

**MINUTES OF THE 676<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
AUGUST 17, 2020**

**Chairman:** Good morning. I am Jerry Hruby. I am the Chairman of the Ohio Turnpike and Infrastructure Commission. The time is 10:00 a.m. Please stand and join me in reciting the *Pledge of Allegiance*.

The meeting will come to order. We are here on video conference – not in person as Governor DeWine signed HB 197 into law allowing public meetings to proceed without having to gather in person. We are doing our part to help prevent the spread of COVID-19.

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

**Assistant Secretary-Treasurer:** Chairman Hruby

**Chairman, Jerry Hruby:** Here

**Assistant Secretary-Treasurer:** Vice Chairman Paradiso

**Vice Chairman, Timothy Paradiso:** Here

**Assistant Secretary-Treasurer:** Secretary-Treasurer Peterson

**Secretary-Treasurer, Michael Peterson:** Here

**Assistant Secretary-Treasurer:** Mrs. Barber

**Commissioner, 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, Dr. Jack Marchbanks:** Here

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

**Office of Budget and Management, James Kennedy:** Here

**Assistant Secretary-Treasurer:** Senator McColley

**Senator Rob McColley:** Here

**Assistant Secretary-Treasurer:** Representative Greenspan

**Representative Dave Greenspan:** Here

**Chairman:** Thank you. We have a quorum. This is the 676<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are holding a meeting today via Microsoft Teams.

As mentioned at the beginning, the new law signed by Governor DeWine allows public meetings to be held by video conference. State law will allow us to use video conferencing for all public meetings until December 1, 2020 (unless the state legislature extends it). Accordingly, we can check in with our Technology team after the meeting and confirm that this meeting was available by live stream to the public.

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

May I have a motion to adopt the Minutes of the June 15, 2020, Commission Meeting.

**MOTION:** A motion to adopt the Minutes of June 15, 2020, Commission Meeting was made by Vice Chairman Paradiso and seconded by Secretary-Treasurer Peterson. Any questions, comments, or additions to the minutes? Hearing none. Roll call on the motion, please. All Commission Members present voted to approve the Minutes.

**Chairman:** The June 15, 2020 Commission Meeting Minutes are adopted. We will move on to the report of the Secretary-Treasurer, Michael Peterson.

**Secretary-Treasurer:** Mr. Chairman, the following items have been provided to the Members since the last scheduled meeting of the Commission on June 15, 2020:

1. Nine Resolutions;
2. Draft Minutes of the June 15, 2020 Commission Meeting; and
3. Agenda for today's meeting.

We have included in their folders for today's meeting, the following additional documents:

1. Traffic Crash Summary Report, June and July 2020;
2. Traffic and Revenue Report, June and July 2020;
3. Total Revenue by Month and Year, June and July 2020;
4. Investment Report, June and July 2020; and
5. Financial Statement, May, June and July 2020.

Mr. Chairman, that concludes the reading of the Secretary-Treasurer's report.

**Chairman:** Thank you. Any questions or comments regarding Mr. Peterson's report?

Before you begin, I would like to make a few brief comments. One I would like to commend the staff for doing a wonderful job in overseeing the construction and the maintenance of traffic. I think they have done a remarkably good job. I have been up and down the Turnpike throughout the summer, and I am amazed at how well they put those zones together and how well the Ohio Highway Patrol has monitored those. So, thank you very much for that. I know that motorists that are passing through and the motorists that are using our road should be very pleased with the maintenance of traffic. Now, we will move on to the report from the Executive Director, Ferzan M. Ahmed.

**Director Ahmed:** Thank you, Mr. Chairman, for your kind comments. Before I start with my report, I would like to remember Eric Ackerman, a tow truck driver for Interstate Towing, who was tragically killed on July 21, 2020 while helping a stranded motorist on the Turnpike. Our contracted tow truck drivers work very closely with us and are considered part of our team. The Turnpike was proud to honor Eric's life by participating in a memorial procession with hundreds of tow truck drivers and first responders.

I will kick-off my report with an update regarding the CSC modernization plan.

The team, led by Dave Miller, is working diligently toward the deployment of the new customer service center, which is the back-office operations for the Toll Collection System. It was originally scheduled to go-live in late May 2020. Unfortunately, delays due to software development finalization and the pandemic will push the go-live to mid-November.

As I have reported before, there have been additional operational expenses due to the COVID pandemic. These expenses are for items such as fumigation, gloves, masks, shields, etc., all of which are keeping our employees safe. However, the remote working schedule, as well as reduced fuel prices have resulted in operational savings. From mid-March through July of this year, the Director of Field Operations, Chris Matta, has reported an overall savings of a little more than \$275,000.

During summer, we often have large groups who stop at our service plazas. Due to the COVID pandemic we wanted to make sure that the plazas are available safely for employees and patrons. I commend Drew Herberger, Doug Turner, and Dana Brown for working with group organizers and creating a process for staggering arrivals for buses so that facilities are available to our customers safely, with social distancing.

Previously, I reported that we had installed our first Variable Speed Limit (VSL). We believe that has been a tremendous addition to keeping employees safe in the night work zones. Thanks to Travis Bonnett and our External Technology Task Force for now installing a second Variable Speed Limit (VSL).

Also, we can now view live traffic conditions from the work zone cameras at six of our overhead bridge projects located from Wauseon to Strongsville along with a resurfacing project in Akron and a pavement replacement project in Swanton. Thank you also to Chris Matta for taking the lead to install these cameras.

I want to commend our HR and Marketing teams for creating a new on-boarding video for new employees. Every department head gave a brief welcome and a description about their department and function with OTIC.

Congratulations to Lauren Hakos, our Training and Development Manager. She was recently appointed to the IBTTA Women in Tolling Council. Congratulations also to Matt Cole for being appointed to the recently formed IBTTA task force on Diversity, Racial and Social Inclusion. Along those lines, in accordance with Governor DeWine's recent instructions, we are working to increase our efforts related to Diversity and Inclusion with future hiring.

The 3<sup>rd</sup> annual "W82TXT" teen video contest deadline was extended to Labor Day hoping to obtain a few additional entries. This contest is for students in grades 9-12 to submit a 6-60 second video to spread awareness about the dangers of distracted driving. The students will compete for prizes such as a 12-Month Adobe Creative Cloud Subscription or an Apple watch or a \$250 Amazon Gift Card. The grand prize winner also will get to choose a booster club at their school, to which the Ohio Turnpike will donate \$500.

In June, we began a recognition process to commend team members for stepping up and going above and beyond for the Commission. Each team member who is recognized is presented with a custom-made Turnpike coin which has our Mission Statement on the front and Guiding Principles on the back. I would like to mention the recent recipients. The work for which they received the Turnpike coin goes above and beyond, either through effort, complexity, or initiative. In the interest of time, I will not go through the details of every person's accomplishment, but I will mention the people who have receive the Turnpike coin for excellence:

- Dawn Shockey in Finance,
- Bill Anderson, Jason Rovira, Greg Warren, and Chriss Pogorelc in the Technology department;

- Ted Baker, Mike Henning, and Bob O’Shea in the Maintenance department;
- Travis Bonnett in the Engineering department;
- Vinny Gupta in the Legal department; and
- Tony Yacobucci, Engineering department who is being presented with this coin for his personal effort in how he handled the bridge emergency project that you will hear about in just a minute from him. He reminded us that not only is he a great leader but also a great bridge engineer. I am still very impressed with the solution that he came up with.

There is one other person I want to recognize. On August 6, 2020, the President of the United States, Donald Trump, was visiting Cleveland through the Ohio Turnpike. I have a letter of commendation from Lieutenant Reeder of the Ohio State Highway Patrol (“OSHP”) for Safety Service Manager, Cory Skoczen. The Secret Service and OSHP were very impressed with Cory’s professionalism in addressing some last-minute changes. Thank you, Cory, for representing the Commission so well.

I would like to congratulate several of our team members for recent retirements: Andrea Anthory, Richard Fallat, and Michelle Young in the Toll Operations department, and Larry Wasserman, Larry Butzin, Miguel Alejandro, and David Glowinski in the Maintenance department.

My gratitude to all of them for their decades of service to the Commission, our customers and fellow team members.

And finally, I welcome Phil Senn, as the new Construction Engineer. Today, is his first day with the Commission. As you mentioned before, construction is our biggest expense, biggest risk, and biggest exposure. Phil is a construction engineer, formerly from the Ohio Department of Transportation, District 2. He is going to oversee with our existing team members’ efforts to have a construction department within the Engineering team. I know he is listening today, so welcome to our team.

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

**Chairman:** Thank you, Director. I appreciate your comments. Thank you to all that you mentioned on the staff for being awarded a coin. That is a wonderful achievement and wonderful recognition. I was sorry to learn of Mr. Ackerman’s death, Ferzan, when you notified us of that. We are very concerned about those kinds of incidents that take place on the Turnpike and we appreciate the way that you expressed the sympathy on behalf of the Commission to the tow truck driver’s family and to all of his friends. The idea and concept of slowing down and moving over is so vitally important. So, thank you for those comments.

Anything further, Ferzan? Any other comments from anyone else? Hearing none, we will move on to the report of our Chief Engineer, Tony Yacobucci.

