta will present the resolution during his report.

At the request of Director Marchbanks, the ODOT Chief Engineer Mr. Dave Slatzer held a workshop with the Ohio Turnpike to discuss the effects of inflation on our construction program. This was held on April 19th. The discussion focused on inflation as well as possible mitigation measures such as timing and size of projects, as well as geographical factors. We reviewed our budgeted numbers and project costs. So far, our 2022 project costs are approximately 7.5% higher than what we had factored into the 2022 budget that the Commission approved last year. Mr. Chairman and Commission Members, as you know that is in line with the inflation that we are seeing in the country. We can sustain this due to higher than budgeted revenues, as well as the amount we had set aside as uncommitted funds in the 2022 budget. Whereas, I am not happy about the 7.5% increase in costs, I am pleased we were able to use this set aside and it will not have an effect on our construction programs.

We attended the ODOT 5th Annual Civil Rights Transportation Symposium in Columbus on April 25, 2022. My thanks to Aimee Lane and Stacey Verespe for setting up our displays and participating. Former Turnpike Commission Member and current Secretary of State, the Honorable Frank LaRose, stopped by to say hello and extend his greetings to the Commission.

The Ohio Public Service Recognition Week (PSRW) was May 1-7, 2022. I am pleased to share that we had an overwhelming response to the campaign slogan: *I Serve Because....* Here are a few comments of what various team members had to say about why they serve. My thanks to all Ohio Turnpike team members, as well as other public service employees.

May 10, 2022, brought OTIC and the OSHP together for a workshop focused on problem solving, goal setting and employee engagement. Staff Lt Reeder was key in setting this event up. Thank you, Staff Lieutenant Reeder. The workshop was held at the ThorSport Racing facilities in Sandusky. OTIC and OSHP, despite being separate agencies, have a very close working relationship. Staff Lieutenant Reeder and I had been talking about getting together as a group to align our missions. It was great for our front-line leaders to work with the leadership of the OSHP in a team building exercise.

Now, I would like to congratulate a few team members who have received recent promotions. In the Maintenance Department, Michael Reed was promoted to Assistant Section Foreman at the Hiram Maintenance Building. Will Brickner was promoted to Assistant Superintendent of the Eastern Division.

I would like to congratulate and wish our retirees success on their next leg of their journey. They are from the Toll Operations Department Gary Brown, Phillip Roudebush, George Nunamaker, Charlotte Buschmann, Douglas Clark, Berry Benyo and Deborah Glinkski.

Now a warm welcome to a few new team members.

- Destiny Heitsche and Marcus White at Amherst Maintenance Building.
- James Ehram at Swanton Maintenance Building.
- Lisa Drozdowski in the Contracts Department.

- Matt Marincic and John Scimemi in Technology.

Welcome to all of you.

Finally, I would like to provide an update regarding the OTIC SBE program. The Commission initiated a Small Business Enterprise (SBE) in June 2016, after a disparity study. This was a six-year program that expires in June of this year. For us to continue this program it is necessary to look at current conditions. We are partnering with ODOT to do an availability study and once the study is complete, we will come before the Commission to extend and modify the program as needed. Due to the June 2022 program expiration date, we are requesting a 1-year interim program extension to allow sufficient time for completion of the availability study and to prepare a formal recommendation to continue the program within that one-year time period.

I would like to invite Director of Contracts Administration, Aimee Lane, to go into a little more depth, as well as the next steps.

Director of Contracts Administration: Good morning, Mr. Chairman and Commission Members.

I have one resolution for your consideration which seeks to extend the Commission's Business Inclusion Program for an Interim Period of 1-year. I realize some of our members are newer to the Board, so just to give a little of history on our current SBE Program.

In 2014, on its own accord, the Commission hired a consultant to conduct a Disparity Study to determine if a disparity exists between the availability of minority business enterprises ("MBEs") or otherwise disadvantaged business enterprises ("DBEs") to perform on Commission contracts, and the Commission's utilization of such businesses.

The Commission's Disparity Study was issued in April 2016 and found that a disparity existed, however, it was based solely on societal discrimination, not any discriminatory practices on the part of the Commission.

Based on the Disparity Study, in 2016, the Commission established a Small, Minority and Disadvantaged Business Inclusion Program to ensure "...there are equal opportunities for small, minority and otherwise disadvantaged businesses to participate [in Commission contracts]."

Because the disparity found by the Study was based on societal discrimination alone, the Commission created a "Small Business Enterprise" or "SBE" program, which means it is a race and gender neutral. This means that minority and otherwise disadvantaged businesses can still participate in the Program through meeting the requirements of being certified as a "Small Business Enterprise."

The Program was authorized for an initial term of six (6) years, subject to review and reauthorization by the Commission. As mentioned by Director Ahmed, that initial six (6) year period expires as of June 19, 2022.

The Program also requires staff to provide annual reports regarding the Commission's performance under the Program. I think the main point to identify is that during the reporting period, which was from the period 2020 through 2021, so that was during the height of the pandemic.

A report for the period of 2020-2021 is part of today's meeting materials, which provides, in part:

1. During the reporting period, Commission contractors met contract specific goals showing a balance between SBE availability and utilization (based on 2016 data for availability).
2. Challenges encountered during the COVID-19 pandemic impacted implementation of some Program improvements identified in the 2018-2019 Report and, as a result, similar improvements are identified in the current Report:
 - Need to capture data from all contracts, including small contracts (under \$50,000), janitorial services agreements and concession contracts.
 - Starting with the SP-7 Concessions Contract, we added procedures to set SBE goals on concession contracts and to track compliance.
 - We are currently establishing procedures to track SBE compliance on our janitorial contracts.
 - Training and education of Commission personnel on procurement procedures.
 - This remains ongoing and was difficult to implement during the pandemic.
 - Cross-department communication at project outset about goal setting:
 - This has been implemented through changes in SOPs and improved communication.
 - Additionally, we have increased support staff available to the Office of Equity and Inclusion by transitioning an existing full-time employee to the position of OEI Compliance Coordinator which will allow

the manager position to better attend to internal and external training and education and public outreach.

3. Finally, as Director Ahmed mentioned, the Commission has partnered with ODOT and is currently participating in an Availability Study, the results of which will assist the Commission with setting updated Program aspirational goals backed by current data of available companies within the Commission's contracting market. However, this study is not projected to be completed until later this year.

Before staff can ask the Commission to reauthorize the Program for another 6-year term, it is necessary to complete the Availability Study, so we have the data necessary to establish updated aspirational goals reflecting current SBE availability.

Additionally, staff is considering other Program changes to increase its effectiveness, including creating a small business opportunity program which would establish a process to identify contracting opportunities to be made available to certified firms only.

For these reasons, it is recommended that the existing Program be extended for an interim period of one-year, subject to formal review and reauthorization by the Commission within that 1-year period.

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

General Counsel: Resolution Extending the Ohio Turnpike and Infrastructure Commission's Business Inclusion Program for an Interim Period of One-Year.

Chairman: Any questions or comments?

Vice Chairman I: One comment, Mr. Chairman. I know this movement is for contractors and you mentioned some training internally for equity and inclusion. What about our hiring practices and that might be a Human Resources issue? Are we doing anything? Are we reporting anything or measuring anything for diversity and inclusion for our own employees?

Director of Contracts Administration: So, I might ask Director Ahmed to speak to that. What I do know is that our Business Inclusion Manager position is currently vacant, and we are looking to hire somebody in that role that would also have an in-house diversity role as well.

Director Ahmed: Mr. Chairman and Commission Members, yes, there is some more information we can share with you. I would like to bring the Director of Administration, Matt Cole, who is in the audience, to come up and answer your question with a couple of programs we have recently started. Matt, if you could please talk about the apprentice program, as well as how the Internal Task Force looks at positions so that we are going to improve and increase the equity and inclusion.

Director of Administration: Mr. Chairman and Commission Members, we have embarked on several initiatives to increase diversity and inclusion with our own workforce. As Director Ahmed mentioned, one of the things that we have done through our Diversity and Inclusion Task Force, is create a process in which all positions before we post them are actually reviewed to determine if there's barriers to employment that could increase our applicant pool, which would certainly include more diverse individuals where the previous barriers would be removed such as educational requirements, radius requirements, those types of things. We also in our most recent Collective Bargaining Agreement with the Union, our Maintenance Bargaining Unit, have developed a diversity and inclusion training program. Whereas, we have been for several weeks now, attempting to recruit trainees that come in late in high school, recently graduated high school to bring them in and teach them all of the ways of heavy highway construction, pay for their CDL. It is a two year program. It is fully paid for, including benefits and everything else that our full time staff have the luxury to get. Those are two of the main ones. In terms of actual recruitment in terms of advertising and outreach, our most recent project was to bring on a company called Circa. Circa is a company that specializes in diversity recruiting and applicant receipt. They basically blast out to 600+ domains, various websites to spread the word and we were able to actually blast out to the entire state, particularly northern Ohio, in an attempt to recruit. We've also re-engaged partnerships with trade schools such as Max Hayes, and others. We are trying to target more schools in the major cities that can spread the word into their outlining communities as well. So, that is some of the things we have done recently. We are continuing with more initiatives as they come about.

