

**MINUTES OF THE 654th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
SEPTEMBER 17, 2018**

Chairman: Good morning. Please stand and join me in reciting the Pledge of Allegiance.

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

Will the Assistant Secretary-Treasurer please call the roll?

Assistant Secretary-Treasurer Randy Cole: Chairman Hruby

Chairman Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman Timothy Paradiso: Here

Assistant Secretary-Treasurer: Secretary-Treasurer Barber

Secretary-Treasurer Sandra Barber: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner Guy Coviello: Here

Assistant Secretary-Treasurer: Mr. Pakush

Commissioner Myron Pakush: Here

Assistant Secretary-Treasurer: Mr. Potter

Commissioner Quentin Potter: Here

Assistant Secretary-Treasurer: Representative Patton

Representative Thomas Patton: Here

Chairman: We have a quorum. Mrs. Vickie Johnson, Mr. Peterson and Senator LaRose are unable to attend today's meeting. This is the 654th Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting at the Commission's headquarters, as provided for in the Commission's Code of Bylaws for a Commission Meeting.

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

May I have a motion to adopt the Minutes of the August 20, 2018, Commission Meeting? Any questions, comments, or additions? Hearing none, please call the roll.

MOTION: A motion to adopt the Minutes of the August 20, 2018, Commission Meeting was made by Mr. Paradiso and seconded by Mr. Pakush. All Commission Members present voted to approve the Minutes.

Chairman: The Minutes are adopted. If there are no questions, we will proceed with the report of the Secretary-Treasurer, Mrs. Barber.

Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on August 20, 2018:

1. Seven Resolutions;
2. Draft Minutes of the August 20, 2018, 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 and Revenue Report, August 2018;
2. Total Revenue by Month and Year, August 2018;
3. Investment Report, August 2018; and
4. Financial Statement, August 2018.

That concludes my report, Mr. Chairman.

Chairman: Any questions for Mrs. Barber? Hearing none, we will move on to the report of the Executive Director, Randy Cole.

Director Cole: Good morning, Mr. Chairman and Commission Members. Very brief report. I had a phone call within the *E-ZPass*[®] group. As you know, all of the affiliated agencies in the Mid-Atlantic and Northeast are all part of *E-ZPass*[®]. Today, we had our first call with the traffic app Waze. For those of you that use Waze to improve safety and navigate your trip, the *E-ZPass*[®] group is now taking the first steps with Waze to find out how we can partner with them and their 105 million active monthly users as part of our toll collection process. We are very excited about those early steps. Again, it is early in that process, but we may see something that improves customer service and increases efficiency for us. There were very strong comments

from Illinois all the way to Pennsylvania and New Jersey on the interest of other toll agencies to work with Waze. We are excited about that.

We also have a resolution recognizing the Ohio Trucking Association. As everyone knows, over 11,000,000, nearly 12,000,000 of the trips taken on the Turnpike each year are commercial vehicles that travel over a billion miles, 1/3 of our traffic or the vehicle-miles-traveled each year are commercial vehicles. More than that, the Ohio Trucking Association has been a great partner throughout my time as Director, and I think throughout the over sixty year history of the Ohio Turnpike. On issues of common interest, on safety, on issues in Columbus, I found Tom Balzer and the staff of the Ohio Trucking Association to be good advocates for safe travel, they have supported the Jobs and Transportation Plan, they support our toll modernization project that is upcoming. They have just been very good people to work with, so we have a resolution recognizing their centennial celebration as it has been recognized by other public agencies around the state. With your permission, Mr. Chairman may the General Counsel read the title of the resolution.

General Counsel: Resolution Honoring the Ohio Trucking Association of its Centennial Celebration Year.

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

MOTION: A motion to adopt *Resolution Honoring the Ohio Trucking Association of its Centennial Celebration Year*, was made by Chairman Hruby, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 52-2018.

Chairman: The resolution passes unanimously. Anything further. Director.

Director Cole: That concludes my report, Mr. Chairman.

Chairman: We will move on to the report of our Chief Engineer, Tony Yacobucci.