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

The first resolution for your consideration seeks the Commission's authorization to award two (2) contracts for Intelligent Transportation System ("ITS") and Connected and Autonomous Vehicle ("CAV") Engineering Services. On March 27, 2020, the Commission issued an invitation to respond to a Request for Proposals to select up to two (2) firms to perform ITS/CAV Engineering Services on a task order basis. On April 17, 2020, the Commission received seven (7) Letters of Interest from firms expressing interest in performing these services, from which four (4) firms were deemed most qualified and invited to submit technical proposals. Engineering staff reviewed the technical proposals and concluded that WSP USA, Inc. ("WSP") and Michael Baker International, Inc. ("Baker") were the two (2) most qualified firms to perform the services. The ITS/CAV Engineering Services contracts will provide an extension of staff to the Commission's Engineering and Maintenance Departments for specialized disciplines that we do not possess internally. Some anticipated tasks include, but are not limited to, video camera surveillance systems along the roadway and in the Commission's Service Plazas and Toll Plazas, truck parking availability applications, variable speed limit applications, and upgrading the radio operator's room (comm center) into a turnpike operation's center. In addition, the partnership we have developed with Ford Mobility is another opportunity to utilize some of the consultant's expertise. The term of each agreement is for a two-year period and the total amount payable for all task orders of each contract shall not exceed \$600,000 over the two-year period. In addition, both firms have committed to meet or exceed the 25% SBE goal as set by the Office of Equity and Inclusion. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of WSP USA, Inc. and Michael Baker International, Inc. for Project No. 99-20-01 and Project No. 99-20-02 Each in an Amount Not-to-Exceed \$600,000.00.

**Chairman:** Any questions or comments?

**Mr. Coviello:** I heard Tony talk about surveillance and so forth as part of this intelligent system. Do we have privacy policies in place and, if so, do we need to reexamine them as we move forward with this ITS?

**Chief Engineer:** Mr. Chairman and Mr. Coviello, I would like to defer that question to our General Counsel who I think can better answer that.

**General Counsel:** Mr. Chairman and Mr. Coviello, we do have privacy policies in place. It has been awhile since we reviewed them and in light of this contract, I do think we need to update them. So, we should be looking at them again.

**Chairman:** Any other questions? Director Ahmed, if you would please, I would appreciate it if you would explain. I asked two questions of you and if you would touch on the first one about some of the systems please.

**Director Ahmed:** Mr. Chairman and Commission Members, the question that the Chairman had asked me earlier was “what are we anticipating? What are we trying to do?” The Chairman was part of a task force several years ago at ODOT to examine intelligent transportation systems and one of the questions that came up was “what is an intelligent transportation system?” These message boards that we see along I-71 and other interstates, traffic cameras, how often do we install them, is there a set limitation? What I was explaining before the meeting was as time has passed, we have learned more about intelligent transportation systems and as vehicles have become more advanced, what we think of ITS has evolved. There was a time when ITS was basically two components. You had cameras every so often, then you had message boards every so often that told you what is going on. Today, there are plenty of cars out there that have what we call connected features. Tomorrow, as we move into the future, the communication that we are going to do with cars is not going to require the message boards anymore because there is going to be enough technology where information can be exchanged either through cell phones or applications within vehicles. For example, Ford has what we call a sync system. Most of these vehicle entertainment systems have an interface through which it can get that information. So, keeping that in mind, what we aim to do with this project is not to look for a solution that gives us x number of message boards, x number of cameras, but to look at the entire Turnpike and look for how do we enhance safety and communication with the most modern technology in the cheapest way possible. So, anecdotally we can say that it is good to have a camera surveillance at every toll plaza because that is a place where traffic is stopping and restarting and that is an area where we typically have a lot of incidents. We also feel that another place where we should have surveillance is our construction zones. So, having surveillance along the entire Turnpike just to look at standard traffic makes no sense. It is expensive and that is not what we want to do. We want to do what is called “situational ITS.” What is the situation, what is going on? If we have a construction zone, we need to know what is going on because if there is an incident, accident, or congestion, we can address it. Interchanges are important because that is where people stop and go. These are going to be our guiding principles when we work with these two firms, WSP and Michael Baker. Of course, we will be leveraging their expertise because this is what they do nationwide to see what the cheap ways for us are to have maximum bang for our buck and create an environment where we can communicate what is going on to vehicles.

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

**MOTION:** A motion to adopt *Resolution Approving the Selection of WSP USA, Inc. and Michael Baker International, Inc. for Project No. 99-20-01 and Project No. 99-20-02 Each in an Amount Not-to-Exceed \$600,000.00* was made by Secretary Treasurer Peterson, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 48-2020.

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

**Chief Engineer:** The second resolution for your consideration seeks the Commission’s authorization to award a Contract for Emergency Bridge Repairs at the County Road 19 bridge over the Ohio Turnpike located at Milepost 30.3, in Fulton County, Ohio. On July 16, 2020, a dump truck travelling eastbound struck and severely damaged three of the five beams on the County Road 19 bridge. The extensive damage to the bridge created a potentially dangerous and unsafe condition requiring immediate measures to stabilize the structure in order to safely open

the Ohio Turnpike eastbound lanes. Consequently, the County Road 19 bridge was closed to traffic to prevent vehicle loads from passing over the damaged area, and remains closed until permanent repairs can be made. A preliminary inspection was performed and repair recommendations were submitted by our Consulting Engineer, AECOM Technical Services, Inc. Pursuant to Ohio Revised Code Section 5537.07(G)(3), the Commission is permitted to award a contract for the emergency bridge repair work without public advertisement due to this extraordinary emergency. On August 4, 2020, Procurement received three (3) bids for this Emergency Contract. The apparent low bid was submitted by Kokosing Construction Company, Inc., of Westerville, Ohio, in the amount of \$376,527.39. Therefore, it is recommended that the Commission award Contract No. 99-20-07 to the Kokosing Construction Company, Inc. in the amount of \$376,527.39 for the Emergency Bridge Repairs of the County Road 19 Bridge over the Ohio Turnpike located at Milepost 30.3 in Fulton County, Ohio. This resolution also contains provisions to assign AECOM Technical Services, Inc., of Akron, Ohio, to perform construction administration and inspection services for this project. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of Kokosing Construction Company, Inc. for Project No. 99-20-07 for the Total Amount of \$376,527.39 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project.

**Chairman:** Any questions or comments?

**Dr. Marchbanks:** What is included under the auspices of professional services? I am asking that question because we have at least two more that are phrased the same way. Forgive me for not being familiar with the terminology that the Ohio Turnpike uses.

**Chief Engineer:** Mr. Chairman and Dr. Marchbanks, our consulting engineer is AECOM and it is a five-year agreement where they actually inspect our entire system in accordance with the Master Trust Agreement. So, as part of that we have additional services similar to this where if we did have a damaged bridge or an emergency, they would assist us with that. So, in this case when the bridge did get hit, we had them go out there immediately and inspect the structure. At that point, they said it was unsafe to put traffic underneath it, let alone on top of it and we need to put a temporary support system in which we did almost immediately before we opened the roadway up to traffic. We did have to close the structure above the overhead because of the condition of the structure.

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

**MOTION:** A motion to adopt *Resolution Approving the Selection of Kokosing Construction Company, Inc. for Project No. 99-20-07 for the Total Amount of \$376,527.39 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project* was made by Mrs. Barber, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 49-2020.

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



**Chief Engineer:** The next resolution for your consideration seeks the Commission's authorization to award Contract No. 58-20-01 (ReBid). This represents a contract to construct a new mainline toll plaza facility, utility buildings, toll booths and canopies at Milepost 49.0 in Fulton County, as part of the Commission's Toll Collection System Modernization Project. This work is included in the 2020 Capital Improvement Budget. On July 28, 2020, Procurement received two (2) bids in response to this Project. The apparent low bid was submitted by Mosser Construction ("Mosser"), of Fremont, Ohio, in the amount of \$9,706,004.75. 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. Mosser's bid is approximately 1.0% below the Engineer's Estimate of \$9,800,000 and is deemed to be a responsive and responsible bid. Based on a review of Mosser's Financial Statement and Experience Questionnaire it appears they have the capacity to perform this work. They have previously performed similar projects for the Commission in the past with favorable results. In addition, the Office of Equity and Inclusion determined that Mosser has made a good faith effort to attain the 15% SBE goal. Therefore, it is recommended that the Commission award Contract No. 58-20-01 (ReBid) to Mosser Construction, of Fremont, Ohio, in the amount of \$9,706,004.75. This resolution also contains provisions to assign Prime AE Group, of Akron, Ohio, to assist with construction services, and to assign TTL Associates, Inc., of Toledo, Ohio, to perform material testing services. With your permission, may the General Counsel please read the title of the Resolution?

**General Counsel:** Resolution Approving the Selection of Mosser Construction for Project No. 58-20-01 (REBID) for the Total Amount of \$9,706,004.75 and Approving Prime AE Group, Inc. and TTL Associates, Inc. to Perform Professional Services on the Project.

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

**MOTION:** A motion to adopt *Resolution Approving the Selection of Mosser Construction for Project No. 58-20-01 (REBID) for the Total Amount of \$9,706,004.75 and Approving Prime AE Group, Inc. and TTL Associates, Inc. to Perform Professional Services on the Project* was made by Mr. Coviello, seconded by Secretary-Treasurer Peterson, and approved by all Commission Members present. Resolution No. 50-2020.