Vice Chairman: I didn't mean to steal your thunder. I am proud of what the Commission has been able to do with the SBE and I just wanted to tag along the employees as well. Thank you.

Chairman: Any other questions?

Representative Ghanbari: Thank you for the overview that you provided. Who defines which groups are included in the definition that is used for diversity and inclusion purposes? Not like an individual specifically, is it internal decisions or is it based on federal definitions of who would be eligible.

Director of Contracts Administration: So, our program operates under a standard of practices manual, and that document was vetted through our Legal Department back in 2016 when the program was established. So, some of those definitions do come from federal resources. So, when a small business wants to become certified with us, we have staff that has to apply those definitions. I would be happy to get that information to you. So, there is a definition for a minority owned business, for a small business entity and then otherwise disadvantaged business would include business organizations that have dealt with sort of discrimination that's more societal in nature so that is where you get more of your women owned that comes into play in that category. So, it is set up through that program.

Representative Ghanbari: So, let's say you have five different organizations that fall within this category of applying for a contract or maybe even potentially for employment, then how is it weighted, is one group given more weight than another if they are all eligible?

Director of Contracts Administration: So, the way we set up our contracts currently is, these certified firms are actually providing subcontractor services and so we rely on our prime contractor with their proposal or their bid to identify how they plan to use a certified firm. We don't normally, I guess, evaluate the certified firm other than if we have some basis to know that they are unable to perform or have done poor work in the past. We do require under our contracts that we approve all subcontractors. But in terms of competing SBEs on a contract, we don't really get into that too much, again because they are working as subcontractors and then we do have perimeters in our program manual, if a small firm would submit as a prime, we actually are able to give them some evaluation credits, but the program allows for that. So, they could potentially bump up as a preferred bidder at that point.

Representative Ghanbari: Thank you for that. So, Mr. Chairman, the Commission last month, we spoke about preferences also being given to Ohio businesses, is this potentially a vehicle to revisit that as well or is that something that would be considered separately all together?

Director Ahmed: Mr. Chairman, thank you. Chairman and Representative Ghanbari, I believe this is related. You make a very good point; I believe this is related. Later on, during her report, our General Counsel will talk a little bit more about that program and the discussion we had last month about what the policies and what the applicable laws are. One thing I want to point out and what Director Lane said, that if a small business, someone who is certified with us as a small business, applies as a prime contractor under our current perimeters they only get a certain percentage of credit. I personally feel it should be 100%. If it is an SBE, and they are doing 100% of the work, then they should get 100% for being an SBE, but those are some of the things that we will be looking at as we do this availability study and make a presentation to the Commission. That would be up to the Commission of course to decide if that is the case or not.

Representative Ghanbari: Is that designation a lifetime designation, or if the company or an individual applies for this designation, is there any verification five years out or three years out, are those on a reviewal schedule?

Director Ahmed: Mr. Chairman and Representative Ghanbari, that is a great question. They are reviewed. There are parameters and based on the type of business it is, some of those parameters depend on the size and there are some parameters also depend on the net worth of the owners of the company. There are people who graduate from the program, "graduate" for lack of a better word.

Chairman: Any other questions or comments?

Mr. Coviello: I just want to compliment the team on this program. We are launching in our organization a DEI program this year and the Turnpike is one of our role models. We are also holding a Matchmaker event, a DEI Matchmaker event, and the Turnpike has agreed to participate.

Chairman: Dr. Marchbanks.

Dr. Marchbanks: Mr. Chairman and everyone, I applaud what the Turnpike is doing. I am encouraging Lauren Purdy, our Deputy Director for Opportunity Diversity and Inclusion, to get done with that availability study so you can have that input and to Representative Ghanbari's point, there is a lexicon of DBE, small business, women owned business, veteran owned businesses that is actually available through the Department of Administrative Services with Eric Seabrook. So, if you haven't accessed that, there has been so many overlays since Richard Nixon started the minority business programs back in the late 1960's. So, there is a lot of history and a lot of resources that can give us an informed program moving forward into this decade.

Chairman: Thank you for your comment. Anything else?

Director of Contracts Administration: Nothing else. Thank you.

Chairman: We have a resolution to act on. It has been moved and seconded. Please call the roll.

MOTION: A motion to adopt a *Resolution Extending the Ohio Turnpike and Infrastructure Commission's Business Inclusion Program for an Interim Period of One-Year* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 35-2022.

Chairman: The resolution passes unanimously? Anything further, Director Lane?

Director of Contracts Administration: No, thank you very much.

Chairman: Thank you. Go ahead, please.

Director Ahmed: I will end my comments, Mr. Chairman, with some information about the organization that all toll roads belong to which is the IBTTA. The IBTTA is holding its annual maintenance conference on July 27-28, 2022, in Cleveland, Ohio. It has been a long time since the conference came to Cleveland. You can imagine the last couple of years there haven't been too many conferences, so everybody is very excited about this in-person conference and the fact that it is going to be in Cleveland. I would like to invite the Commission Members to attend and when you look at your schedules, if you would like to attend, please get in touch with me and then I will work with you to get you registered. It is not unusual for governing bodies to attend these conferences. I have met many Commission Members from other states and these conferences who come with the Commission's staff as well. So, please let me know if you would like to go. Since it is in our state, we are the co-hosts and Chris Matta is the chief meeting organizer, so that would be great. Since I am talking about the IBTTA, there is one other thing I wanted to mention which Vice Chairman Paradiso made me think of when he asked the question about our internal efforts, IBTTA, through its Diversity and Inclusion Task Force, which I am honored to co-chair, has a scholarship program and the scholarship goes to a HBCUs, historically black colleges and universities. This year, the Turnpike is proud to sponsor one student, so I hope that I can give you an update at the end of the year when we select a student to be a recipient for next year's scholarship.

Mr. Chairman, I have ended my comments and I would be happy to answer any questions.

Chairman: Thank you. I would just add, congratulations on the two of you that have been promoted on behalf of the Commission. Also, to our retirements, thank you very much for your dedicated service over the years that you have worked with us. We appreciate your service; you are the backbone of course of this organization. Welcome to the new staff. We hope that you will follow the standards that has been established by those that have come before you. This is an outstanding organization and I hope that as you become a part of it, you will become an outstanding employee. In honor of Police Memorial Week, we are flying half-staff flags throughout the state. Police Memorial Week is a time to remember and reflect upon those law enforcement officials of all branches of law enforcement who gave their lives in serving their communities or their governments, we remember them, and we certainly send on our respect and our condolences to their families and continued support. Police Memorial Week is a very important time to reflect upon that and the sacrifices that we made by our law enforcement. It is getting more difficult each day as certain things are being allowed. On behalf of the Commission, we acknowledge. Please pass it on Staff Lieutenant to your membership that we have a great concern for your welfare and honor Police Memorial Week.

We will now move on to the report of the Chief Engineer, Chris Matta.

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

My first resolution for your consideration seeks the Commission's authorization to award Contract No. 46-2022 to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike mainline roadway and interchange ramps from Milepost 0.0 to Milepost 241.2. This work is included in the 2022 Operating Budget. On April 28, 2022, Procurement received two (2) bids in response to this Project. The apparent low bid was submitted by Oglesby Construction, Inc. ("Oglesby"), of Norwalk, Ohio, in the amount of \$1,099,516.69. Commission staff evaluated the unit bid prices and found them to be reasonable and the bid tabulation did not appear to contain any errors or anomalies. The bid submitted by Oglesby is approximately 8.4% below the Engineer's Estimate of \$1,200,000.00. Based on a review of Oglesby's Financial Statement and Experience Questionnaire, it appears they have the capacity to perform this work. Although they have not performed this work recently for the Commission, they have satisfactorily performed similar work for the Commission in the past. Additionally, Engineering Staff has contacted owners for whom Oglesby had previously performed work, and all reported satisfactory performance. Therefore, it is recommended that the Commission award Contract No. 46-2022 to Oglesby Construction, Inc., of Norwalk, Ohio, in the amount of \$1,099,516.69. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Approving the Selection of Oglesby Construction Inc. Under Project No. 46-2022 for the Total Amount of \$1,099,516.69.

Chairman: Any questions or comments.

Dr. Marchbanks: Mr. Chairman, for all that it's worth, and I hope it's worth something, we have been working with Georgia DOT since 2019 to explore what we call "wet dark reflective pavement marking." As the Lieutenant likely knows, roadway departure is the number one cause of fatality accidents that we have been having here in the buckeye state. So, we have invested at the Ohio Department of Transportation in this high-quality reflective pavement markings which basically you can see better when it is raining and when it is dark. Our former Division Chief of Engineering, Dave Holstein and I worked on it with Russell McMurry, of Georgia DOT, and we would be happy to share with the Turnpike some of the results of wet dark reflective pavements markings, Mr. Matta, that has gone in construction zones and on some of our newer projects.

Chairman: Thank you very much.

Chief Engineer: Mr. Chairman and Dr. Marchbanks, thank you for that information. I will forward that on to our Traffic Engineer. It is something we have evaluated and looked at in the past because we understand that as well that wet night reflective markings is what saves a lot of people from diverting from the roadway.