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

The first resolution for your consideration seeks authorization to award Project No. 71-18-08 for Engineering Services relating to the deck replacement and widening of two mainline bridges at Milepost 222.7 over Turner Road (County Route 103) and Milepost 222.8 over Kirk Road (County Route 146) all in Mahoning County. On May 10, 2018, Procurement received nine Letters of Interest for Project No. 71-18-08, from which three firms were deemed most qualified and invited to submit technical proposals. Engineering staff reviewed the technical proposals and concluded that ms consultants, inc., of Youngstown, Ohio (“ms consultants”), was most qualified to perform the services. Fee negotiations commenced between ms consultants and our Engineering staff, and on September 5, 2018, a final fee proposal was submitted in the amount of \$381,079.00 for Phase I services. The services for Phase I include the Site Inspection, Engineering Report, Design and Plan Preparation for the deck replacement and widening of these structures. Therefore, we are requesting Commission authorization for the award of Project No. 71-18-08 to ms

consultants, inc., of Youngstown, Ohio, for Phase I of this Project in the amount of \$381,079.00. Commission authorization may be requested in the future for Construction Administration and Inspection Services of the Project. With your permission, may the General Counsel please read the title of the Resolution.

General Counsel: Resolution Authorizing the Executive Director to Execute an Agreement to Obtain Engineering Services with ms consultants, inc. for a Fee Not-To-Exceed \$381,079.00 (Project No. 71-18-08)

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

MOTION: A motion to adopt *Resolution Authorizing the Executive Director to Execute an Agreement to Obtain Engineering Services with ms consultants, inc. for a Fee Not-To-Exceed \$381,079.00 (Project No. 71-18-08)*, was made by Mr. Pakush, seconded by Mr. Paradiso, and approved by all Commission Members present. Resolution No. 53-2018.

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

Chief Engineer: The next resolution for your consideration seeks authorization to award Contract No. 58-18-02 for the Expansion of Toll Plaza 180 at Milepost 180.3 in Summit County. This work includes adding two additional exit lanes to the plaza and converting an exit lane to a reversible lane. This will allow our Toll Operations staff to utilize as many as four entry lanes or six exit lanes during times of peak traffic. In addition, three ATPM's will be available for use upon completion of the Project. This work is included in the 2018 Capital Improvement Budget. On August 31, 2018, Procurement received one (1) bid for this Project, with the sole bid being submitted by A. P. O'Horo Company ("A.P. O'Horo"), of Youngstown, Ohio, in the amount of \$2,233,000.00. This bid is below the Engineer's Estimate of \$2,500,000.00 and is deemed to be a responsive and responsible bid. Based on a review of previous years' work volume and work presently under contract, it appears that A.P. O'Horo has sufficient capacity to perform this project. Furthermore, A.P. O'Horo has successfully performed projects of a similar size and nature for the Commission in the past. In addition, A.P. O'Horo has committed to exceed the 15% SBE goal with 15.9% SBE participation, or \$355,000.00. Therefore, it is recommended that the Commission award Contract No. 58-18-02 to A.P. O'Horo Company, of Youngstown, Ohio, in the amount of \$2,233,000.00. This resolution also contains provisions to assign Jacobs Engineering Group of Cincinnati, Ohio to perform construction administration and inspection services, and to assign Solar Testing Laboratories, Inc., of Brooklyn Heights, Ohio, a Commission certified SBE, 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 A.P. O'Horo Company for the Expansion of Toll Plaza 180 Under Project No. 58-18-02 for the Total Amount of \$2,233,000.00, and Approving the Assignments of Jacobs Engineering Group and Solar Testing Laboratories, Inc. to Perform Professional Services on the Project.

Chairman: Any questions or comments?

Mr. Paradiso: Mr. Chairman, I have a question. Tony, we had one bidder? Can you make a comment on that? Is this part of the master plan? It is a very interested project, so talk a little bit about the project and then the one bidder. It's the first time we have seen that in a while.

Chief Engineer: Mr. Chairman and Commission Member Paradiso, yes, it is part of the master plan. We did anticipate adding a couple lanes to TP-180 because of the amount of traffic that we are getting through there right now. With regard to the one bidder, I am very comfortable with the bid that A.P. O'Horo submitted. It is below our engineer's estimate. I am disappointed that we didn't get other bidders, but the way this project was set up originally, we were hoping to get it done in one construction season. But, because of the phasing and in order to keep as many lanes open as possible while they are building this, the work has to start this year. It will proceed through the winter and won't get completed until the end of next year. Most contractors are busy finishing up projects this year and did not bid on it. In some discussions with A.P. O'Horo, they were excited about getting this because they are looking forward to our future projects where we are expanding our toll collection system at TP 2, TP 49 and TP 211 and then renovating Eastgate. They felt that this was important for them to win and they bid it pretty hard.