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

**Chief Engineer:** The fourth resolution for your consideration seeks the Commission's authorization to award Contract No. 59-20-05, for the Shoulder Reconstruction and Repairs on the Eastbound and Westbound Roadways between Milepost 235.9 and Milepost 240.82 in Mahoning County, Ohio. This Project is part of the Toll Collection System Modernization, as it was originally included in the Pavement Replacement and Toll Collection System Project at Toll Plaza 239. Due to the extensive amount of work required to be performed in 2021 for the Toll Plaza 239 Reconstruction Project, it was decided to remove this phase and advertise and bid it separately to alleviate an aggressive schedule in 2021. This work is included in the 2020 Capital Improvement Budget. On July 30, 2020, Procurement received three (3) bids in response to this Project. The apparent low bid was submitted by The Shelly Company – Northeast Division, ("Shelly"), of Twinsburg, Ohio, in the amount of \$2,824,752.85. 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. Based on a review of Shelly's Financial Statement and Experience Questionnaire it appears they have the capacity to perform this work. They have previously performed similar projects for the Commission in the past with favorable results. In addition, Shelly has committed to meet or exceed the 10% SBE goal as set by the Office of Equity and Inclusion. Therefore, it is recommended that the Commission award Contract No. 59-20-05 to The Shelly Company – Northeast Division, of Twinsburg, Ohio in the amount of \$2,824,752.85. This resolution also contains provisions to assign ms consultants, inc., of Youngstown, Ohio, to perform construction administration and inspection services, and to assign Professional Service Industries, Inc., of Cleveland, Ohio, to perform material testing services. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Approving the Selection of The Shelly Company for Project No. 59-20-05 for the Total Amount of \$2,824,752.85 and Approving ms consultants, inc. and Professional Service Industries, Inc. to Perform Professional Services on the Project.

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

**MOTION:** A motion to adopt *Resolution Approving the Selection of The Shelly Company for Project No. 59-20-05 for the Total Amount of \$2,824,752.85 and Approving ms consultants, inc. and Professional Service Industries, Inc. to Perform Professional Services on the Project* was made by Dr. Marchbanks, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 51-2020.

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

**Chief Engineer:** The next resolution for your consideration seeks the Commission's authorization to award Contract No. 39-20-03 Parts A and B. Part A of the project is the Reconstruction of the Eastbound and Westbound Mainline Pavement and Shoulders from Milepost 208.17 to Milepost 212.76 in Trumbull County. Part A of the project also includes the construction of the entrance and exit ramps to and from new Toll Plaza 211 and the Open Road Tolling lanes which is part of the Modernization of the Toll Collection System. Part B of the Project includes the site construction for the new mainline Toll Plaza 211 in Trumbull County, again part of the Modernization of the Toll Collection System. This construction Project will be performed over the 2020, 2021 and 2022 construction seasons and this work is included in the 2020 Capital Improvement Budget. On August 4, 2020, Procurement received two (2) bids for this Contract. The Contract Documents included line items for a voluntary Waste Site Deduct Alternate as well as a voluntary Temporary Access Deduct Alternate. The apparent low bid was submitted by The Shelly Company – Northeast Division ("Shelly"), of Twinsburg, Ohio, in the amount of \$45,994,293.84. Shelly included a line item deduct in the amount of \$10,000 for the Waste Site Deduct Alternate and \$300,000 for the Temporary Access Deduct Alternate. The bid submitted by Shelly is about 18% higher than the Engineer's Estimate of \$38,500,000.00. In accordance with Article 5.1.2 of the Instructions to Bidders, if all bids received are in excess of ten (10) percent above the Engineer's Estimate, the Commission shall convene a Construction Contracts Award Committee ("Committee") to determine if the bid prices are in reasonable conformance with the Engineer's Estimate and a bid may be recommended for acceptance. On August 7, 2020, the Construction Contracts Award Committee met to examine and discuss the bids received, as well

as other pertinent information. The bid tabulations, including unit prices and extensions, of each bidder were provided to the Committee, as well as a tabulation of bid unit prices and extensions of the apparent low bidder (Shelly Company) compared to the unit prices and extensions of the Engineer's Estimate. The Commission's Construction Manager, Hill International, Inc. ("Hill"), of Broadview Heights, Ohio, also provided an evaluation of the bids received for the Project to determine the major items that varied from the Engineer's Estimate, found no apparent errors in the bids, provided corrections to the Engineer's Estimate based on their findings, and recommended an award be made. The Committee reviewed various factors including number of bidders, distribution and range of bids, urgency of the project, impacts due to delaying an award, project scope, funding availability, SBE participation, and past performance of the apparent low bidder. In consideration of the information provided in Hill's Bid Evaluation Letter, the Commission's Staff recommendation memo, and the information noted above, the Construction Contracts Award Committee recommends the low bid, including the credits for the Waste Site Deduct Alternate and the Temporary Access Deduct Alternate for Project 39-20-03, be accepted and awarded to The Shelly Company - Northeast Division, of Twinsburg, Ohio, in the amount of \$45,684,293.84. It appears that Shelly has the available capacity in both manpower and resources and has successfully performed projects of a similar size and nature for the Commission in the past. In addition, Shelly has committed to meet or exceed the 11% SBE goal as set by the Office of Equity and Inclusion. Therefore, it is recommended that the Commission award Contract No. 39-20-03 Parts A and B to Shelly Company – Northeast Division of Twinsburg, Ohio in the amount of \$45,684,293.84, which includes both Deduct Alternates. This Resolution also contains provisions to assign Jacobs Engineering Group, Inc. of Cincinnati, Ohio to assist with construction services, and to assign ECS Midwest, LLC, of Brooklyn Heights, Ohio, to perform material testing services. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of The Shelly Company for Project No. 39-20-03 A&B for the Total Amount of \$45,684,293.84 and Approving Jacobs Engineering Group Inc. and ECS Midwest, LLC to Perform Professional Services on the Project.

**Chairman:** Any questions or comments?

**Dr. Marchbanks:** I was surprised that only two companies bid on such an attractive contract. Are there market dynamics going on here that we should start to pay attention to?

**Chief Engineer:** Mr. Chairman and Dr. Marchbanks, I am not aware of any market dynamics at this point. It is something obviously we should be aware of but if you look at the history of our pavement replacement projects, we typically get two or three bids. In this case, we actually had six plan holders that we felt were viable, prime contractors, so we were anticipating more than two bids. Kokosing Construction Company noted that they were not chasing this one. They were going to chase the project out at TP 4, which is out on the street right now. So, that was one that obviously dropped off. The Great Lakes Construction Company and Allega have always pulled plans but have intermittently actually bid on these projects. The Ruhlin Company is actually one and for the first time actually pulled the plans but did not bid, so we will continue to evaluate and look at the market dynamics and see if there is anything going on, but as I said, Dr. Marchbanks, typically we only get two or three bids on these projects.

**Chairman:** Anyone else have any questions or comments? Hearing none, please call the roll.

**MOTION:** A motion to adopt *Resolution Approving the Selection of The Shelly Company for Project No. 39-20-03 A&B for the Total Amount of \$45,684,293.84 and Approving Jacobs Engineering Group Inc. and ECS Midwest, LLC to Perform Professional Services on the Project* was made by Vice Chairman Paradiso, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 52-2020.

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

**Chief Engineer:** The next resolution for your consideration seeks the Commission's authorization to purchase stream credits as a result of unavoidable stream impacts due to the construction of a new Mainline Toll Plaza Facility near Milepost 211 in Trumbull County, Ohio. This work is necessary for the modernizing of the Ohio Turnpike Toll Collection System, adopted under Commission Resolution No. 57-2017. The unavoidable permanent impacts to jurisdictional waters of the U.S. result in stream mitigation being required in accordance with guidelines of Ohio EPA Section 401 and Army Corp Section 404 Permits. The hierarchy set forth in federal (33 C.F.R. 332) and state (O.A.C. 3745-1-54) law was used to properly mitigate the aquatic resources. The first order of hierarchy requires the Owner to purchase Mitigation Bank Credits. However, there are no active Mitigation Bank Credits available within the watershed. The second order of hierarchy requires the Owner to purchase an In-lieu Fee (ILF) program credit. The Permits noted above requires the Commission to mitigate 427 linear feet of permanent stream impacts at a 1.5 to 1 mitigation ratio to properly mitigate the aquatic resources, resulting in the Commission being required to purchase 641 ILF stream credits. There are two possible providers from which to purchase ILF stream credits. The Stream + Wetlands Foundation has a fee schedule of \$270 per credit and The Nature Conservancy has a fee schedule of \$315 per credit. The cost to the Commission for purchase of stream credits pursuant to the lowest priced fee schedule is 641 ILF stream credits at \$270 each, for a total of \$173,070.00. Therefore, it is recommended that the Commission enter into an agreement with the Stream + Wetlands Foundation to purchase 641 ILF stream credits in the total amount of \$173,070.00 to properly mitigate the unavoidable stream impacts as part of the modernization of the Ohio Turnpike's Toll Collections System for Project No. 39-20-03. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Declaring the Necessity of Purchasing Stream Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$173,070.00 from Stream + Wetlands Foundation.

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

**MOTION:** A motion to adopt *Resolution Declaring the Necessity of Purchasing Stream Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$173,070.00 from Stream + Wetlands Foundation* was made by Secretary-Treasurer Peterson, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 53-2020.

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

**Chief Engineer:** My final resolution for your consideration seeks the Commission's authorization to purchase wetland credits as a result of unavoidable wetland impacts due to the construction of a new Mainline Toll Plaza Facility near Milepost 211 in Trumbull County, Ohio. This work is necessary for the modernizing of the Ohio Turnpike Toll Collection System, adopted under Commission Resolution No. 57-2017. The unavoidable permanent impacts to jurisdictional Waters of the U.S. result in wetland mitigation being required in accordance with guidelines of Ohio EPA Section 401 and Army Corp Section 404 Permits. The hierarchy set forth in federal (33 C.F.R. 332) and state (O.A.C. 3745-1-54) law was used to properly mitigate the aquatic resources. The first order of hierarchy requires the Owner to purchase Mitigation Bank Credits. However, there are no active Mitigation Bank Credits available within the watershed. The second order of hierarchy requires the Owner to purchase an In-lieu Fee (ILF) program credit. The Permits noted above require the Commission to mitigate 0.18 acres of permanent category 1 wetland impacts at a 1.5 to 1 mitigation ratio and 4.71 acres of permanent category 2 wetland impacts at a 2.5 to 1 mitigation ratio to properly mitigate the aquatic resources, resulting in the Commission being required to purchase 12.1 ILF wetland credits. There is only one possible provider from which to purchase ILF stream credits which is The Nature Conservancy which has a fee schedule of \$51,000 per credit. The cost to the Commission for the purchase of 12.1 ILF wetland credits at \$51,000 each is a total of \$617,100.00. Therefore, it is recommended that the Commission enter into an agreement with The Nature Conservancy to purchase 12.1 ILF stream credits in the total amount of \$617,100.00 to properly mitigate the unavoidable wetland impacts as part of the modernization of the Ohio Turnpike's Toll Collections System for Project No. 39-20-03. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Declaring the Necessity of Purchasing Wetland Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$617,100.00 from The Nature Conservancy.