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

MOTION: A motion to adopt a *Resolution Approving the Selection of Oglesby Construction Inc. Under Project No. 46-2022 for the Total Amount of \$1,099,516.69* was made by Vice Chairman Inc., seconded by Secretary- Treasurer Barber, and approved by all Commission Members present. Resolution No. 36-2022.

Chairman: The resolution passes unanimously. Inc. continue, Mr. Matta.

Chief Engineer: My second resolution for your consideration seeks authorization to award a Contract for the emergency repair of the eastbound mainline bridge deck over Western Reserve Road at Milepost 230.7 in Mahoning County. This bridge deck has experienced accelerated and extensive deterioration and Turnpike Maintenance crews have patched several areas, however due to the amount of deterioration of the right lane of the bridge deck this lane is no longer functioning as designed as it cannot carry traffic. The state of the bridge deck condition is an extraordinary circumstance that represents a potentially dangerous and unsafe condition which requires immediate action by the Commission to protect the traveling public. Our Bridge and Structures Engineer has determined that the entire bridge deck needs immediate repair and due to the projected traffic volumes, it was determined that the normal contracting procedures would cause the actual construction work to take place during periods of high traffic volumes experienced during summer. The Commission's traffic charts indicate that if the work is completed before Memorial Day, traffic backups will be minimized, which will reduce the likelihood of the safety risks associated with the backups and failed deck areas and inconvenience to the customers, thus the decision was made to contract for this work on an emergency basis. The quickest repair procedure that would also provide a relatively long-term solution is to mill and hydro demolish the upper layer of the bridge deck and then perform a micro-silica modified concrete overlay. Procurement invited five (5) contractors to provide bid pricing for the work on this project. On April 25, 2022, Procurement received four (4) bids in response to this Project.

The apparent low bid was submitted by Shelly & Sands, Inc., of Akron, Ohio, in the amount of \$546,499.40. Commission staff evaluated the unit bid prices and found them to be reasonable and the bid tabulation did not appear to contain any errors or anomalies. The bid submitted by Shelly & Sands is below the Engineer's Estimate of \$700,000.00. Shelly & Sands has satisfactorily completed projects for the Commission in the past. Due to this extraordinary emergency, with potential safety impacts to our traveling public, the Commission exercised its authority under Ohio Revised Code 5537.07(G) to contract without public advertisement. Therefore, it is recommended that the Commission ratifies the Emergency Bridge Repair Contract with Shelly & Sands Co., of Akron, Ohio, in the amount of \$546,499.40. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Ratifying Award of a Contract to Shelly & Sands, Inc. for Emergency Bridge Project No. 43-22-07 in the Amount of \$546,499.40.

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

MOTION: A motion to adopt a *Resolution Ratifying Award of a Contract to Shelly & Sands, Inc. for Emergency Bridge Project No. 43-22-07 in the Amount of \$546,499.40* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 37-2022.

Chairman: The resolution passes unanimously. Please continue.

Chief Engineer: My third resolution for your consideration seeks the Commission's authorization to execute an agreement with the Indiana and Ohio Railway ("Railroad") for services necessary regarding the bridge deck widening and bridge deck replacement project of the mainline bridge over the Indiana & Ohio Railway at Milepost 40.5 in Fulton County. DGL Consulting Engineers, Inc. was authorized under Commission Resolution No. 35-2019 to perform design services for project 71-19-01, which included this bridge. The bridge at milepost 40.5 goes through the Railroad's right-of-way, for which the Commission has a perpetual easement, and the Commission must coordinate with the Railroad for construction of the project under the terms of that easement. The coordination effort includes having the Railroad perform engineering review services for the project, to provide the Construction Engineering and Engineering Inspection, and to provide flagging during construction periods on the project. Per the easement, the Commission is required to reimburse the Railroad for these services. On April 27, 2021, the Commission and the Railroad entered into an agreement for the Railroad to provide the engineering review services prior to bidding the project in the amount of \$22,425.00. The Railroad completed their review and Commission staff finalized bidding documents. The bidding documents are also to include a copy of the Commission and Railroads Construction and Maintenance Agreement for the project. To provide this with the bidding documents, the Commission entered into a Construction and Maintenance Agreement with the Railroad on December 15, 2021. The construction project was advertised as Project 43-22-02 and subsequently awarded to the Kokosing Construction company under Resolution No. 5-2022 at the January 24, 2022, Commission meeting. When this construction project was advertised, the specified duration of the project was one construction season. However, questions during the bidding period and schedule review by Commission staff resulted in the project being extended from one construction season to two construction seasons.

As a result of the revised project schedule, the services required by the Railroad need to be adjusted to account for the longer duration. The revised estimated amounts for the Railroad to provide Construction and Maintenance (flagging) will result in the Commission making expenditures in the estimated amount of \$657,265.00 to the Railroad over the two-year project. Inasmuch as expenditures under the Agreement exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission approval is required. Therefore, it is recommended that the Commission approve the agreement with the Indiana and Ohio Railway in the total aggregate not to exceed amount of \$679,690.00. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing the Executive Director to Execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company for Bridge Deck Rehabilitation Project No. 43-22-02 for a Total Aggregate Not-To-Exceed Amount of \$679,690.00.

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

MOTION: A motion to adopt a *Resolution Authorizing the Executive Director to Execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company for Bridge Deck Rehabilitation Project No. 43-22-02 for a Total Aggregate Not-To-Exceed Amount of \$679,690.00* was made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 38-2022.

Chairman: The resolution passes unanimously. Anything further?

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

Chairman: Thank you. We will now move on to the report of the Deputy Executive Director/Chief Financial Officer, Marty Seekely.

Deputy Executive Director/Chief Financial Officer: Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of April and one resolution for your consideration this morning.

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 6.5% from April of last year and down 4.1% from April of 2019. There was one more weekend day this year than there was in 2019.

Commercial traffic continued to increase and was up 3.6% from April of last year and up 16.5% from April of 2019. There was one less weekday this year than there was in 2019.

The change in passenger car traffic combined with the toll rate increases caused passenger car toll revenues to increase 6.5% from April of last year and increase 0.7% compared to April of 2019.

The increase in commercial traffic combined with the toll rate increases caused commercial vehicle toll revenues to increase 6.6% from April of last year and 25.0% from April of 2019.

This chart shows year-to-date toll revenues through the month of April during each year over the past decade. Year-to-date total toll revenues were \$7.6 million or 7.8% above the amount from last year and \$14.0 million or 15.4% above the amount from 2019.

Next, I have a resolution authorizing a contract for sanitary sewer service for the Erie Islands and Commodore Perry Service Plazas.

The Commission currently owns and operates a wastewater treatment plant for the Erie Islands and Commodore Perry Service Plazas. The wastewater plant is OEPA regulated and requires OEPA licensed staffing to operate the plant. Since there are pollution risks associated with owning and operating our own treatment plant, the Commission has determined that it would be best to construct a pump station and force main and connect to a municipal sewer system, and not have to maintain our own treatment plant.

The Commission's environmental consultant (CTI Environmental) completed an abandonment study to analyze the costs of continuing to operate the plant and make required upgrades to the plant, versus installing a pump station and force main to the City of Clyde's sanitary sewer system. The 30-year analysis showed that it would cost approximately \$1.5 to \$1.7 million to construct the pump station and force main which would yield annual operating savings of approximately \$115,000. The analysis showed that the Commission would have a present value savings of approximately \$600,000 over the 30-year period.

The city has agreed to enter into an agreement in which the city would assume all operation and maintenance responsibility for the force main outside the Commission's right of way once it is constructed by the Commission. The Commission will be charged for sewage flow by the city at its published rates plus a surcharge of approximately \$1.80 per 1,000 gallons based on the sewage strength.

Based on the expected present value savings of approximately \$600,000, it is recommended that a contract be entered into with the City of Clyde for sewer services for the Erie Islands and Commodore Perry Service Plazas. The initial term of the contract is twenty-five (25) years and will automatically renew for additional twenty (20) year terms unless notice is given by either party. The agreement can be terminated at any time with two years notice.

May the General Counsel please read the title of the resolution.

General Counsel: Resolution Authorizing the Executive Director to Enter into an Agreement with the City of Clyde for Construction of a Pump Station and Sanitary Sewer System and Subsequent Use of Sanitary Sewers and Treatment Facilities for the Erie Island and Commodore Perry Services Plazas.

Chairman: Any questions or comments?

Vice Chairman: Do we do this with any other municipalities? Do we manage our own stations or both? Have we done this before?

Deputy Executive Director/Chief Financial Officer: I will turn this over to the Chief Engineer who actually works with the plants and knows all of our plants.

Chief Engineer: Mr. Chairman and Vice Chairman I, yes this is the last one out of all of our service plazas. This is the last one that is Commission owned and operated, EPA certified and licensed wastewater treatment plant, so I am kind of personally happy to get out of that business and to have the personnel aboard here and actually out in the field with the certifications and all that's required it's a tough business. We do still have two EPA licensed package plants and the maintenance buildings are much smaller style, they are what they are called "package plants," they fit a certain footprint and the regulations are not nearly as stringent as handling the waste from one of our service plazas.

Vice Chairman: Just a follow-up, Chris. When you say that this is the last plant, it gives me a lot of confidence, that feels good, but just a quick assessment of the relationships with the other municipalities, how is it going? Do we see any problems with those?