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

MOTION: A motion to adopt *Resolution Approving the Selection of A.P. O'Horo Company for the Expansion of Toll Plaza 180 Under Project No. 58-18-02 for the Total Amount of \$2,233,000.00, and Approving the Assignments of Jacobs Engineering Group and Solar Testing Laboratories, Inc. to Perform Professional Services on the Project*, was made by Mrs. Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 54-2018.

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

Chief Engineer: The final resolution for your consideration is to award the bids received for Bid Invitation No. 4321, for the removal, transport and disposal of wastewater sludge, and floor drain and storm water waste. The bid invitation was divided into seven items of various waste disposal activities, as well as two groups for the geographical location of where the services are to be performed. The bidders were permitted to submit bids on one or any combination of the items and groups. Procurement received two bids in response to the Bid Invitation. The term of the contract is for one year, with an option to renew for one additional year. The apparent lowest responsive and responsible bids for all Groups under Items 2, 3, 4 and 5, and to perform the emergency call outs for those Groups under Item 7 were submitted by Bear Environmental, LLC, of Dublin, Ohio, a Commission certified MBE/DBE, in the estimated amount of \$375,000.00. In addition, the apparent lowest responsive and responsible bids for all Groups under Item 6 and to perform the emergency call outs for the Groups under Item 7 were submitted by Badger Daylighting Corp., of Brownsburg, Indiana, in the estimated amount of \$15,000.00. Furthermore, the sole bid received for all Groups under Item 1 was significantly above the estimate and is deemed unreasonable. We recommend the sole bid for all Groups under Item 1 be rejected and rebid after reviewing the specifications and conducting further market research. All bidders propose to furnish materials and services in accordance with the specifications. Since the

expenditures with Bear Environmental will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission authorization is required. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Approving the Selection of Bear Environmental, LLC to Remove and Dispose of Waste, Storm and Floor Drain Water and Treatment Plant Waste for One Year in the Estimated Amount of \$375,000.00 with the Option to Renew for One Additional Year.

Chairman: Any questions or comments?

MOTION: A motion to adopt *Resolution Approving the Selection of Bear Environmental, LLC to Remove and Dispose of Waste, Storm and Floor Drain Water and Treatment Plant Waste for One Year in the Estimated Amount of \$375,000.00 with the Option to Renew for One Additional Year*, was made by Chairman Hruby, seconded by Mr. Pakush, and approved by all Commission Members present. Resolution No. 55-2018.

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

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

Chairman: Thank you very much. We will move on to the report of the Chief Technology Officer, Brian Kelley.

Chief Technology Officer: Good morning, Chairman Hruby and Commission Members. This morning I have two resolutions for your consideration. The first resolution is for the purchase of a data back-up and recovery solution. This will be software and equipment that we will utilize to create a back-up strategy to improve our current back-up strategy for data and our application both at our primary data center here in Berea, as well as our secondary data center as well. It also provides for the tape back-up of our data and applications, as well as for offsite storage. We put this out to quote to seven different companies throughout Ohio that provide this type of equipment and software. The lowest quote came in from Pomeroy Systems under the State of Ohio Cooperative Purchase Program in the amount of \$167,748.00. With your permission, may the General Counsel please read the title of the resolution.

General Counsel: Resolution Approving an Agreement with Pomeroy IT Solutions Sales Company, Inc. to Purchase a Data Backup and Recovery Solution Under the DAS Cooperative Purchasing Program in the Total Amount of \$167,748.00.

Chairman: Any questions or comments?

Mr. Pakush: In the packet, I see there were quotes received by various companies and there is a lower quote in there for \$154,000.00.

Chief Technology Officer: Yes, SHI was that company. They were unable to offer us a quote under State of Ohio Contract Pricing.

Mr. Pakush: So, they were disqualified.

Chief Technology Officer: Yes.

Chairman: Is this a replacement? Is this new territory for us?

Chief Technology Officer: It is both a replacement of how we currently back-up, but it is also an enhancement. It would allow us to restore the data, the files from a normal type of situation that may occur on a day-to-day basis or in the event of a catastrophic crisis, disaster, cybersecurity incident, this would allow us to quickly restore application and data from the back-up.

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

MOTION: A motion to adopt *Resolution Approving an Agreement with Pomeroy IT Solutions Sales Company, Inc. to Purchase a Data Backup and Recovery Solution Under the DAS Cooperative Purchasing Program in the Total Amount of \$167,748.00*, was made by Mr. Paradiso, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 56-2018.

Chairman: The resolution passes unanimously. Please continue, Mr. Kelley.