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

**MOTION:** A motion to adopt *Resolution Declaring the Necessity of Purchasing Wetland Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$617,100.00 from The Nature Conservancy* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 54-2020.

**Chairman:** The resolution passes unanimously. Thank you, Tony. We will move on to the report of the Director of Administration, Matt Cole.

**Mr. Cole:** Thank you, Mr. Chairman and Commission Members. I have one resolution for your consideration this morning.

My resolution seeks authorization for Payment for Emergency Fumigation Services to RKS Management – Biohazard Division in the maximum amount of \$300,000.

In response to Governor DeWine's Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic, the Commission immediately began taking precautionary measures, including purchasing cleaning supplies in an effort to maintain a healthy and safe working environment for our employees, who perform an essential function of operating the Turnpike, which is considered critical infrastructure.

In response to the COVID pandemic, I recommended to the Executive Director that the Commission enter into a contract with RKS Management to decontaminate work locations at Commission facilities to prevent the spread of COVID-19. RKS Management's services began on April 13, 2020. Due to the emergency nature of this contract, the contract was entered into without having published a notice in a newspaper of general circulation as permitted for such emergency situations pursuant to Section 5537.07(G)(3) of the Ohio Revised Code.

Since April 13, 2020, the Commission requested and RKS has provided fumigation services to disinfect all eight maintenance buildings, all 31 toll plazas, and all three OSHP posts located on the Turnpike, as well as other buildings on the Turnpike, as needed, Commission and OSHP vehicles and 12 OSHP workstations. RKS Management utilizes a hospital grade disinfectant to sanitize workspaces to prevent the spread of COVID-19 and other infectious diseases. The total cost of fumigation services provided by RKS to the Commission was \$149,795.00 through July 10, 2020. We are requesting an additional \$150,205.00 in funds to pay for continuing to respond to the COVID pandemic with fumigation services as needed. We have successfully prevented the spread of COVID-19 at work locations, in part because of these emergency fumigation services. Authorizing the additional \$150,205.00 will assist in mitigating the potential for future outbreaks at an installation where an employee tests positive for COVID-19.

RKS is a female owned, SBE company located in Ravenna, Ohio. We anticipate bidding the fumigation disinfectant services in the near future for the purpose of entering into a long-term contract with a fumigation company to perform decontamination services for the Commission.

With your permission Mr. Chairman, if the General Counsel would please read the title of the resolution.

**General Counsel:** Resolution to Authorize Payment for Emergency Fumigation Services in the Maximum Total Amount of \$300,000.00.

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

**MOTION:** A motion to adopt *Resolution to Authorize Payment for Emergency Fumigation Services in the Maximum Total Amount of \$300,000.00* was made by Mrs. Barber, seconded by Secretary-Treasurer Peterson, and approved by all Commission Members present. Resolution No. 55-2020.

**Chairman:** The resolution passes unanimously. Anything further, Mr. Cole?

**Mr. Cole:** No, Mr. Chairman, that completes my report.

**Chairman:** Thank you. We will move on to the report of the CFO/Comptroller/DED, Marty Seekely.

**CFO/Comptroller/DED:** Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the months of June and July this morning.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled continued to improve from their lows in April and were down 31.3% in June and 24.2% in July from the same months of last year, due to the effect of COVID-19.

Commercial traffic improved quite a bit and was down just 1.7% in June and was actually up 1.0% in July. In fact, commercial traffic set a record for July. Commercial traffic for July benefitted this year from the 4<sup>th</sup> of July holiday being on Saturday this year versus on a Thursday last year.

The decrease in passenger car traffic combined with the toll rate increase caused passenger car toll revenue to decrease 30.6% in June and 23.5% in July from the same months last year.

The change in commercial traffic for each month combined with the toll rate increase caused commercial vehicle toll revenues to increase 1.6% in June and 4.2% in July.

This chart shows the weekly percentage change in total toll revenue from the corresponding week of last year. You can see that toll revenue week ended April 18<sup>th</sup>, was down 38.1% from last year. Since then the decline from last year has fairly steadily lessened. It was down 4.4% week ending July 4, 2020, which benefitted from the holiday being on the weekend this year.

More recently, it was down 10.3% week ending July 25, 2020 10.4% week ending August 1<sup>st</sup>, and 7.4% week ending August 8, 2020.

Last week, which is not on the chart, toll revenue was down 6.1%.

This chart shows year-to-date toll revenues through the month of July during each year over the past decade. Year-to-date total toll revenues were \$22.8 million or 12.9% below the amount from last year.

If you subtract February 29, 2020 from this year's total, total toll revenues are down \$23.4 million or 13.3% from last year.

That completes my report, Mr. Chairman.

**Chairman:** Thank you, Marty. Have you worked on any projections for where you think we will be by years end, any trends that you see?

**CFO/Comptroller/DED:** Mr. Chairman, traffic continues to improve, both commercial traffic, which is surprisingly running ahead of last year, and passenger car traffic, so I think by year-end, our passenger car traffic will be down, I am guessing around 15% or so. It looks like commercial traffic should be even. I am projecting next year our passenger car traffic will be down about 10%.

**Chairman:** Any questions or comments regarding the report? Hearing none, we will move on to the report of the General Counsel, Jennifer Stueber.

**General Counsel:** Good morning, Mr. Chairman and Commission members. I have one resolution for your consideration today.

If you recall, we go out to the marketplace by issuing an RFP for our insurance policies every three years, and this is an RFP year. As we have in the past, we work with Dan Buser and his team at Crain Langner to help us through the RFP process. I have invited Dan Buser and Brad Weber from Crain Langner to join us this morning and present an overview of the Commission's insurance program. Dan and Brad?

**Mr. Buser:** Good morning, Mr. Chairman and Commission Members. As Mrs. Stueber outlined, this is a marketing year for the property and casualty insurance. The cycle is every three years. We would like to take this time to review the results and recommendations of that process. The process was conducted this year in normal fashion. The RFP was distributed to seven participants, seven agents and brokers, five of which submitted proposals, and in some cases, multiple proposals. We have, as usual, a tremendous amount of interest by the broker community and the insurance community. It is because of what we do and how well we do it that delivers wonderful results through our lens of insurance and safety that we garner such interest in the Ohio Turnpike and Infrastructure Commission. This slide displays the ten policies by line of coverage, the recommended insurance carrier for each coverage, the quoted premium, then the last two columns are the dollar difference and a percentage difference. This year's process generated results consistent with our expectations with the exception of one part of the program which is going to change. It does not change the type of coverage or the level of coverage, it simply changes how we obtain it, the structure of that coverage. We are rather pleased with those green blocks of which the pricing for each coverage, the general liability, public officials liability, auto liability, pollution, and cyber liability each decreased. That is quite contrary to the entire marketplace of property and casualty insurance throughout the United States and actually all four corners of the world, due to any number of reasons, climate change, weather changes, economic strife, and the pandemic which is affecting all of us.

Please look at lines 2, 3, 4 and 5, starting with the last line in 1, this is where the change is taking place in this program, it is not adverse setting aside cost, that is to say that the protection afforded by these coverages, is substantially the same as what we have today and what the Commission as had in years past. We are going from three layers of coverage to a five layer structure. We had the benefit of considerable input for which we are very grateful from Executive Director Ahmed, General Counsel Stueber and CFO/Comptroller/DED Seekely. We met with them several times to review results and status. We are almost complete filling out this program and will explain that which remains to be done and the means by which we to achieve it. These



coverages displayed on this chart are the same coverages we have been buying since at least 2012. They robustly cover that which what we do, that which could go wrong through any number of lenses. The excess insurance changes slide reveals the change in structure which we want to make sure the Commission Members and Chairman Hruby understand. It is simply this, the lowest layer is the primary layer, our primary coverage above which we buy umbrella and excess coverage. On the left hand side, you simply see the U.S. Specialty Umbrella of a \$20 million policy, above which sits North River and above that sits Great American. The sum total limits of those limits of liability are \$65 million dollars of limit; \$66 million if you include the \$1 million primary. To the right is what we are going to transition to effective with this renewal. While the first layer remains the same, the next layer changes from a \$20 million layer to a \$10 million layer above which will sit a new policy. We have a placeholder here called Lexington Insurance, a part of AIG, and above it will sit North River, then Great American and then at the very top Cincinnati. We have not been able to finalize the terms, conditions, and pricing of any of the layers, Lexington, North River, Great American and Cincinnati. We have a rather firm understanding on what those costs will be. However, as I conclude my remarks you will see that we need some latitude to complete building this tower. This is not a result, this status today is not the result of anything we, the Commission, did or did not do in preparation or during the course of the year or even today. It is a result of market conditions under a macro scale whether it is Cuyahoga County and every one of our other counties through which the roadway passes, Ohio or the United States, the insurance industry is significantly strained and what we call excess liability insurance, that is what we are talking about here, it is also very strained. So, that translates to two things, carriers willing to offer lower limits of liability, that is what is happening with U.S. Specialty and their pricing goes up considerably. The year-over-year premium summary is very enlightening and the furthestmost right column reflects a 2020/2021 premium of \$1,101,000.00, which if you go to the left hand side you see it is almost even with the 2005/2006 pricing with some variations. While we have to explain to you today a significant increase probably in the \$300,000 to \$400,000 fixed cost increase to purchase the same coverages, if, in fact, you were to apply net present value figures to the 2005/2006 costs, that really is almost \$1.4 million in today's dollars. While the fixed costs seem to trend upward with some variation as you can see in 2011 and 2017, if you were to account for the time value of money we are actually doing really well and for that we are rather proud.