Chief Engineer: Mr. Chairman and Vice Chairman I, to answer that, no not really. We had pump stations at the other six sets of plazas and only one entity, I won't even say that it was a problem, there was some operating issues with the length of the sewer line and the clogs and just the general waste that comes from these service plazas is pretty tough. But we worked through those together, we make improvements on our end, if necessary. We've done that quite a few times but for the most part it has worked out for both us and the receiving facility as well.

Chairman: Anyone else?

Mr. Coviello: What happens to the staff that has been working in these?

Chief Engineer: Mr. Chairman and Commission Member Coviello, we have right now what we call a Roadway Back-up Building Check Man position that does the daily functions of the job. We used to have a certified wastewater treatment plant operator out there and he retired. Since then, we've been having those certification requirements fulfilled by a third party vendor and paying the cost to take care of that. So, the workers there will still be doing daily responsibilities for us elsewhere within that maintenance section. So, we will lose no employees.

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

MOTION: A motion to adopt a *Resolution Authorizing the Executive Director to Enter into an Agreement with the City of Clyde for Construction of a Pump Station and Sanitary Sewer System and Subsequent Use of Sanitary Sewers and Treatment Facilities for the Erie Island and Commodore Perry Services Plazas* was made by Mr. Coviello, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 39-2022.

Chairman: The resolution passes unanimously. Anything further, Marty.

Deputy Executive Director/Chief Financial Officer: No, Mr. Chairman, that completes my report.

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

Staff Lieutenant Reeder: I wanted to take a second to deviate from my agenda because something happened last week with Dr. Marchbanks' employee. Many of you might have saw the crash on Interstate 77. I wanted to utilize this forum to again push the message of. "Slow Down and Move Over." If you haven't seen the video, one of Dr. Marchbanks' employees was struck by a multi-axle dump truck and it caused an explosion. That employee was seriously injured. I wish him a complete and full recovery on behalf of the Ohio State Highway Patrol. Then on Friday we had our own zone truck struck here at the 169, just down the road. These things are so preventable. It is just near and dear to my heart and I just wanted to use this forum just to push that message one more time. Just slow down and move over! That was my little rant, I will get to my report now.

On May 7, 2022, the Milan Post received a call from OnStar regarding a stolen 2021 Red Chevrolet Blazer that was reported to be westbound on the Ohio Turnpike near milepost 100. The vehicle was actively being tracked by OnStar and gave very accurate up-to-date locations on the vehicle. Post 90 and 72 troopers located the vehicle near mile post 89. Once troopers got behind the vehicle, Cleveland Dispatch Center was instructed to have OnStar shut the vehicle down and OnStar brought the car to a stop. Post 90 and 72 Troopers conducted a felony traffic stop of the vehicle. The driver was taken into custody without incident. There were no other occupants in the vehicle. The driver was taken to the Fremont Post where he was charged with Felony Four (Receiving Stolen Property) and was incarcerated in the Sandusky County Jail. The vehicle was removed from the scene and was transported to the Milan Post. The owner was contacted and informed where her vehicle was located.

On April 12, 2022, units were dispatched to a one vehicle crash on the Ohio Turnpike near milepost 128 westbound in Erie County. Trooper Matt Gramlich from the Milan Post arrived on scene first and checked the driver for injuries. After speaking with the driver, he quickly learned she was a 16-year old runaway. Trooper Cindy Wilt and Sergeant Mandi Rodriguez of the Milan Post arrived on scene to assist. After speaking with the juvenile, she confessed to Trooper Wilt that she was traveling from Vermont to the Michigan to see an unknown male that she met over the internet. Dispatch was able to confirm that the driver was entered as a runaway and a check of the registration showed the vehicle was entered as stolen through Vermont State Police Middlesex. After speaking with the Prosecutor, the juvenile was charged with receiving stolen property (F4), marked lanes and driving without a license.

On April 28th, an Ohio Turnpike Patron by the name of Freddie Walker had his mirror broke off by an unknown object near milepost 26 eastbound. Trooper Brian Mull, of the Swanton Post was dispatched to the scene of the incident. Upon arrival, the two began to talk as Trooper Mull initiated his investigation into the damage. Freddie Walker indicated he was not concerned about the damage to the mirror and requested no report be made, inferring he would just repair it

himself. During their conversation, the topic of Military service came up and it was determined that both were veterans. Freddie Walker was very happy for the help from Trooper Mull and requested a picture with him. They later shook hands and thanked each other for their service to our great country.

That completes my report.

Chairman: Any questions for the Staff Lieutenant? Thank you very much.

I move that we hold an Executive Session to discuss pending or imminent court action under the provisions of Ohio Revised Code Section 121.22(G)(3). At the end of such Executive Session, the Commission shall resume its open meeting. May I have a second?

10:59 a.m. - MOTION: A motion to adjourn into Executive Session was made by Chairman Hruby, seconded by Secretary-Treasurer Barber, 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)(3) and resume the open meeting of the Commission.

11:30 a.m. – MOTION: A motion to adjourn Executive Session was made by Chairman Hruby, seconded by Mr. Coviello, and approved by all Commission Members present.

Chairman: It is 11:30 a.m. and we are adjourned from Executive and will resume the Commission Meeting.

We will move on to the report of the General Counsel, Jennifer Rieker.

General Counsel: Thank you Mr. Chairman and Commission Members. As alluded to earlier in the meeting there was a discussion about the “Buy America, Buy Ohio Policy” and I wanted to provide a little bit more information on that and provide that to you for your discussion.

As many of you are aware, in 2008, the Ohio Turnpike and Infrastructure Commission adopted a Model System of Preferences for the purchase of equipment, materials, or supplies awarded to the lowest responsive and responsible bidder. The Model System of Preferences, also known as the “Buy American, Buy Ohio Policy,” applies only to Price inquiries over \$10,000 and Bid Invitations which are contracts for the purchase of equipment, materials, or supplied, and some services awarded using the “lowest responsive and responsible bidder” standard.

Under the Commission’s Buy American, Buy Ohio Policy, Ohio bidders offering an Ohio product or having significant Ohio economic presence, or a Border State Bidder, are eligible to receive a five percent (5%) preference over a non-Ohio/Border State Bidder. The Ohio bid preference is identified in the Notice to Bidders and bidders are required to submit a Certificate for Domestic and Ohio Preference form with the bid.

The Commission's Buy American, Buy Ohio Policy is based on the State of Ohio Department of Administrative Services Model System of Preference. The DAS Model System of Preference applies to "contracts for the purchase of all equipment, materials, supplies or insurance...awarded to the lowest responsive and responsible bidder." Note that public improvement contracts (construction) are not included in either DAS's policy or the Commissions.

The current policy does not apply to public improvement projects, nor is it applied to contracts for food and retail concessions and other service plazas contracts, professional design service contracts, professional or personal service contracts, or contracts for emergency projects. So, I understand that there is often a question as to whether or not the Turnpike's current policy could be extended to included public improvement contracts or construction contracts. It is a somewhat complicated answer. The statute that allowed this Ohio preference and helped to create that DAS Model Policy does include a reference to public improvement contracts and construction contracts. However, the wording of it is somewhat difficult to follow. What it states is:

"Where a preference is provided by another state for contractors of that state, contractors having their principal place of business in Ohio are to be granted in Ohio the same preference over them in the same manner and on the same basis and to the same extent as the preference is granted in letting contracts for the same type of work by the other state."

It is a lot of verbiage, right? What that boils down to, and an example would be, the Commonwealth of Pennsylvania where we do have some of our contractors come from and submit their bids. The Commonwealth of Pennsylvania on public improvement contracts or construction contracts offers no preference. No preference for Pennsylvania companies, no preference for border state companies, and so when applying their preference, it zero sums out any preference that would be given in the State of Ohio. Pennsylvania has been very vocal about this in that they don't want to give preferences and instead make sure that there is open competition with the lowest and best price being awarded the contract. So, again our current policy does not allow for preferences to be provided to public improvement contracts, contracts for construction. However, if we wanted to follow the statute we would have look to each company, the state that they are based in and then look to see if they have a preference within that state. So, we would be doing a fifty state analysis essentially on each contract to see if there is a preference given to Ohio companies in that state. So, the question that came earlier, is about this this layering of preferences. You could see if you had multiple bidders from Pennsylvania, Illinois, or from some other state, we would then have to layer those preferences. Pennsylvania would wipe them all out, I don't know off the top of my head what Indiana is, but say Indiana give 5% for Indiana-based companies, then an Ohio-based company would receive 5%. Depending on how we look at it and the bordering states, it may result in no preference being given to Ohio companies.

That's a lot of information. I am certainly open to any questions.

Representative Ghanbari: Thank you for the explanation. Yes, it is wordy, I happen to know a member of the Senate that could probably help clear that language up. In all seriousness, I think the genesis of my concern last month at least when the gentleman came and advised the committee that this had essentially already happened. That's a of personal identifiable

information, right, that was shared on that slide deck and that is a lot more information, I think, that potentially could be compromised than if we stop in at a vendor that is selling chicken sandwiches at one of the rest stops and maybe that vendor is headquartered in the U.S. and then has some overseas pieces to it which, I think, is what the current vendor is. I then go back to the question that I raised today about who is eligible for these various diversity and inclusion designations. It just makes me wonder if everyone is getting this designation, at what point do the designations no longer bring value to what they were initially intended to do? If everyone has the potential to potentially get one those designations, will there come a point in which someone that is not eligible for a designation, now not have a fair shake at competing because everyone else potentially has a designation and now they are behind the eight ball, per se? Does my question make sense, ma'am?