Chief Technology Officer: The second resolution before you for consideration is from Agile Network Builders. This is to provide a redundant fiber optic cable connectivity back-up and a public wi-fi internet access and network management services. We currently have the 241-miles of fiber installed the Ohio Turnpike that we leverage for our technology operations and the overall operations of the Ohio Turnpike. This project would provide a back-up to that network. There are several locations that are critical and if those locations would somehow be negatively impacted, we could lose our fiber connectivity at points east and west from those facilities. So, this solution provides us a back-up should be incur a loss on our primary fiber network connection. It also provides for us to be able to deploy public wi-fi internet access for public consumption at all fourteen of our service plazas.

Finally, it also allows us to focus on our secondary site for business operations should the Berea campus need to be vacated, we would activate at our alternate site. This would allow us to establish connectivity, email, internet, computer aided dispatching and phone communications at that secondary location.

The total amount of this procurement is \$1,868,814.20. This is through the Ohio Department of Administrative Services Cooperative Purchasing Program. We did look at several other options with other vendors, but none of them were able to provide the level of connectivity that we are requiring. This was the only solution we found that fully met our needs. With your permission, may the General Counsel please read the title of the resolution.

General Counsel: Resolution Approving an Agreement with Agile Network Builders, LLC to Provide Redundant Fiberoptic Cable Connectivity, Public Wi-Fi Internet Access and

Network Management Services for a Five-Year Period Under the DAS Cooperative Purchasing Program in the Total Amount of \$1,868,814.20.

Chairman: Do we own all of our fiber or do we lease?

Chief Technology Officer: Our existing fiber was installed in 1984. I actually have the photograph of the original installation from way back then. That fiber was installed as part of a right-of-way agreement with a telephone company. We were provided through that agreement with twenty-four strands of fiber for our own use.

Chairman: That is the same system today?

Chief Technology Officer: Yes.

Chairman: So, we own it then?

Chief Technology Officer: It is through the lease agreement for the right-of-way with Centurylink.

Director Cole: Mr. Chairman, just to clarify, that is the central section of the 241-miles. We did separately construct at the ends to get us the full 241. So, just under 200 miles, 180 miles or so are part of that Centurylink agreement and then we filled out, so we could get all of the way to the Indiana and Pennsylvania borders a couple of years after 1984.

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

MOTION: A motion to adopt *Resolution Approving an Agreement with Agile Network Builders, LLC to Provide Redundant Fiberoptic Cable Connectivity, Public Wi-Fi Internet Access and Network Management Services for a Five-Year Period Under the DAS Cooperative Purchasing Program in the Total Amount of \$1,868,814.20*, was made by Mr. Pakush, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 57-2018.

Chairman: The resolution passes unanimously. Anything further? We will move on to the report of our CFO/Comptroller/DED, Marty Seekely.

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

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled were up 1.0% in August.

Commercial traffic continued to benefit from the strong economy and was 3.7% higher in August.

The positive effects of the increase in passenger car traffic and the toll rate increase in January were partially offset by the increase in *E-ZPass*[®] use and as a result Passenger car toll revenue increased 2.0% in August.

The increase in commercial traffic combined with the toll rate increase caused Commercial vehicle toll revenues to increase 6.1% in August.

This chart shows year-to-date toll revenues through the month of August during each year over the past decade. Year-to-date total toll revenues were \$7.8 million or 3.9% above the amount from last year.

That completes my report Mr. Chairman.

Chairman: Thank you, Marty. Any questions? Hearing none, we will move on to our General Counsel, Jennifer Stueber.

General Counsel: Good morning, Mr. Chairman and Commission Members. My report for you this morning is on the 5-year rule review that Ohio law requires us to do.

If you recall, I reported to you at the April Commission meeting on this topic of the Ohio law requiring a 5-year rule review. Last month, I reported to you and you authorized the final filing of Ohio Administrative Rule 5537-3-04 (which relates to the prohibition of aircraft on the mainline, except as authorized by you). That rule, 5537-3-04, became final and effective on August 31, 2018.

Also, at the April Commission meeting, I identified twenty-two rules that were due for their 5-year rule review, all twenty-two rules were identified as “No Change” rules. With your authorization, we filed those twenty-two rules with JCARR on April 30, 2018. On July 16, 2018, JCARR held a hearing on those rules. No comments were received and JCARR’s jurisdiction ended on July 29, 2018. Also, no business analysis was needed for the Governor’s Common Sense Initiative (CSI) since no change was being proposed. Therefore, we have completed our obligation under Ohio law to review those twenty-two rules.