The year-over-year cost of risk is to help us understand what we are spending, fixed costs, the premium dollars relative to two denominators, two ratios are reflected here. One, what is the spend as a percentage of our assets, \$863,000 over \$2.4 million, so we are spending \$.35 per \$1,000 of assets to protect our buildings, our brick and mortar, our people, and the like. The revenue ratio, \$863,029 of premium in 2019 over total revenue is at \$2.39 per \$1,000 of revenue. This is important not only unto itself, but we like to do a comparison. So, what we have done and shown you, the 2019 and the 2020 expected because our premiums might change. We are going to trend this year-over-year, to have a better understanding of what we are spending relative to what we own and what our revenue base is. A change in either can affect your ratio.

The next term program, 2020/2021, this reflects the program the Commission will have effective at our next renewal on September 1, 2020.

The last two slides are talking point slides, which give some high level overview of the situation for which we find ourselves as the buyer of considerable insurance. Market conditions

are extremely stressed. That is going to continue for at least the next three quarters. It started about a year ago in property and auto insurance and has bled over considerably to liability and excess insurance and executive risk. There are a number of reasons for that, restrictions on capacity. Carriers are not willing to provide as much limit as they were in the past behold what happened to U.S. Specialty and its umbrella, if you recall I said it went from a \$20 million limit to a \$10 million limit and hence us having to fill it. Catastrophic losses are increasing, both frequency and severity. This is true whether it is an auto accident, a wet weather event, or otherwise. They are happening more frequently and they are more severe in terms of the cost of human life and our pocketbooks. This trend is going to continue.

Policy terms and future market conditions, what is critical, is that the policy in terms and conditions, the quality and character of insurance coverage we buy, is remaining largely the same. That is critical because while we focus on the cost and the title given to these coverages, what's important for the Commission and our stakeholders is to know that what we are buying, the level, scope and breadth of the coverage are largely remaining the same, that we have uncovered and identified opportunities where we can improve it and if, in fact, there is such, we do something about it, we consciously make a decision to buy coverage or to take other risk management measures to avoid and mitigate that.

The future market conditions, we believe and are pretty confident, and we are not proud to say this, but all lines of coverage, with very few exceptions, that the Commission currently buys, the pricing is going to continue to increase regardless of your loss experience or any risk management efforts that you take to protect yourself from loss or liability.

In sum, and General Counsel Stueber will explain this, we have before us a set of proposals with two placeholders and that is that \$10 million umbrella and the \$15 million of umbrella. We do not have the pricing for those policies finalized. We do not have the other two excess policies pricing finalized. The \$1.1 million contemplates placeholder figures we have for those as we know them today. Within the next few business days, and we know that September 1, 2020 is our renewal date of course, we expect to have finalized numbers, terms and conditions, we have recommended that the Commission authorize Commission Administration the ability to bind the excess layer coverages explained in your resolution but at pricing that may exceed when adding into the total of the rest of the program, the \$1.1 million.

That concludes my report. I would be happy to answer any questions.

**General Counsel:** Thank you, Dan and Brad. Both Dan and Brad, as well as the rest of the team at Crain Langner, have done a ton of work for us on the insurance proposals and have done great work to position the Commission in the best possible way when negotiating with the insurance brokers. Thanks to Dan and Brad for their great assistance with the insurance.

To summarize, the resolution authorizes payment of the maximum amount of \$695,213 for the underlying policies plus an additional maximum amount of up \$600,000 for the umbrella policies, for an aggregate maximum of \$1,295,213.

1. Public Entity General and Automobile Liability Insurance, including terrorism, Public Officials/Employment Practices coverage;
2. Umbrella/Excess Liability Insurance Coverage;
3. Bridges and Use & Occupancy Insurance;
4. Multi-Peril/Property Insurance;
5. Broad Form Money and Securities/Crime Insurance;
6. Pollution Liability Insurance; and
7. Cyber Liability Insurance.

If authorized, these policies will be effective starting on September 1, 2020, which is to line up with the expiration of the current policies.

With your permission, Chairman Hruby, I will read the title of the resolution for the Commission's consideration.

**General Counsel:** Resolution Authorizing the Purchase of Insurance Policies for the Commission's Comprehensive Insurance Program.

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

**MOTION:** A motion to adopt *Resolution Authorizing the Purchase of Insurance Policies for the Commission's Comprehensive Insurance Program* was made by Vice Chairman Paradiso, seconded by Secretary-Treasurer Peterson, and approved by all Commission Members present. Resolution No. 56-2020.

**Chairman:** The resolution passes unanimously. We want to thank our representatives. Thank you very much for presentation.

We will now move on to the report of the Staff Lieutenant, William Haymaker.

**Staff Lieutenant Haymaker:** Good morning, Mr. Chairman and Commission Members. I have three items I would like to report on this morning.

The first item, Trooper Rodriguez, of the Milan Post, stopped a vehicle for a speed violation of 90 miles-per-hour. Upon contact with the vehicle, the odor of raw marijuana was detected. During a probable cause search of the vehicle, seventeen grams of marijuana and twenty-two grams of shrooms were located. The shrooms were a felony of the fifth degree. Both the driver and the passenger were both charged with the violation.

Next, Troopers on the Ohio Turnpike have been targeting aggressive driving, including high speeds. This year enforcement of vehicles traveling in excess of 100 miles-per-hour is up more than 130% from this time last year. Year-to-date, we have taken enforcement on over three hundred drivers for driving over 100 miles-per-hour on the Turnpike. Aviation has been a big part of this enforcement. They are routinely up working and calling out these speeds to our Troopers. In addition to these stops, they have also led to seizures and illegal narcotics, suspended drivers, and drivers with warrants for their arrest.

Next, Trooper Tillman, of the Swanton Post, initiated a pursuit after checking a vehicle for 85 miles-per-hour in a 70 mile-per-hour zone. A pursuit ensued after the suspect failed to stop. Come to find out, the driver was under suspension and that was really the only reason he failed to stop. Ultimately, he did stop and was charged with fleeing and eluding and booked into jail.

This completes my report, Mr. Chairman.

**Chairman:** Thank you for your fine work. I can imagine some of the speeds that our Troopers have to go to catch vehicles at that kind of speed and how they place themselves in harm's way.

Are there any other comments or questions about anything from anyone?

Hearing none, the next meeting and workshop of the Ohio Turnpike and Infrastructure Commission will be held on Monday, September 21, 2020 at 10:00 a.m. If there is no further business, I will accept a motion to adjourn the 676<sup>th</sup> Commission Meeting.

**MOTION:** A motion to adjourn the 676<sup>th</sup> Commission Meeting is made by Dr. Marchbanks, seconded by Secretary-Treasurer Peterson, and unanimously approved by all Commission Members present.

Time of adjournment: 11:22 a.m.

**Attendees for Record Keeping Purposes:**

Commission Members: Chairman Jerry Hruby, Vice Chairman, Timothy Paradiso, Secretary-Treasurer Michael Peterson, Commission Member Sandra Barber, Commission Member Guy Coviello, Commission Member Vickie Eaton Johnson, Commission Member Dr. Jack Marchbanks, Office of Budget and Management Representative James Kennedy, Representative Dave Greenspan, and Senator Rob McColley.

Other Attendees: Dan Buser, Crain Langner; Bethany Pugh, PFM; Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Myron Pakush, Ohio Department of Transportation; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio

Turnpike; Diana Anthony, Ohio Turnpike; Doug Turner, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

Approved as a correct record of the August 17, 2020  
Meeting of the Ohio Turnpike and Infrastructure  
Commission

---

Secretary-Treasurer, Michael A. Peterson

# **EXHIBITS**

1. Resolution No. 48-2020 – Resolution Approving the Selection of WSP USA, Inc. and Michael Baker International, Inc. for Project No. 99-20-01 and Project No. 99-20-02 Each in an Amount Not-to-Exceed \$600,000.00;
2. Resolution No. 49-2020 – Resolution Approving the Selection of Kokosing Construction Company, Inc. for Project No. 99-20-07 for the Total Amount of \$376,527.39 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project;
3. Resolution No. 50-2020 – Resolution Approving the Selection of Mosser Construction for Project No. 58-20-01 (REBID) for the Total Amount of \$9,706,004.75 and Approving Prime AE Group, Inc. and TTL Associates, Inc. to Perform Professional Services on the Project;
4. Resolution No. 51-2020 – Resolution Approving the Selection of The Shelly Company for Project No. 59-20-05 for the Total Amount of \$2,824,752.85 and Approving ms consultants, inc. and Professional Service Industries, Inc. to Perform Professional Services on the Project;
5. Resolution No. 52-2020 – Resolution Approving the Selection of The Shelly Company for Project No. 39-20-03 A&B for the Total Amount of \$45,684,293.84 and Approving Jacobs Engineering Group Inc. and ECS Midwest, LLC to Perform Professional Services on the Project;
6. Resolution No. 53-2020 – Resolution Declaring the Necessity of Purchasing Stream Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$173,070.00 from Stream + Wetlands Foundation;
7. Resolution No. 54-2020 – Resolution Declaring the Necessity of Purchasing Wetland Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$617,100.00 from The Nature Conservancy;
8. Resolution No. 55-2020 – Resolution to Authorize Payment for Emergency Fumigation Services in the Total Estimated Amount of \$300,000.00; and
9. Resolution No. 56-2020 – Resolution Authorizing the Purchase of Insurance Policies for the Commission’s Comprehensive Insurance Program.