General Counsel: It does, and I think there is really two distinct issues. So, you have the SBE/MBE/FBE preferences and what I can say, is those definitions and those qualifications do come from either Federal statute or from the State of Ohio and they are examined with a significant amount of regularity. So, if you were designated a Small Business Enterprise and ideally you get work from either OTIC or some other agency and you start making more money, you will eventually graduate out of that SBE Program and that designation. The same will hold true with the female enterprises, the minority owned enterprises, as well maybe to maintain their standing based on their numbers and in the review of whether or not the owners, the principals of those companies are still engaged in that company. There are a lot of safeguards in that it is not as easy to get these certifications as it may sound to those that are not involved in those processes. It is a significant amount of information that they have to provide and continually provide to remain certified. Now for the state preferences, I think what you are getting at is exactly what Pennsylvania did and they said, if we give a preference to Pennsylvania companies and then it is applied in other states, eventually everyone will have a preference based on what state they are located in, so we are going to exclude them all, we are going to zero some of them out. So, Pennsylvania will give Ohio the same preference and everybody is then on an equal playing field. I think the reasoning for that is your concern that people will be behind the eight ball if they aren't awarded preferences of there's an overwhelming number of preferences given except to a small group.

Representative Ghanbari: Thank you for that good conversation. A few things I would just offer up. We discussed earlier and you just reaffirmed that these programs are continually evaluated to see if a business or individual would still be eligible for that qualification which I think is good. I am sure this is a much more complex conversation than we have time allotted for today, but as we see shifts in demographics, groups that may be considered a minority now may pretty soon now be in the majority, okay, I don't like those terms, but for simplistic purposes, so if that's the case I could understand if you are awarded a classification based on the amount of money that you are bringing in but if you have a Veteran's Disabled Small Business, there is not a point at which that Veteran graduates from no longer being a Veteran or if you are a Female Owned Business, there is really not a point at which you are going to graduate from being that, so I can understand looking at that from a financial standpoint and how much business is going to be brought in. My dad was born in Iran, he's always going to Iranian, it is not going to change. Yes, he is an American citizen now, but his heritage is that, and so if we are looking at that I could understand, I guess, how some people could "graduate" based on dollars and cents, but the basic

requirement to even be eligible for that, I think that would stick with them forever. Is that a wrong assumption?

General Counsel: It is not a wrong assumption. I think what Director Lane was explaining is that the Turnpike's SBE Program encompasses different means of getting into it. It's a gender neutral, race neutral program, so we are looking at the dollar amounts of those people who are part of it.

Representative Ghanbari: The last thing I would offer up, is I agree with Pennsylvania and the explanation that you gave that we want competitiveness. I wholeheartedly agree with that, but I also want to see those tax dollars and the money that is being expended on behalf of our Turnpike, if we find a way that those can support Ohio companies then likely those Ohio companies will continue to reinvest back into our own state instead of taking our hard earned dollars and investing them in another state. It is kind of the same thing that we talked about earlier with some of these Federal funds that are coming in for infrastructure. I've got colleagues that say, hey I don't want to take any of these infrastructure dollars. I say, hey twenty second timeout, if we don't take them, they are going somewhere else. So, let's try and keep them in Ohio if we can for our projects. So, that is why I offered up the question about whether there is any requirements to give preference to Ohio businesses because I would certainly like to see the money stay within our own state.

Chairman: Thank you. Anyone else?

Mr. Coviello: I wouldn't mind exploring a way to look at the economic impact of the companies we are awarding bids to. So, the impact of the money from the contract going to another state, is spent in another and the economic impact of workers coming in from another state and going back to their own state to spend money. The impact of a company in Ohio spending as opposed to an out-of-state company supporting our state. There is an economic impact that goes with where the location of that company is, and I would like to see if there is some way that we can recognize that in our awarded contracts.

Chairman: Anyone else?

Senator Reineke: In one of the first meetings that I came to, we were talking about international bids going to the Turnpike concession stands, so I guess as the world gets smaller, the interstate thing is harder to control, but the international piece is what does concern me. The fact that AVI went to Ireland, and I didn't quite understand that, but the way the Turnpike bidding process, we weren't allowed to comment because it had been done ninety days prior, I don't really understand all that, I don't understand why we are voting on it, and it has already been decided ninety-days ahead. So, I think our previous counsel suggested if we needed to change that procurement, I think that we should look at from the way national companies versus international companies, and I understand that an international company can be based here, but these are all really good concerns.

Director Ahmed: Mr. Chairman, thank you. Senator Reineke, thank you. I am going back to the one resolution that you are talking about. We go through a selection process when we

receive bids for various projects including the service plaza concessions that you mentioned. Then there are evaluation criteria which are in the proposal and based on those criteria, we will make a selection of who we think the best proposal is from. It is the Commission that votes to award the contract. Staff does not have the ability to go into a contract with them, but we certainly have to do our due diligence to select the most appropriate bid based on the selection criteria. I don't believe that we have the ability, and I am going to turn to the General Counsel, to put some sort of a restriction on a company that is not based in the United States. One concern that I have with that is, that there are certain construction companies in Ohio, some of the largest construction companies in Ohio who's parent companies are outside of Ohio and even if construction goes to other companies, they may be buying asphalt from a company that owns a majority of the asphalt plants in Ohio and if we give some sort of preference in construction to a company based in Ohio that can result in millions of dollars in revenue to us. But, if it's okay, Mr. Chairman, I will go back to the General Counsel and ask if there is any way for us to put a preference for companies that are based in the U.S. versus companies that are based in another country.

General Counsel: Thank you, Mr. Chairman. I appreciate everyone's concerns. The issue is we can only do what the State of Ohio permits us to do because we are an agency of the state, political subdivision of the state, we cannot exceed the state policy. So, in its current form right now, it is addressing preferences between Ohio bidders and non-Ohio bidders, which likely equally apply if you are a non-Ohio bidder but in another state. There's that chance of a preference. Trumbull County at one point wanted to increase their requirements to award a certain number of contracts to Trumbull County based businesses and the Ohio Attorney General said no. You can do up to and including our policy, but you cannot expand beyond that. So, that would be my caution. We have a Model Policy that has been essentially creating a safe harbor by DAS and that's what our policy is based on currently. We can certainly look into it with regards to the statute on the construction issue and the preferences related to that, but again, I would caution, we cannot exceed what the current state DAS policy is and what is permitted under the State of Ohio.

Director Ahmed: Mr. Chairman, if I may add to what Jennifer said, and also to some of the points that Mr. Coviello raised, some good points about economic impact and the philanthropic footprint of a company. I would like to explore whether we have the possibility to set aspirational goals. Now, again, I will defer to the General Counsel, but I don't believe that we have the ability to put points when it comes to either the economic impact or the philanthropic impact of a company. I don't believe we have the ability to award points when it comes to selections, but I do believe that we have the ability to ask them that question and set some aspirational goals and then have them explain to us if a company based in the UK or Sweden wishes to do business in the U.S. in Ohio, are the workers they have proposed to work on our project are based in Ohio or are they based in Sweden? I do believe that we have the ability to ask that question and also to ask whether they have some philanthropic impact in the community where they work or if they are only doing it in their own home country. I would like to explore that with the General Counsel and maybe report back to the Commission when we have an answer.

Chairman: Sure. Anything else?

Representative Ghanbari: Given the Director's comments on aspirational goals, if it is determined that we cannot set within statute or policy, and I appreciate the General Counsel's

consideration and advice to us, can we then have some type of requirement maybe that individual companies, I would say even within the State of Ohio, and even more broadly overseas if we are going to be doing business with overseas companies, a certain amount of being bonded or insured to cover costs of damages if PII information was compromised?

Director Ahmed: Thank you, Representative Ghanbari. That is a very good question. We will certainly look at that and respond to you.

Representative Ghanbari: Then my other point, was just based still on this conversation from last month, I think my phone started ringing pretty quick after we left. The media was calling to ask a lot of questions about what the Turnpike Commission was doing. So, I didn't even see you guys in a meeting, where are you getting this information from? Which brings up another question would be, you know under the previous leadership of the General Assembly in Ohio there were some investments made in making sure that our committee rooms were equipped in order to record our conversations for transparency to Ohioans and other folks that want to see what business we are doing because there are certainly a lot of people that aren't going to travel from Athens County up here for a Turnpike Commission meeting, but they are certainly interested in what we are doing. Has there ever been any conversation about a partnership with the Ohio Channel on either livestreaming or recording our meetings and subsequently posting them onto their system just so when folks have questions about what we are talking about and why we are doing it?

Chairman: Adam Greenslade.