Next, we have twelve more rules that are up for their five-year rule review, so I am respectfully asking for authority to start the rule review process for these twelve rules that are up for review.

Ohio Revised Code Section 5537.16 authorizes the Commission to adopt rules in accordance with Section 111.15 of the Ohio Revised Code.

Ohio Revised Code Section 111.15 requires the Commission to review its rules every five years and we look to determine: (1) whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of Section 5537.16 of the Ohio Revised Code, (2) whether the rule needs amendment or rescission to give more flexibility at the local level, (3) whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and,

if so, whether the text or other material incorporated by reference is in compliance with the required procedures and standards set out in the Ohio Revised Code, and (4) whether the rule duplicates, overlaps with, or conflicts with other rules.

In accordance with applicable statutory provisions, including ORC Section 111.15 of the Ohio Revised Code, I recommend that the Commission initiate the process by filing with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission (LSC) and the Secretary of State a “No Change Rule” for the rules that are identified in the resolution that is included in your packets today. Because there are no substantive changes for these twelve rules, CSI has previously advised that the Commission does not need to submit the No Change rules filings for review since it was previously determined that there is no adverse impact to business by filing these rules. If you approve, these twelve rules will be electronically filed with JCARR and once they have gone through the JCARR process, the rules will automatically become final unless further action is taken.

I am respectfully requesting Commission authority to begin the rule review process and I have prepared a resolution for you and it is in your packets titled: *Resolution Authorizing the Filing of Twelve “No Change Rules” with the Joint Committee on Agency Rule Review.*

Chairman: Any questions or comments?

Mr. Coviello: What is the timeframe for JCARR after you submit this?

General Counsel: JCARR has 90-days to review “No Change” rules.

Mr. Coviello: Do they do a public notice?

General Counsel: They do a public notice and hearing. The hearings are held down in Columbus.

Chairman: Any other questions or comments?

Mr. Paradiso: How do you do the review? Do you talk to your peers? Some of these things are pretty straightforward, they are interesting, right? I am glad we review them because sometimes they become antiquated, what is that process like?

General Counsel: Yes, I do talk to the staff and the Executive Committee and, of course, with the Executive Director, and determine whether or not any operational changes would necessitate a change. We do discuss it.

Mr. Paradiso: Can you add rules? That is not part of this resolution, correct? Are there new rules that we may want to create or amend existing ones to bring forward some new issues?

General Counsel: Possibly in the future with the changes on the road. Yes, we can always add, and it is up to you, the voting members, to determine if new rules are needed. New rules are possible.

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

MOTION: A motion to adopt *Resolution Authorizing the Filing of Twelve “No Change Rules” with the Joint Committee on Agency Rule Review*, was made by Mr. Paradiso, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 58-2018.

Chairman: The resolution passes unanimously. Anything else, Jennifer?

General Counsel: No, thank you, Mr. Chairman.

Chairman: We will move on to the report of the Ohio State Highway Patrol, Staff Lieutenant Travis Hughes.

Staff Lieutenant Hughes: Good morning, Mr. Chairman and Commission Members. I have two stops that I would like to share with you. The first one occurred on August 1, 2018 in Erie County. A vehicle was stopped for a traffic violation. A K-9 alerted to the vehicle. A search revealed a backpack in the trunk that contained 645 grams of marijuana and 75 grams of hashish with a street value of just over \$5,000.00.

The next incident occurred on August 28, 2018 in Trumbull County. A vehicle was stopped for a traffic violation. The smell of marijuana was detected coming from the vehicle. A probable cause search revealed 540 grams of heroin under the front passenger’s seat. The street value of the heroin in this case was just under \$100,000.00.

Lastly, it is important to note that all four suspects from both cases were all from Ohio. This is not only a national problem, but a local problem as well.

That concludes my report, Mr. Chairman.

Chairman: Any questions for the Lieutenant? Congratulations and thank you, Lieutenant. Any other questions or comments? Hearing none, the next meeting shall be held on Monday, October 22, 2018, at 10:00 a.m. right here. If there is no further business, I will accept a motion to adjourn.

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

Time of adjournment: 10:33 a.m.