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of WSP USA, Inc. and Michael Baker International, Inc. for Project No. 99-20-01 and Project No. 99-20-02 Each in an Amount Not-to-Exceed \$600,000.00**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contracts approved pursuant to this Resolution are necessary for the Commission to continue its operations and comply with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contracts shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s

work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) issued a request for Letters of Interest in receiving an invitation to respond to a Request for Proposals (“RFP”) on March 27, 2020 to select up to two engineering firms to perform Intelligent Transportation Services (ITS) and Connected and Autonomous Vehicle (CAV) Engineering Services on task order projects based on assignments from the Chief Engineer; and

WHEREAS, Letters of Interest were received from seven firms expressing their interest in performing the ITS and CAV engineering services on April 17, 2020, and four were deemed most qualified and invited to submit proposals in response to the RFP, with responses due on June 5, 2020; and

WHEREAS, on the basis of the proposals received, the Engineering staff concluded that WSP USA, Inc. of Cleveland, Ohio (“WSP USA”), and Michael Baker International, Inc., of Cleveland, Ohio (“Michael Baker”), are the two most qualified firms to perform the ITS and CAV Engineering Services; and

WHEREAS, the contracts to perform the ITS and CAV engineering services shall continue for a two-year period and the total amount payable for all task orders shall not exceed \$600,000.00 each in accordance with the RFP and the proposals dated June 5, 2020; and

WHEREAS, Commission action is necessary to award the contracts in accordance with Article V, Section 1.00 of the Commission’s Code of Bylaws because the estimated expenditures will exceed \$150,000.00; and

WHEREAS, the Commission’s Staff Attorney has determined that the RFP process and the selection of WSP USA and Michael Baker conforms with the requirements of Ohio Revised Code Sections 153.65 to 153.71, that all legal requirements were performed and that the proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, the Office of Equity and Inclusion Manager determined that WSP USA and Michael Baker have made good faith efforts to attain the participation of small or otherwise disadvantaged businesses on the Project and WSP USA has made a commitment of 26% which exceeds the SBE participation goal of 25% for the Projects and Michael Baker has made a commitment of 25% which meets the SBE participation goal of 25% for the Projects; and

WHEREAS, the Executive Director has reviewed the recommendations of the Chief Engineer, and concurs that the Commission should approve awarding contracts to both WSP USA and Michael Baker to perform ITS and CAV engineering services; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT



RESOLVED by the Ohio Turnpike and Infrastructure Commission that WSP USA, Inc. and Michael Baker International, Inc. are the two most qualified firms to perform the ITS and CAV engineering services as required under the Scope of Services for a two year period, and authorizes the Executive Director to execute contracts with WSP USA, Inc. and Michael Baker International, Inc. each in the not-to-exceed amount of \$600,000.00 in accordance with the terms and conditions of the contract attached to the RFP; and

FURTHER RESOLVED that the Commission finds and determines that the contracts approved pursuant to this Resolution are necessary for the Commission to continue its operations and comply with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contracts shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

**(Resolution No. 48-2020 adopted August 17, 2020)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of Kokosing Construction Company, Inc. for Project No. 99-20-07 for the Total Amount of \$376,527.39 and Approving AECOM Technical Services, Inc. to Perform Professional Services on the Project**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site

memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, on July 16, 2020, the bridge at County Road 19 over the Ohio Turnpike at Milepost 30.3 in Fulton County, Ohio, was struck by a dump truck travelling eastbound causing severe damage to three of the five bridge beams resulting in the closure of County Road 19 to traffic, and the Commission's Consulting Engineer, AECOM, of Akron, Ohio, determined that the damage to the bridge is so severe that emergency measures need to be taken to stabilize the superstructure in order to safely open both Ohio Turnpike eastbound lanes; and

WHEREAS, the Commission took immediate action to have a current contractor working in the area provide labor, materials, and equipment to install temporary stabilization measures recommended by the Commission's Consulting Engineer, although the County Road 19 bridge remains closed to traffic until permanent repairs can be made; and

WHEREAS, pursuant to Section 5537.07(G) of the Ohio Revised Code, the Commission may contract for the purchase of equipment, materials, and services without public advertisement "while responding to circumstances created by an extraordinary emergency, as determined by the commission" and the Commission finds that the unexpected and severe damage to the bridge at issue constitutes such an emergency permitting the Commission to award a contract for the bridge repair work without public advertisement; and

WHEREAS, given the present emergency, the Commission solicited competitive bids from three contractors for Bridge Repairs at County Road 19 over the Ohio Turnpike at Milepost 30.3 in Fulton, County ("Project No. 99-20-07"); and

WHEREAS, on August 5, 2020, the Commission received three bids to perform the Contractor's obligations on Project No. 99-20-07 and the report of the Commission's Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Kokosing Construction Company, Inc. ("Kokosing"), of Westerville, Ohio, submitted the apparent low bid on Project No. 99-20-07 in the total bid amount of \$376,527.39 which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Staff Attorney determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications and selecting the bid of Kokosing conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, due to the extraordinary emergency at issue, no SBE participation goal was applied to the contract; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Contract No. 99-20-07 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Kokosing as the lowest responsive and responsible bidder for Project No. 99-20-07; and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer and Deputy Chief Engineer/Director of Field Operations' recommendation that the Commission approve the award of the Project to Kokosing 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 unexpected and severe damage to the bridge at County Road 19 over the Ohio Turnpike at Milepost 30.3, in Fulton County, Ohio, constitutes an extraordinary emergency under Section 5537.07(G)(3) of the Ohio Revised Code permitting the Commission to enter into a contract to repair the bridge without public advertisement; and

FURTHER RESOLVED that the bid of Kokosing Construction Company, Inc. for Project No. 99-20-07 in the amount of \$376,527.39 is approved as the lowest responsive and responsible bid received and the Executive Director is hereby authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Executive Director and the Chief Engineer are authorized to assign AECOM Technical Services, Inc. to perform the necessary construction administration and inspection services for the Project in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Ohio Turnpike and Infrastructure Commission and said firm; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

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

that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

**(Resolution No. 49-2020 adopted August 17, 2020)**

# **TCS MODERNIZATION PROJECT**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving the Selection of Mosser Construction for Project No. 58-20-01 (REBID) for the Total Amount of \$9,706,004.75 and Approving Prime AE Group, Inc. and TTL Associates, Inc. to Perform Professional Services on the Project**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector

Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission previously advertised for bids to construct a new mainline toll plaza facility, utility buildings, toll booths and canopies at Milepost 49 in Lucas County, Ohio, as part of the Commission's Toll Collection System Modernization, and designated as Project No. 58-20-01, and received two bids which were rejected pursuant to Commission Resolution No. 44-2020 dated June 15, 2020 because the bids were greater than ten percent over the Engineer's estimate; and

WHEREAS, the Commission rebid Project No. 58-20-01 by publishing a notice, in accordance with law, advertising an Invitation for Bids upon a contract to construct a new mainline toll plaza facility, utility buildings, toll booths and canopies at Milepost 49 in Lucas County, Ohio, as part of the Commission's Toll Collection System Modernization, and designated as Project No. 58-20-01 (Rebid) (the "Project"); and

WHEREAS, the Commission received two bids to perform the Contractor's obligations on Project No. 58-20-01 (Rebid) and the report of the Commission's Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations' report that Mosser Construction, of Fremont, Ohio, submitted the apparent low bid on Project No. 58-20-01 (Rebid) in the total bid amount of \$9,706,004.75, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

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

WHEREAS, the Office of Equity and Inclusion Manager found that Mosser Construction has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project despite making a commitment of 9% which is below the SBE participation goal of 15% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Project No. 58-20-01 (Rebid) that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Mosser Construction as the lowest responsive and responsible bidder for Project No. 58-20-01 (Rebid); and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer and Deputy Chief Engineer/Director of Field Operations' recommendation that the Commission approve the award of the Project to Mosser Construction 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 Mosser Construction for Project No. 58-20-01 (Rebid) in the amount of \$9,706,004.75 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer assigning Prime AE Group, Inc. to assist with all necessary construction administration and inspection services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm, and TTL Associates, Inc. to perform all necessary material testing and inspection services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

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

**(Resolution No. 50-2020 adopted August 17, 2020)**



## **TCS MODERNIZATION PROJECT**

### **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

#### **Resolution Approving the Selection of The Shelly Company for Project No. 59-20-05 for the Total Amount of \$2,824,752.85 and Approving ms consultants, inc. and Professional Service Industries, Inc. to Perform Professional Services on the Project**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social

Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Shoulder Repairs and Resurfacing Eastbound and Westbound Roadways from Milepost 235.90 to Milepost 240.82 in Mahoning County, Ohio, as part of the Commission's Toll Collection System Modernization, and designated as Project No. 59-20-05 (the "Project"); and

WHEREAS, the Commission received three bids to perform the Contractor's obligations on Project No. 59-20-05 and the report of the Commission's Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that The Shelly Company-Northeast Division ("The Shelly Company"), of Twinsburg, Ohio, submitted the apparent low bid on Project No. 59-20-05 in the total bid amount of \$2,824,752.85, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