Director of Governmental Affairs: Good morning, Mr. Chairman and Representative Ghanbari. I am not sure of the requirements or what we can do with the Ohio Channel. I think it would be nice to be broadcast over the Ohio Channel. We have looked at different ways to broadcast the meetings. Right now, we are doing it on MS Teams, which is only one way to broadcast, it is a livestream. The biggest issue we've run into when we were doing the virtual meetings was people that were present at the meeting communicating with those that were virtual. We'd get feedback. I know there's obviously some equipment that we can use for that, but we were going to have to get Technology involved. This room is really difficult to set up that way.

Representative Ghanbari: So, it wouldn't be so much from my estimation, when we are in committee session members of the public aren't chiming in on our committees asking questions virtually, I think there were some exceptions made during COVID but by in large it's just in order to document our conversations and deliberations so that we are transparent in our committees and transparent in session. There is also thereby an historical record of what this Commission is doing and what we are doing at the Statehouse, so I would love to, as a non-voting member, Mr. Greenslade, I would love to recommend that the Commission considers an investment in technology and I would be happy to connect you or the Chairman or anyone with the Ohio Channel to explore those possibilities of what we can do to bring the business of the Ohio Turnpike and Infrastructure Commission to the folks that we serve.

Director of Governmental Affairs: Mr. Chairman and Representative Ghanbari, I would just add, I don't believe the other commissions that are outside of the Statehouse are set up that way yet, you know the Lottery Commission or those, so that's a broader discussion. I think that

Columbus needs to have, in that regard, also again with the set-up, we've tried cameras before with the windows behind here and everything, we are going to have to look at this room set up. Right now, we are not doing video, it is only streaming. I just wanted to clarify that, that we are only doing audio streaming and showing the slide show that we've put together.

Representative Ghanbari: I would love for the Turnpike Commission to lead the way for the other folks in the state. I am working on legislation frankly dealing with retirement systems and things along those lines that aren't broadcasted. Decisions are being made in rooms and the folks that we serve, no one understands what is going on and these retirement systems and what not are making decisions in a room somewhere in Columbus where the people that they are serving can't get down there, so I think we can certainly lead the effort from the Turnpike Commission and send a message to the other commissions that it is possible and it is an investment that we should clone.

Director of Governmental Affairs: Mr. Chairman and Representative Ghanbari, I will just leave it with, it's possible and I'm sure willing to go it and the decision makers are right here to make that decision.

Director Ahmed: I think there's a great benefit to our meetings being livestreamed. I think that many counties and many cities do that. From a variety of perspectives, it makes a lot of sense. As you can imagine, we get a lot of public records requests and that takes up a lot of time. If the meeting is live broadcasted, all you have to do is log on and listen for yourself and there's your public records request. So, I would like to work with our Technology. I would love to hear from Commission Members. Unless there are any objections from the Commission Members, I think the Ohio Turnpike should move towards live broadcasts of our meetings.

Dr. Marchbanks: Mr. Chairman, it should be explored.

Vice Chairman: We would welcome any type of state appropriations to help with that.

Chairman: During COVID, we used COVID money, and we bought a complete system for two of our rooms, council chambers and another room, and we livestream everything. We have four cameras in there and it was all paid for by COVID money.

Director of Governmental Affairs: Mr. Chairman, one other point of clarification, and Legal can stop me if I am wrong on this, there is no legal requirement for us to allow public participation. If it is a public virtual meeting or a stream meeting, they just have to be able to access it. So, there's no legal requirement for us to allow public participation.

Chairman: Yes, the public just watches. They send us an email if you want to question or comments or whatever. I just want you to know that what our Law Director predicted was that we would have hundreds of record requests for documents. Boy, was that a good prediction and we are. Every day we are getting record requests based on the meetings. Didn't I hear him say, just so you understand and realize, it's transparency at its finest or greatest, I guess. But if that is

what the Commission desires that is fine with me. I don't think we do anything in here that we don't want the public to know about anyway.

Senator Reineke: Mr. Chairman, I wanted to come back to the local issue. One of the biggest issues, this is just discussion, from the standpoint of the biggest issue the United States is having right now, its reshoring. I have several companies in my Senate District in northwest Ohio that we can't supply the products we need because we can't get like a chip or GE bulbs, LED bulbs. So, the concept that we kind of need to buy local or employ local to me is really important to the constituents of Ohio. I think if this is an aspirational thing, I certainly don't want to break the law, absolutely don't want to do that but maybe we need to adjust the law. We adjusted the law to be able to roll through and collect more tolls, we should be able to come up with something. I know in the Senate, I don't know if it's in the House yet, but we've addressed the minority and the women from the standpoint of the financial factor that qualifies that to be on an even par with other businesses. So, it kind of does take it to that next level of everybody being on the same playing field. I think that if we could come up with an aspirational list of some kind of moral list or something. We used to have twenty-four congressmen in Ohio, we are down to fifteen. So, if we can keep our population here, I mean all of us running government, we have to have money to run it and it comes from people, sales tax, real estate tax, all of the new things coming into Ohio from Intel, etc., it is just going to be all fun and exciting with all of these new things happening but it does take a population and if we can employ them. My only point was consideration to local businesses to local employment.

Chairman: I am probably going to sound like an extremist when I say this, really if this country realizes where the real war is, the real war is that we've lost these manufacturers and we've lost these jobs, we've lost this technology and others are controlling us. It is very scary, and I still believe that it's incumbent upon the State of Ohio to do everything and anything we can to promote manufacturing and promote jobs. When I say that "jobs" I mean training of jobs, teaching people how to do these things and how to work in manufacturing companies. We have a company in Brecksville that manufacturers medical devices out of plastic and they can't get people, I mean they just can't hire anyone. They are doing everything they can and can't hire anyone. They want to hire 600 new jobs and can't find them. That's why to me, if there is a way to buy and reward our companies that are here by buying their products that would be a great thing for us to be able to do, that would be the greatest use of the public dollars because we are spending public dollars with everything that we do.

Vice Chairman: I do think that there is the other side to that though, there are a lot of foreign investors in other states that have invested in plants and jobs in Ohio, and we don't want to alienate them. You were just talking about it your own backyard, the growth happening from Taiwan. So, it's a balance right, Senator?

Senator Reineke: Right, you are correct.

Vice Chairman: I am not sure where that is, we do need to take care of Ohio, but we can't alienate foreign investment in Ohio either.

Chairman: Tim, the first meeting that I was on the Commission, Joe Balog was Chairman and happens to live in my town, we were buying tractors or front-end loaders or something and the second bid was Ohio CAT, which is in Broadview Heights, next door to Brecksville, and we were buying Kubotas or something like that, we were buying from a foreign manufacturer and Joe Balog questioned, why are we buying these foreign made when we got a company right here, why can't we do that for a few bucks more, buy from Ohio CAT. At the time we were told that it was on the state bid, and we were buying through state bid, I think, and we had to take what the state bid was, which he said, "no, we don't, we can buy through somebody else if we want." The Commission, if I remember then, we tabled it, but at the next meeting we did, in fact, buy these tractors from out-of-state. From that point on, I felt like, why are we doing this? I don't know that somebody said legally we were obliged to buy. Is there a wall that says that we are obliged to buy through that system?

General Counsel: The State Cooperative System?

Chairman: I mean, my opinion to that because we use it, we use those three of those systems. You can buy anything you want to buy. You don't have to buy just because of them and their price. The Commission has to assess that together and say that we want to try and reward local companies and Ohio companies. One of my last comments, Shelly Company which get millions and millions of dollars from this Commission, is owned by an Irish company, but they hire Ohio people to work for them. So, on one hand and then on the other hand, it is the jobs. It is an important discussion that needs to be held. We've belabored it long, look at this, I have never had a meeting go this long. Shame on me. Are there any other comments?

Senator Reineke: I wanted to compliment, I think it was Chris Matta, mentioning about your workforce training programs, thank you. Those certificates, those short term certificates that are built upon, that you can put into high school and to the two-year program, and to a four-year program, please come up with a program and circulate that to all of the community colleges, all of the career tech schools. My office would be more than willing to help with that. To get a good workforce, we have to start younger. It is a really good program.

Chairman: We have to quit worrying about sending our kids to college but encouraging our kids to get a higher education. A vocational type of education as a plumber is just as valuable as a heart surgeon. No question about it. Anything else, anybody?

The next meeting, and take note of this please, of the Ohio Turnpike and Infrastructure Commission will be held on Tuesday, June 21, 2022, at 10:00 a.m. here at the Commission's Administration Building located in Berea, Ohio.

If there is no further business, I will accept a motion to adjourn the 697th Commission Meeting.

MOTION: A motion to adjourn the 697th Commission Meeting is made by Mr. Coviello, seconded Secretary-Treasurer Barber, seconded by Mr. Coviello, and unanimously approved by all Commission Members present.

Time of adjournment: 12:05 p.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 Jack Marchbanks, PhD; Office of Budget and Management Representative James Kennedy; Senator Bill Reineke; Representative Haraz N. Ghanbari.

Other Attendees: Jacob Siesel, IUOE Local 18; Ed Adamczyk, Arcadis; Mike Woodring, AECOM; Jack Rimac, G. Stephens, Inc. and Kevin Westover, Huntington.