Attendees for Record Keeping Purposes:

Michael Burgess, Prime AE; Ed Adamczyk, Arcadis; Todd Majidzadeh, Resource International; Jake Siesel, IUOE Local 18; Scott Buchanan, AECOM; Bethany Pugh, PFM; Jim Kelly, RBC

Capital Markets; Jason Watson, MSG; Jason Miller, Agile Networks; Hamid Homae, Ks Associates; Beth Fulton, TRC; Anthony Yacobucci, Ohio Turnpike; Martin Seekely, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Matt Cole, Ohio Turnpike; Denise Criscuolo, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Mark Musson, Ohio Turnpike; Diana Anthony, Ohio Turnpike; David Miller, Ohio Turnpike; Joe Disantis, Ohio Turnpike; Chris Matta, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Joe Mannion, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Adam Greenslade; and Brian Newbacher, Ohio Turnpike.

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

Sandra K. Barber, Secretary-Treasurer

EXHIBITS

1. Resolution No. 52-2018 – Resolution Honoring the Ohio Trucking Association of its Centennial Celebration Year;
2. Resolution No. 53-2018 – Resolution Authorizing the Executive Director to Execute an Agreement to Obtain Engineering Services with ms consultants, inc. for a Fee Not-To-Exceed \$381,079.00 (Project No. 71-18-08);
3. Resolution No. 54-2018 – Resolution Approving the Selection of A.P. O’Horo Company for the Expansion of Toll Plaza 180 Under Project No. 58-18-02 for the Total Amount of \$2,233,000.00, and Approving the Assignments of Jacobs Engineering Group and Solar Testing Laboratories, Inc. to Perform Professional Services on the Project;
4. Resolution No. 55-2018 – Resolution Approving the Selection of Bear Environmental, LLC to Remove and Dispose of Waste, Storm and Floor Drain Water and Treatment Plant Waste for One Year in the Estimated Amount of \$375,000.00 with the Option to Renew for One Additional Year;
5. Resolution No. 56-2018 – Resolution Approving an Agreement with Pomeroy IT Solutions Sales Company, Inc. to Purchase a Data Backup and Recovery Solution Under the DAS Cooperative Purchasing Program in the Total Amount of \$167,748.00;
6. Resolution No. 57-2018 – Resolution Approving an Agreement with Agile Network Builders, LLC to Provide Redundant Fiberoptic Cable Connectivity, Public Wi-Fi Internet Access and Network Management Services for a Five-Year Period Under the DAS Cooperative Purchasing Program in the Total Amount of \$1,868,814.20; and
7. Resolution No. 58-2018 – Resolution Authorizing the Filing of Twelve “No Change Rules” with the Joint Committee on Agency Rule Review.

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Honoring the Ohio Trucking Association of its Centennial Celebration Year

WHEREAS, the Members of the Ohio Turnpike and Infrastructure Commission (“Commission”) are pleased to commend the Ohio Trucking Association (OTA) on the occasion of its Centennial Celebration year, 2018; and

WHEREAS, the Members of the Commission wish to acknowledge and publicly recognize the contributions that the trucking industry has made to the success of the economy of the State of Ohio, generally, and that of the Ohio Turnpike, specifically; and

WHEREAS, for the third year in a row, more vehicles traveled on the Ohio Turnpike than any other year in its 62-year history; and

WHEREAS, 11.6 million commercial vehicles traveled 1.2 billion miles on the Ohio Turnpike in 2017; and

WHEREAS, recognition of the OTA’s Centennial Celebration year is an occasion to herald its establishment as the Ohio Association of Commercial Haulers in 1918; and

WHEREAS, the OTA has consistently achieved a remarkable record of service to its industry and to the State of Ohio; and

WHEREAS, the association was created to promote safety, innovation and professionalism in the trucking industry, which represents one out of every 15 jobs in the State of Ohio; and

WHEREAS, due to the vigorous effort and initiative of its management and staff the OTA and its industry has grown significantly during the last century; and

WHEREAS, the Centennial anniversary provides an opportunity to reflect on the association’s historic success as well as an occasion to look ahead to and plan for the future.

NOW THEREFORE, BE IT

RESOLVED, that the Commission, by the adoption of this Resolution, hereby expresses its deep appreciation to the Ohio Trucking Association for its contributions to ensuring a safe, innovative and professional trucking industry in the State of Ohio and extends best wishes for continued success in the years ahead; and

FURTHER RESOLVED, that the Secretary-Treasurer be, and hereby she is, directed to send a certified copy of this Resolution to Mr. Thomas Balzer, President & CEO of the Ohio Trucking Association.