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

WHEREAS, the Office of Equity and Inclusion Manager has found that The Shelly Company has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 12.5% which exceeds the SBE participation goal of 11% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Project No. 59-20-05 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select The Shelly Company as the lowest responsive and responsible bidder for Project No. 59-20-05; and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer and Deputy Chief Engineer/Director of Field Operations' recommendation that the Commission approve the award of the Project to The Shelly Company 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 The Shelly Company-Northeast Division for Project No. 59-20-05 in the amount of \$2,824,752.85 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer assigning ms consultants, inc. to perform the necessary construction administration and inspection services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm and assigning Professional Service Industries, Inc. to perform all necessary testing services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

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

**(Resolution No. 51-2020 adopted August 17, 2020)**

## **TCS MODERNIZATION PROJECT**

### **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

#### **Resolution Approving the Selection of The Shelly Company for Project No. 39-20-03 A&B for the Total Amount of \$45,684,293.84 and Approving Jacobs Engineering Group Inc. and ECS Midwest, LLC to Perform Professional Services on the Project**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector

Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, pursuant to Section 5537.04 of the Ohio Revised Code, the Commission has the power and authority to designate the locations and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable to ensure the proper operation and maintenance of the Ohio Turnpike, and prohibit entrance to such a turnpike project from any point not so designated; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Mainline Pavement Reconstruction from Milepost 208.17 to Milepost 212.76 in Trumbull County (“Part A”) and Toll Plaza 211 Site Construction at Milepost 211.0 in Trumbull County (“Part B”), as part of the Commission’s Toll Collection System Modernization, and designated as Project No. 39-20-03 A&B (the “Project”); and

WHEREAS, the Commission received two bids to perform the Contractor’s obligations on Project No. 39-20-03 A&B; and

WHEREAS, both bids are in excess of ten percent (10%) above the Engineer’s estimate and, pursuant to Article V of the Instructions to Bidders, the Commission must convene a Construction Contracts Award Committee (“CCAC”) to determine if the bid prices are within reasonable conformance with the Engineer’s estimate and a bid price may be accepted by the Commission upon a recommendation by the Committee; and

WHEREAS, the CCAC met on August 7, 2020 and after considering the Commission consultant’s evaluation memorandum and the Engineering staff’s recommendation, the CCAC determined that the apparent low bid submitted by The Shelly Company-Northeast Division (“The Shelly Company”) is within reasonable conformance with the Engineer’s estimate and should be accepted; and

WHEREAS, the CCAC reports that that The Shelly Company, of Twinsburg, Ohio, submitted the apparent low bid on Project No. 39-20-03 A&B in the total bid amount of \$45,684,293.84, including credits for the Waste Site Deduct Alternate and the Temporary Access Deduct Alternate, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

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

WHEREAS, the Office of Equity and Inclusion Manager found that The Shelly Company has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 11% which meets the SBE participation goal of 11% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bids received will require expenditures under Project No. 39-20-03 A&B that will exceed \$150,000.00; and

WHEREAS, the CCAC recommends the Commission select The Shelly Company as the lowest responsive and responsible bidder for Project No. 39-20-03 A&B; and

WHEREAS, the Commission's Executive Director concurs with the CCAC's recommendation that the Commission approve the award of the Project to The Shelly Company 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 Project is hereby declared to be necessary and appropriate for the proper operation and maintenance of the Ohio Turnpike and the bid of The Shelly Company for Project No. 39-20-03 A&B in the amount of \$45,684,293.84, including credits for the Waste Site Deduct Alternate and the Temporary Access Deduct Alternate, is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Executive Director and the Chief Engineer are authorized to assign Jacobs Engineering Group Inc. to assist with necessary construction services in accordance with its contract previously authorized under Resolution 44-2016 and assign ECS Midwest, LLC, to perform all necessary material testing services in accordance with the 2019-2020 Miscellaneous Professional Services Agreement between the Commission and said firm; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly

mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

**(Resolution No. 52-2020 adopted August 17, 2020)**

# **TCS MODERNIZATION PROJECT**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Purchasing Stream Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$173,070.00 from Stream + Wetlands Foundation**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Director’s Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Director’s Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contracts shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the



requirements of the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission, for the purpose of modernizing the Ohio Turnpike Toll Collection System adopted the Toll Collection System and Customer Service Center Strategic Plan (the "Strategic Plan") under Resolution No. 57-2017; and

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza, a westbound access ramp from the Ohio Turnpike to the northern toll plaza, an eastbound exit ramp merging from the southern toll plaza on to the Ohio Turnpike, and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 211 in connection with the new toll collection system in 2020-2022; and

WHEREAS, this construction will result in unavoidable permanent impacts to jurisdictional waters of the United States and therefore stream and wetland mitigation are required in accordance with guidelines of Ohio Environmental Protection Agency Section 401 and Army Corp Section 404 Permit. The hierarchy set forth in federal (33 C.F.R. 332) and state (O.A.C. 3745-1-54) law was used to properly mitigate the aquatic resources; and

WHEREAS, the first order of hierarchy requires the purchase of Mitigation Bank Credits. However, there are no active Mitigation Bank Credits available for stream credits within the Mahoning River Watershed (HUC 05030103); and

WHEREAS, the second order of hierarchy requires the purchase of an In-lieu Fee ("ILF") program credit; and the required permits necessitate the Commission to mitigate 427 linear feet of permanent stream impacts at a 1.5 to 1 mitigation ratio; and

WHEREAS, pursuant to both federal and state laws, the Commission is required to purchase 641 ILF stream credits; and

WHEREAS, the Stream + Wetlands Foundation requires a fee of \$270 per credit; and therefore, the cost to the Commission for 641 ILF stream credits at \$270 each is a total of \$173,070.00 for the stream credit purchase; and

WHEREAS, public bidding per Section 5537.07(A) of the Ohio Revised Code is required for all expenditures of more than \$50,000 except as provided by applicable state law, including contracts for professional or other personal services; and

WHEREAS, the Stream + Wetlands Foundation is only one of two providers of ILF wetland credits in this District and is the lower cost per credit of the two providers;

WHEREAS, the purchase of stream credits is a contract for professional services; therefore, no public bidding for purchasing stream credits was conducted by the Commission as an exception allowed by Section 5537.07(A) and would have been futile for the Commission; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission is in the final stages of acquiring property to complete this project in Trumbull County; and

WHEREAS, Commission action is necessary to approve the expenditure in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the required expenditure will exceed \$150,000.00; and

WHEREAS, the Chief Engineer recommended the Commission enter into an agreement with Steam + Wetlands Foundation to purchase 641 ILF stream credits for Project No. 39-20-03; and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer's recommendation that the Commission approve the purchase of ILF stream credits from Steam + Wetlands Foundation; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that the purchase of stream credits are necessary in furtherance of obtaining a permit for this project, to implement both open road tolling and toll collection by traditional cash payment at or near MP 211 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 39-20-03 under the Strategic Plan; and

FURTHER RESOLVED by the Ohio Turnpike and Infrastructure Commission that the proposal from Steam + Wetlands Foundation to purchase 641 stream credits in the not-to-exceed amount of \$173,070.00 is approved; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapter 5537, the Executive Director is authorized and directed to enter into an agreement for the purchase of the stream credits; and

FURTHER RESOLVED that Project No. 39-20-03 is a designated System project under the Master Trust Agreement; and

FURTHER RESOLVED that the Commission finds and determines that the purchase of such stream credits is necessary to continue the operations of the Ohio Turnpike and complies with the Director's Updated and Revised Order for Business Guidance and Social Distancing and the

Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

**(Resolution No. 53-2020 adopted August 17, 2020)**

# **TCS MODERNIZATION PROJECT**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Purchasing Wetland Credits and Approving the Expenditure of Funds Under Project No. 39-20-03 in the Total Amount of \$617,100.00 from The Nature Conservancy**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Director’s Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds that the contract to be approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Director’s Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contracts shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the

requirements of the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission, for the purpose of modernizing the Ohio Turnpike Toll Collection System adopted the Toll Collection System and Customer Service Center Strategic Plan (the "Strategic Plan") under Resolution No. 57-2017; and

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza, a westbound access ramp from the Ohio Turnpike to the northern toll plaza, an eastbound exit ramp merging from the southern toll plaza on to the Ohio Turnpike, and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 211 in connection with the new toll collection system in 2020-2022; and

WHEREAS, this construction will result in unavoidable permanent impacts to jurisdictional waters of the United States and therefore stream and wetland mitigation are required in accordance with guidelines of Ohio Environmental Protection Agency Section 401 and Army Corp Section 404 Permits. The hierarchy set forth in federal (33 C.F.R. 332) and state (O.A.C. 3745-1-54) law was used to properly mitigate the aquatic resources; and

WHEREAS, the first order of hierarchy requires the purchase of Mitigation Bank Credits; however, no active wetland Mitigation Bank Credits are available for purchase in the Pittsburgh Corps District; and

WHEREAS, the second order of hierarchy requires the purchase an In-lieu Fee ("ILF") program credit; and the required permits necessitate the Commission to mitigate 4.89 acres of wetland impacts at specific mitigation ratios; and

WHEREAS, pursuant to both federal and state laws, the Commission is required to purchase 12.1 ILF wetland credits; and

WHEREAS, the Nature Conservancy requires a fee of \$51,000 per credit; and therefore, the cost to the Commission for 12.1 ILF wetland credits at \$51,000 each, is a total of \$617,100.00, for the wetland credit purchase; and

WHEREAS, public bidding per Section 5537.07(A) of the Ohio Revised Code is required for all expenditures of more than \$50,000 except as provided by applicable state law, including contracts for professional or other personal services; and

WHEREAS, the Nature Conservancy is the only provider of ILF wetland credits in this District and the purchase of wetlands credits is a contract for professional services; therefore, no public bidding for purchasing wetland credits was conducted by the Commission as an exception allowed by Section 5537.07(A) and would have been futile for the Commission; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission is in the final stages of acquiring property to complete this project in Trumbull County; and