Ohio Turnpike and Infrastructure Commission Personnel: Ferzan M. Ahmed, P.E., Ohio Turnpike; Staff Lieutenant Richard Reeder, Ohio State Highway Patrol; Jennifer Monty Rieker, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Chris Matta, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Sue Coleman, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Chuck Cyrill, Ohio Turnpike; Ann Powell, Ohio Turnpike; Jackie Dohoda Herberger, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Lisa Drozdowski, Ohio Turnpike; John Scimemi, Ohio Turnpike; Stacey Verespe, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

Approved as a correct record of the May 16, 2022 Meeting
of the Ohio Turnpike and Infrastructure Commission

Sandra K. Barber, Secretary-Treasurer

EXHIBITS

- Resolution No. 35-2022 – Resolution Extending the Ohio Turnpike and Infrastructure Commission’s Business Inclusion Program for an Interim Period of One-Year
- Resolution No. 36-2022 – Resolution Approving the Selection of Oglesby Construction Inc. Under Project No. 46-2022 for the Total Amount of \$1,099,516.69
- Resolution No. 37-2022 – Resolution Ratifying Award of a Contract to Shelly & Sands, Inc. for Emergency Bridge Project No. 43-22-07 in the Amount of \$546,499.40
- Resolution No. 38-2022 – Resolution Authorizing the Executive Director to Execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company for Bridge Deck Rehabilitation Project No. 43-22-02 for a Total Aggregate Not-To-Exceed Amount of \$679,690.00
- Resolution No. 39-2022 – Resolution Authorizing the Executive Director to Enter into an Agreement with the City of Clyde for Construction of a Pump Station and Sanitary Sewer System and Subsequent Use of Sanitary Sewers and Treatment Facilities for the Erie Island and Commodore Perry Services Plazas

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
Resolution Extending the Ohio Turnpike and Infrastructure Commission's
Business Inclusion Program for an Interim Period of One-Year

WHEREAS, the policy of the Ohio Turnpike and Infrastructure Commission (“Commission”) is to ensure that all disadvantaged businesses and all businesses owned and controlled by minorities and females have the fullest possible opportunity to participate in contracts involving the expenditure of Commission funds, including leases, purchase orders and all forms of agreement where work, labor, services, supplies, equipment and materials, or any combination of the foregoing; and

WHEREAS, in furtherance of its policy, the Commission adopted Resolution No. 18-2014 on March 24, 2014 authorizing the Executive Director to retain a consultant to conduct a study (“Disparity Study”) to determine whether any disparity exists between the availability of minority business enterprises (“MBEs”) or otherwise disadvantaged business enterprises (“DBEs”) to perform on its contracts and the Commission’s utilization of such businesses; and

WHEREAS, in April 2016, BBC Research & Consulting reported to the Commission the results from the Disparity Study. The Disparity Study found that a disparity existed between the number of minority and female owned businesses that were ready, willing and able to perform the Commission’s contracts for construction, professional services and goods and support services and the number of such contractors actually participating in the Commission’s contracting opportunities. The Disparity Study found that disparity was based on societal discrimination, not any discriminatory practices on the part of the Commission was; and

WHEREAS, to remedy the underutilization of minority and female owned businesses on the Commission’s contracts, the 2016 Disparity Study recommended: (i) improved monitoring of minority owned business enterprises (“MBEs”) and disadvantaged business enterprises (“DBEs”) on the Commission’s contracts; (2) establishing a race and gender neutral small business enterprise (“SBE”) program; and (3) implementing narrowly tailored race and gender conscious remedial actions to address the inference of passive involvement in discriminatory conduct against minority and female owned businesses if such neutral measures fail to eliminate the disparity between availability and utilization of MBEs and DBEs; and

WHEREAS, pursuant to Resolution No. 43-2016 adopted on June 20, 2016, the Commission established a Small, Minority and Disadvantaged Business Inclusion Program (the “Program”) with the purpose of “...ensuring there are equal opportunities for small, minority and otherwise disadvantaged businesses to participate in the Commission’s business transactions, preventing its contracting dollars from disparately affecting disadvantaged businesses, and eliminating the effects of discrimination on competition for its contracting opportunities;” and

WHEREAS, the Program was authorized for an initial period of six (6) years, subject to review and reauthorization by the Commission, and that initial six (6) year period expires as of June 19, 2022; and

WHEREAS, the Program is implemented under the Office of Equity and Inclusion Standards and Practice Manual for the Small, Minority and Disadvantaged Business Enterprise Inclusion Program (the “Program Manual”) which provides procedures for program administration, certification of firms, establishing contract goals, contract award procedures, contract performance measures, enforcement, and program review and reauthorization; and

WHEREAS, the Program Manual provides, in pertinent part: “[t]he Program shall automatically terminate six (6) years after the date of adoption by the Commission, unless reauthorized by the Commission. The Commission shall determine whether there exists strong basis of evidence of discrimination such that the Program should be continued and ensure that the Program’s goals and operations remain narrowly tailored based upon the evidence;” and

WHEREAS, beginning in 2021, the Commission agreed to partner with the Ohio Department of Transportation, Division of Opportunity, Diversity, and Inclusion , to jointly contract with a consultant to perform an Availability Study to identify the availability of SBEs in various industries in the Commission’s market area and assist the Commission in reviewing its Program aspirational goal based on that data and, furthermore, to use the information from the Availability Study to make improvements to the Program in conjunction with other recommended changes; and

WHEREAS, the Program has been administered through the Department of Contracts Administration and/or Legal Department by a Business Inclusion Manager who has provided the Commission with Program reports as required by the Program Manual, the most recent report being the 2018-2019 Report which due to the COVID-19 pandemic was provided to the Commission at its meeting on March 15, 2021; and

WHEREAS, the Office of Equity and Inclusion has prepared a 2020-2021 Annual Report which is currently before the Commission and, in summary, reports the following:

- During the reporting period, the contractors met the project specific goals showing a balance between SBE availability and utilization.
- The Commission is currently working with a consultant under an ODOT contract to prepare an Availability Study, the results of which will assist the Commission with setting overall aspirational SBE goals backed by data of available companies within the contracting market, but this study will not be completed until later in 2022.
- Challenges encountered during the COVID-19 pandemic, including the vacant Business Inclusion Program Manager position impacted successful implementation of program improvements and, as a result, a similar list of improvements is contained in the 2020-2021 Annual Report: (1) a need to capture all data from all contracts, including small contracts (under \$50,000), purchase card transactions and revenue generating concession contracts; (2) training and education of Commission personnel on procurement procedures; (3) cross-department communication at project outset about goal setting; (4) completing an Availability Study to update the Program’s overall aspirational SBE goal.

WHEREAS, based on the foregoing, the Program is currently meeting or exceeding the 2016 aspirational goals for SBE utilization, and it is imperative to complete the Availability Study in order to have the data necessary to establish an updated aspirational goal based on current data which continues to further to Program's objectives; and

WHEREAS, the Director of Contracts Administration recommends that the existing Program be extended for an interim period of one-year, subject to formal review and reauthorization by the Commission at that time, including a plan for Program improvements and changes based on the results of the Availability Study; and

WHEREAS, the Executive Director has reviewed the recommendation of the Director of Contracts Administration and recommends that the Commission extend the Program for an interim one-year period, until June 19, 2023, when the Office of Equity and Inclusion will present the Commission with a recommendation for reauthorizing the Program subject to necessary changes based on the Availability Study and other best practices.

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission extends the existing Business Inclusion Program for an interim period of one-year until June 19, 2023, at which time the Office of Equity and Inclusion will have the results of the Availability Study and be able to present to the Commission a formal request to reauthorize the program with necessary improvements and changes to ensure the Program continues to serve its intended purpose.

(Resolution No. 35-2022 adopted May 16, 2022)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Oglesby Construction Inc. Under Project No. 46-2022 for the Total Amount of \$1,099,516.69

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a contract to furnish and apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps from Milepost 0.0 to 241.2, designated as Project No. 46-2022 (the “Project”); and

WHEREAS, the Commission received two bids to perform the obligations of the contractor for the Project, and the Commission’s Chief Engineer and Traffic Engineer analyzed the bids received, whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and Traffic Engineer report that Oglesby Construction Inc., of Norwalk, Ohio, submitted the lowest responsive and responsible bid to perform the Contractor’s obligations for the Project in the amount of \$1,099,516.69, which bid they recommend be accepted by the Commission; and

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

WHEREAS, the Director of Contracts Administration determined that the bids for the Project were solicited on the basis of the same terms, conditions and specifications, that Oglesby Construction Inc., submitted a bid guarantee and performance bond with good and sufficient surety, and that the bid of \$1,099,516.69, conforms to the requirements of Ohio Revised Code Sections 5537.07, 9.312, and 153.54; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because expenditures under the contract for the Project will exceed \$150,000.00; and

WHEREAS, the Executive Director concurs with the recommendations of the Chief Engineer and Traffic Engineer and recommends that the Commission award the contract for the Project to Oglesby Construction Inc. as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the bid of Oglesby Construction Inc., in the amount of \$1,099,516.69, to furnish and apply retro-reflective pavement markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps under Project No. 46-2022, is selected as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract on the basis of said bid.