(Resolution No. 52-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Executive Director to Execute an Agreement to Obtain Engineering Services with ms consultants, inc. for a Fee Not-To-Exceed \$381,079.00 (Project No. 71-18-08)

WHEREAS, on April 26, 2018, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice seeking letters of interest in responding to its Request for Proposals (“RFP”) for Project No. 71-18-08 seeking Engineering and Construction Administration and Inspection Services relating to the Deck Replacement and Widening of Two Mainline Bridges at Milepost 222.7 over Turner Road (County Route 103) and Milepost 222.8 over Kirk Road (County Route 146) in Mahoning County (“Project No. 71-18-08”); and

WHEREAS, on May 10, 2018, Letters of Interest were received from nine firms expressing their readiness to serve as the Commission’s Engineering Consultant for Project No. 71-18-08, three of which were deemed most qualified and invited to submit proposals in response to the RFP, which were due on June 22, 2018; and

WHEREAS, on the basis of the proposals received, the Engineering staff concluded that ms consultants, inc., of Youngstown, Ohio (“ms consultants”), is the most qualified firm to perform the necessary services for Project No. 71-18-08, and conducted a Scope of Services meeting to confirm a mutual understanding of the Phase I Services for the Project consisting of Site Inspection, Engineering Report, Design and Plan Preparation Services (“Phase I Services”); and

WHEREAS, ms consultants submitted its fee proposal dated September 5, 2018, to perform the Phase I Services in the not-to-exceed amount of \$381,079.00 which fee proposal the Chief Engineer deemed reasonable and appropriate, and recommends that the Commission approve the award of the Contract based on its technical proposal for Project No. 71-18-08 and fee proposal for Phase I Services; and

WHEREAS, the Director of Contracts Administration advises that the RFP process and the selection of ms consultants conformed 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 that the recommended firm made a good faith effort to achieve the Business Inclusion Program participation goals; and

WHEREAS, the Executive Director has also reviewed the recommendation submitted by the Chief Engineer and the Director of Contracts Administration, and concurs that the Commission should approve the selection of ms consultants to perform Phase I Services for Project No. 71-18-08; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the selection of ms consultants, inc., of Youngstown, Ohio, is approved as the most qualified firm to perform the professional engineering design and construction administration and inspection services necessary for Project No. 71-18-08, and that the Executive Director is authorized to execute a Contract with ms consultants, inc., on the basis of the Commission's Request for Proposals and ms consultants' technical response and fee proposal for Phase I Services in the not-to-exceed amount of \$381,079.00; and

FURTHER RESOLVED, that the Executive Director has the authority under Article V, Section 1.00 of the Commission's Code of Bylaws to further amend the contract to perform additional Phase 1 and Phase 2 services necessary for Project 71-18-08 that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, 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. 53-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of A.P. O’Horo Company for the Expansion of Toll Plaza 180 Under Project No. 58-18-02 for the Total Amount of \$2,233,000.00, and Approving the Assignments of Jacobs Engineering Group and Solar Testing Laboratories, Inc. to Perform Professional Services on the Project

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a contract for the Expansion of Toll Plaza 180 at Milepost 180.3 in Summit County, Ohio, designated as Project No. 58-18-02 (“Project No. 58-18-02”); and

WHEREAS, the Commission received one bid to perform the Contractor’s obligations on Project No. 58-18-02, and the Chief Engineer and the Deputy Chief Engineer reviewed and evaluated the bids received, and whose report concerning such analysis is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer report that A.P. O’Horo Company of Youngstown, Ohio (“A.P. O’Horo”), submitted the lowest responsive and responsible bid to perform the Contractor’s obligations on the Project for the total amount of \$2,233,000.00, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Director of Contracts Administration advises that bids for Project No. 58-18-02 were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of A.P. O’Horo for Project No. 58-18-02 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and A.P. O’Horo submitted a performance bond with good and sufficient surety and made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project; and

WHEREAS, the Commission’s Executive Director has reviewed the reports of the Chief Engineer, Deputy Chief Engineer and the Director of Contracts Administration and concurs that the Commission should approve the award of Project No. 58-18-02 to A.P. O’Horo as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of A.P. O’Horo Company for Project No. 58-18-02 in the total amount of \$2,233,000.00 is approved as the lowest responsive and responsible bid received, and the Executive Director is authorized to execute a contract on the basis of said bid; and

FURTHER RESOLVED that the Executive Director and the Chief Engineer are authorized to assign Jacobs Engineering Group of Cincinnati, Ohio, to perform all necessary construction

administration and inspection services in accordance with its contract previously authorized under Resolution No. 6-2018, and assign Solar Testing Laboratories, Inc. of Brooklyn Heights, Ohio, to perform the necessary material testing services in accordance with the 2017-2018 Miscellaneous Engineering Services Agreement; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, 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. 54-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Bear Environmental, LLC to Remove and Dispose of Waste, Storm and Floor Drain Water and Treatment Plant Waste for One Year in the Estimated Amount of \$375,000.00 with the Option to Renew for One Additional Year