WHEREAS, Commission action is necessary to approve the expenditure in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the required expenditure will exceed \$150,000.00; and

WHEREAS, the Chief Engineer recommended the Commission enter into an agreement with The Nature Conservancy to purchase 12.1 ILF wetland credits for Project Nos. 39-20-03 in the total amount of \$617,100.00; and

WHEREAS, the Commission's Executive Director concurs with the Chief Engineer's recommendation that the Commission approve the purchase of ILF wetland credits from The Nature Conservancy; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that the purchase of wetland credits are necessary in furtherance of obtaining a permit for this project, to implement both open road tolling and toll collection by traditional cash payment at or near MP 211 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 39-20-03 under the Strategic Plan; and

FURTHER RESOLVED by the Ohio Turnpike and Infrastructure Commission that the proposal from The Nature Conservancy to purchase 12.1 wetland credits in the not-to-exceed amount of \$617,100.00 is approved; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapter 5537, the Executive Director or the Chief Engineer is authorized and directed to enter into an agreement for the purchase of the wetland credits; and

FURTHER RESOLVED that Project No. 39-20-03 is a designated System project under the Master Trust Agreement; and

FURTHER RESOLVED that the Commission finds and determines that the purchase of such wetland credits is necessary to continue the operations of the Ohio Turnpike and complies with the Director's Stay Safe Ohio Order and this Commission further requires that any activity necessary and appropriate for the appropriation of property shall comply with the requirements of the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

**(Resolution No. 54-2020 adopted August 17, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution to Authorize Payment for Emergency Fumigation Services in the Maximum Total Amount of \$300,000.00**

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

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, upon the recommendation of Matthew Cole, Director of Administration, the Executive Director authorized the Commission to enter into a contract with RKS Management Bio Hazard Division of Ravenna, Ohio (“RKS”) to decontaminate work locations at Commission facilities to prevent the spread of COVID-19 without having publish a notice in a newspaper of general circulation as permitted for emergency situations pursuant to Section 5537.07(G)(3) of the Ohio Revised Code (the “RKS Contract”); and

WHEREAS, RKS uses a hospital grade disinfectant to sanitize workspaces to prevent the spread of COVID-19 and other infectious diseases; and

WHEREAS, beginning April 13, 2020, the Commission has requested and RKS has provided fumigation services to disinfect all eight maintenance buildings, all 31 toll plazas, and all three Ohio State Highway Patrol posts located on the Turnpike as well as other buildings on the



Turnpike, as needed, Commission and OSHP vehicles and 12 Ohio State Highway Patrol work stations; and

WHEREAS, the total cost of fumigation services provided by RKS to the Commission is \$149,795.00 through July 10, 2020; and

WHEREAS, the Commission finds that the contract with RKS approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Director's Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the requirements of the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, per Section 5537.07(G)(3) of the Ohio Revised Code, the Commission may contract without public bidding for extraordinary emergency circumstances, as determined by the Commission; and

WHEREAS, Commission action is necessary to approve the RKS Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the emergency fumigation services received plus future fumigation services will require expenditures that will exceed \$150,000.00 in payment to RKS; and

WHEREAS, the Executive Director has reviewed the recommendations of the Director of Administration and concurs with the recommendation that the need to have work stations disinfected on a regular basis as well as having a fumigation service available for on demand services as a result of the highly contagious COVID-19 pandemic constitutes an extraordinary emergency necessitating immediate action by the Commission and to award the RKS Contract on said emergency basis; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike and Infrastructure Commission hereby determines that the need for fumigation services for work locations for both Commission employees as well as Ohio State Highway Patrol personnel assigned to patrol the Turnpike are extraordinary emergencies necessitating emergency contract; and

FURTHER RESOLVED that the Executive Director or the Director of Administration is hereby authorized and directed to enter into the contract with RKS or any such comparably reputable janitorial company in the maximum total amount of \$300,000.00 to provide disinfectant application services to prevent the spread of COVID-19 and other contagious diseases, and the Executive Director is authorized to execute said Contract as determined by the Executive Director in his professional judgment, provided that said contractor shall be and hereby is required to submit

a performance bond with good and sufficient surety and all other documentation required by the General Counsel; and

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

FURTHER RESOLVED that the services to be provided under the RKS Contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Director's Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

**(Resolution No. 55-2020 adopted August 17, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Authorizing the Purchase of Insurance Policies for the Commission's Comprehensive Insurance Program**

WHEREAS, the Ohio Turnpike and Infrastructure Commission ("Commission") is required to maintain comprehensive property and casualty insurance coverage in accordance with Article 5, Sections 5.05, 5.06 and 5.07 of the Master Trust Agreement dated April 8, 2013, as well as the Junior Lien Master Trust Agreement dated August 1, 2013 (collectively, the "Trust Agreements"); and

WHEREAS, the Commission issued a Notice of Request for Letters of Interest for Insurance Broker Market Assignments on April 27, 2020, whereby interested insurance agent/brokerage firms could request that the Commission assign certain markets (insurance companies) to them to obtain proposals for coverage under the Commission's Comprehensive Property and Casualty Insurance Program; and

WHEREAS, the Commission received requests for market assignments from seven insurance agent/brokerage firms on or before May 18, 2020, and markets were assigned to all of the agents/brokerage firms that requested assignments and the Request for Proposals ("RFP") for the Commission's Comprehensive Property and Casualty Insurance Program was issued to eight agent/brokers on May 26, 2020; and

WHEREAS, responses to the RFP were submitted on or before July 29, 2020, by five agent/brokerage firms on behalf of the various insurance companies, and such responses have been reviewed and analyzed by Crain, Langner & Co., of Richfield, Ohio, (the Commission's Independent Insurance Consultant) and the Commission's General Counsel; and

WHEREAS, Crain Langner & Co. and the General Counsel recommend that the best interests of the Commission would be served by the acceptance of the proposals submitted by the following agent/brokerage firms on behalf of insurance carriers for policies commencing on September 1, 2020, pursuant to the following premium quotes:

1. Public Entity General and Automobile Liability Insurance, including terrorism, Public Officials/Employment Practices coverage, proposed by Jackson, Dieken & Associates, on behalf of U.S. Specialty Insurance Company, for an annual total premium of \$176,962;
2. Umbrella/Excess Liability Insurance Coverage, including terrorism coverage, proposed by several brokers including but not limited to (a) Jackson, Dieken & Associates, on behalf of U.S. Specialty Insurance Company (first excess layer), for an annual premium of \$37,464; (b) Britton Gallagher, on behalf of Lexington (second excess layer) and Cincinnati (fifth excess layer) for a combined annual premium of \$277,150; and (c) Arthur J. Gallagher Risk Management Services, Inc., on behalf of The North River Insurance Company (third excess layer) and Great American

Insurance Company (fourth excess layer) for a combined annual premium of \$91,748; and

3. Bridges and Use & Occupancy Insurance, including terrorism coverage, proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Continental Casualty Insurance Company, for an annual premium of \$160,948;
4. Multi-Peril/Property Insurance, including terrorism coverage, proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Travelers Indemnity Company, for an annual premium of \$247,116;
5. Broad Form Money and Securities/Crime Insurance proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Travelers Casualty and Surety Company of America, for an annual premium of \$42,697;
6. Pollution Liability Insurance, including terrorism coverage, proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of Ironshore Insurance Company, for an annual premium of \$13,027; and
7. Cyber Liability Insurance, including terrorism coverage, proposed by Arthur J. Gallagher Risk Management Services, Inc., on behalf of North River Insurance Company, for an annual premium of \$24,463.

WHEREAS, the Commission has been advised by the General Counsel that the RFP process was conducted in a manner that was fair and equitable to all participating insurance agents/brokerage firms and insurance carriers and that the Commission may lawfully purchase the respective insurance policies; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the aggregate amount of the insurance premiums will require an expenditure that exceeds \$150,000.00 to purchase the insurance policies.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission, in accordance with the Trust Agreements, which require it to maintain comprehensive property and casualty insurance coverage, has duly considered the recommendations of its Independent Insurance Consultant and the General Counsel; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the General Counsel, each alone or together, to purchase the above-specified insurance policies for the approximate aggregate premium amount of \$695,213 including broker fees from the following brokers:

- A. Jackson, Dieken & Associates, for (1) Public Entity General and Automobile Liability Insurance, (2) Public Officials/Employment Practices Insurance, and (3) Employee Benefits Insurance; and
- B. Arthur J. Gallagher Risk Management Services, Inc., for (1) Bridge and Use & Occupancy Insurance, (2) Multi-Peril Property Insurance, (3) Broad Form Money and Securities/Crime Insurance, (4) Pollution Liability Insurance, and (5) Cyber Liability Insurance;

all in accordance with the terms and conditions set forth in the RFP and the responding insurance agent brokers' proposals, and at the premiums quoted therein.

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the General Counsel, each alone or together, to purchase excess liability insurance policies to provide coverage for about \$65 million excess liability coverage for a maximum aggregate premium amount of \$600,000 from the following brokers: (a) Jackson, Dieken & Associates, (b) Britton Gallagher, and/or (c) Arthur J. Gallagher Risk Management Services, Inc., or such other brokers as have provided binding quotes for the combined layers of Umbrella/Excess Liability Insurance; all in accordance with the terms and conditions set forth in the RFP and the responding insurance agent brokers' proposals, and at the premiums quoted therein.

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director or the General Counsel, together or individually, to execute such additional documentation or certificates and to take any and all further action that may be necessary or appropriate in the opinion of General Counsel to the Commission, in order to effect the purchase of the above-described insurance policies and the intent of this Resolution.

**(Resolution No. 56-2020 adopted August 17, 2020)**