(Resolution No. 36-2022 adopted May 16, 2022)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Ratifying Award of a Contract to Shelly & Sands, Inc. for Emergency Bridge Project No. 43-22-07 in the Amount of \$546,499.40

WHEREAS, the Bridge Deck of the Eastbound Mainline Bridge over Western Reserve Road (County Route 32) at Milepost 230.7 in Mahoning County has experienced accelerated and extensive deterioration and the Ohio Turnpike and Infrastructure Commission (“Commission”) Maintenance crews have patched several areas, however due to the amount of deterioration of the right lane of the bridge deck this lane is no longer functioning as designed as it cannot carry traffic; and

WHEREAS, upon further investigation the Engineering staff determined that the entire bridge deck needs immediate repair; and

WHEREAS, the Commission’s traffic charts indicate that if the work is completed before Memorial Day, traffic backups will be minimized, which will reduce the likelihood of the safety risks associated with the backups and failed deck areas and inconvenience to the customers, thus the decision was made to contract for this work on an emergency basis; and

WHEREAS, given the present emergency, the Commission solicited competitive bids from five (5) contractors for Bridge Deck Repairs and Rehabilitation, Ohio Turnpike Eastbound Over Western Reserve Road (C.R. 32), MP 230.7, Mahoning County, Ohio, designated as Project No. 43-22-07; and

WHEREAS, four (4) bids were received on April 25, 2022, and they were reviewed and analyzed by the Commission’s Chief Engineer, who has submitted a report identifying the lowest bidder as Shelly & Sands, Inc., of Akron, Ohio, which bidder submitted a bid in the amount of \$546,499.40; and

WHEREAS, the Commission determined that Shelly & Sands, Inc. submitted the lowest responsive and responsible bid to perform the necessary services for the Project subject to the terms and conditions of this Contract, and the Executive Director authorized the award of this Contract to Shelly & Sands, Inc. under the authority of Section 5537.07(G) of the Ohio Revised Code.

WHEREAS, Shelly & Sands, Inc. has submitted a performance bond with good and sufficient surety and all other documentation required by the Commission in the award of construction contracts; and

WHEREAS, due to the emergency nature of these repairs, a contract award was authorized by the Executive Director, and the Chief Engineer has authorized Shelly & Sands, Inc. to proceed with performing said repairs; and

WHEREAS, inasmuch as expenditures under the Emergency Bridge Repair Contract exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission’s Code of

Bylaws, Commission action is necessary to ratify the award of said Emergency Bridge Repair Contract; and

WHEREAS, the Executive Director is hereby recommending to the Commission that, with the adoption of this Resolution, the Emergency Bridge Repair Contract with Shelly & Sands, Inc. be ratified; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Commission that the bid of Shelly & Sands, Inc., of Akron, Ohio, in the total bid amount of \$546,499.40 for the performance of emergency repairs to the Bridge Deck of the Eastbound Mainline Bridge over Western Reserve Road (County Route 32) at MP 230.7 in Mahoning County, Ohio, designated as Project No. 43-22-07 is determined to be the lowest responsive and responsible bid received for the performance of said Emergency Bridge Repair Contract, and the Contract previously awarded by the Executive Director for said emergency repairs is hereby ratified by the Commission, and the Executive Director is authorized to take any and all action necessary and proper to carry out the terms of said bid and of said Contract.

(Resolution No. 37-2022 adopted May 16, 2022)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Executive Director to Execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company for Bridge Deck Rehabilitation Project No. 43-22-02 for a Total Aggregate Not-To-Exceed Amount of \$679,690.00

WHEREAS, during the phase of property acquisition to build the Ohio Turnpike, the Indiana & Ohio Railway Company's ("Railroad") predecessor granted the Ohio Turnpike and Infrastructure Commission ("Commission") an easement to construct a bridge over a railroad currently referred to as the Indiana & Ohio Railway, and which easement requires the Commission to coordinate with the Railroad for construction and maintenance projects and to reimburse or cause to be reimbursed, the Railroad, for the wages and expenses of such trainmen or flagmen; and

WHEREAS, the coordination includes the Railroad performing engineering review services for construction and maintenance projects, providing Construction Engineering and Engineering Inspection, and providing flagging during construction periods on the Project; and

WHEREAS, under Resolution 35-2019 the Ohio Turnpike and Infrastructure Commission selected DGL Consulting Engineers, LLC to perform the professional engineering design necessary for design project 71-19-01 in an amount not to exceed \$466,638.00; and

WHEREAS, on April 27, 2021, the Commission and the Railroad entered into an agreement for the Railroad to provide the engineering review services prior to bidding the project at a total cost of \$22,425.00; and

WHEREAS, on December 15, 2021, a Construction and Maintenance Agreement was executed with the Railroad, which contained a Force Account Estimate; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Bridge Deck Rehabilitation, on the Ohio Turnpike over State Route 109 at Milepost 40.3, and on the Ohio Turnpike over Indiana & Ohio Railway at Milepost 40.5 in Fulton County, Ohio, designated as Project No. 43-22-02 (hereinafter the "Project"); and

WHEREAS, the construction bidding documents specified a construction schedule of April 1, 2022 through October 31, 2023, with a winter shutdown period of November 22, 2022 through March 14, 2023; and

WHEREAS, during the bidding phase, the Commission modified the specified construction schedule of the Project, extending it from a one year project to a two year project; and

WHEREAS, the Commission awarded the Project to Kokosing Construction Company ("Contractor") in the amount of \$10,517,753.17 under Resolution No. 5-2022 at the January 24, 2022 Commission meeting; and

WHEREAS, on March 10, 2022 the Commission received a revised Force Account Estimate from the Railroad to provide the Construction Engineering and Engineering Inspection along with additional flagging during the modified construction schedule; and

WHEREAS, the revised Force Account Estimate will require the Commission to make expenditures in the estimated aggregate amount of \$679,690.00 to the Railroad over the two year project as part of the Construction and Maintenance Agreement; and

WHEREAS, inasmuch as expenditures under the Agreement exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary to agree to the expenditures under the Agreement; and

WHEREAS, the Chief Engineer recommends to the Commission that, with the adoption of this Resolution, the Construction and Maintenance Agreement with the Ohio & Indiana Railway Company be approved in an aggregate amount not to exceed \$679,690.00; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director is authorized to execute the Construction and Maintenance Agreement with the Indiana & Ohio Railway Company, in the aggregate total not-to-exceed amount of \$679,690.00, for the performance of construction and maintenance costs related to the bridge deck widening and replacement of the mainline bridges over State Route 109, Milepost 40.3 and over the Indiana & Ohio Railway, Milepost 40.5, both in Fulton County, Ohio, designated as Project No. 43-22-02.

(Resolution No. 39-2022 adopted May 16, 2022)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Executive Director to Enter into an Agreement with the City of Clyde for Construction of a Pump Station and Sanitary Sewer System and Subsequent Use of Sanitary Sewers and Treatment Facilities for the Erie Island and Commodore Perry Services Plazas

WHEREAS, Section 5537.04(A)(11) of the Ohio Revised Code provides that the Ohio Turnpike and Infrastructure Commission (“Commission”) may make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers; and

WHEREAS, the Commission currently owns, operates, and maintains a wastewater treatment plant that processes the sanitary sewage generated from the Erie Islands and Commodore Perry Services Plazas in Sandusky County (“Service Plazas”); and

WHEREAS, the Engineering Department caused a study to be completed to determine whether reduced expenditures and operational efficiencies could be obtained by abandoning the wastewater treatment plant and replacing it with a pump station and sanitary sewer line; and

WHEREAS, the results of the study indicated that the Commission would realize significant savings in operational and maintenance costs by replacing the Commission’s wastewater treatment plant with a pump station and sewer line; and

WHEREAS, the nearest, and only municipal wastewater treatment plant that can handle the sanitary sewer flows from the Service Plazas is owned and operated by the City of Clyde; and

WHEREAS, after thorough discussion and review, the Commission and the City of Clyde desire to enter into a Sanitary Sewer Agreement that sets forth the terms of the arrangement that include the Commission’s design and construction of the pump station and sanitary sewer system, rates the City of Clyde will charge the Commission for the subsequent use of its sanitary sewers and treatment facilities, and maintenance of the system; and

WHEREAS, the expenditures by the Commission to the City of Clyde for the use of its sanitary sewers and treatment facilities will exceed \$150,000.00 over the term of the agreement, and, therefore, in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws, Commission action is necessary to enter into such agreement; and

WHEREAS, the Executive Director has reviewed the recommendation submitted jointly by the Chief Financial Officer and Chief Engineer and approves the recommendation to authorize the agreement with the City of Clyde for the design and construction of a pump station and sanitary sewer line and the subsequent use of its sanitary sewers and treatment facilities, and maintenance of the system.

NOW, THEREFORE, BE IT

RESOLVED, that the Executive Director hereby is authorized to negotiate and execute an agreement with the City of Clyde for the purpose of the design and construction of a pump station and sanitary sewer line for the Erie Islands and Commodore Perry Service Plazas, and the subsequent use of the City of Clyde's sanitary sewers and treatment facilities, and maintenance of the system; and

FURTHER RESOLVED, the Executive Director is authorized to take any and all actions necessary to carry out the terms of said agreement.

(Resolution No. 39-2022 adopted May 16, 2022)