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice of an Invitation for Bids to provide its requirements for the Removal, Transport and Disposal of Wastewater Sludge & Floor Drain/Storm Water Treatment Waste for a one year term with the Commission having the option to renew for one additional one-year period (“Invitation to Bid No. 4321”); and

WHEREAS, the Commission received two bids in response to Invitation to Bid No. 4321, and the Commission’s Deputy Chief Engineer reviewed and analyzed the bids submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer reports that Bear Environmental, LLC, of Dublin, Ohio, submitted the lowest responsive and responsible bid for all Groups under Items 2, 3, 4 and 5 and to perform the emergency call outs for those Groups under Item 7 in the total estimated amount of \$375,000.00 over the one-year term, which bid he recommends the Commission approve for award; and

WHEREAS, the Deputy Chief Engineer further reports that Badger Daylighting Corp. of Brownsburg, Indiana, submitted the lowest responsive and responsible bids for all Groups under Item 6 and to perform the emergency call outs for the Group under Item 7 in the total estimated amount of \$15,000.00, which bid the Deputy Chief Engineer recommends and the Executive Director agrees and he will select Badger Daylighting Corp. of Brownsburg, Indiana separately for contract award under the authority of Article V, Section 1.00 of the Code of Bylaws; and

WHEREAS, the Deputy Chief Engineer finally reports that single bid received for all Groups under Item 1 was grossly above the estimate and deemed unreasonable, and recommended for rejection and rebidding after reviewing the specifications and conducting further market research; and

WHEREAS, the Director of Contracts Administration advises that the bids for Invitation No. 4321 were solicited on the basis of the same terms and conditions and the same specifications, and conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312 as the lowest responsive and responsible bids received and supported by good and sufficient surety; and

WHEREAS, expenditures required under the bid of Bear Environmental will exceed \$150,000.00 and Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer and concurs with the recommendation to approve the selection of Bear Environmental for all

Groups under Items 2, 3, 4 and 5 and to perform the emergency call outs for those Groups under Item 7 under Invitation No. 4321 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 to perform the Commission's requirements for the removal and disposal of waste, storm and floor drain water and treatment plant waste for a one year term from Bear Environmental, LLC for all Groups under Items 2, 3, 4 and 5 and to perform the emergency call outs for those Groups under Item 7 in the total estimated amount of \$375,000.00 is approved as the lowest responsive and responsible bids received, and the Executive Director is authorized to execute Contracts on the basis of said bid with the option to renew for an additional one year period; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts as a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the contract services or increase its costs.

(Resolution No. 55-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving an Agreement with Pomeroy IT Solutions Sales Company, Inc. to Purchase a Data Backup and Recovery Solution Under the DAS Cooperative Purchasing Program in the Total Amount of \$167,748.00

WHEREAS, pursuant to Resolution No. 32-2003, adopted on July 21, 2003, the Executive Director is authorized to participate in state contracts under the Ohio Department of Administrative Services (“DAS”) Cooperative Purchasing Program, through which members may purchase supplies, services, equipment and other materials in accordance with Ohio Revised Code Section 125.04; and

WHEREAS, the Chief Technology Officer identified a need for a data backup and recovery solution to that is robust, highly reliable, transparent and offers tape backup capability for offline storage, retention and restoration capabilities; and

WHEREAS, the Chief Technology Officer identified a product called the Availability Suite Enterprise that Veeam Software developed as a leading solution for data center back up, replication and recovery that is compatible with the Commission’s existing server configuration and tape back-up functionality; and

WHEREAS, the Veeam Availability Suite Enterprise Solution and the necessary supporting hardware is offered under the DAS Cooperative Purchasing, and the Director of Contracts Administration found that the lowest cost to obtain the equipment is under DAS Contract Schedule Numbers 534515 and 533110-3-33 from Pomeroy IT Solutions Sales Company, Inc. of Hebron, Kentucky, as described in its Quotation Number 9194673-1, dated September 5, 2018, for the total amount of \$167,748.00; and

WHEREAS, the Chief Technology Officer recommends that the Commission authorize an agreement with Pomeroy IT Solutions Sales Company, Inc. under the DAS Cooperative Purchasing Program for the Veeam Availability Suite Enterprise Solution and supporting hardware, which recommendation the Executive Director has reviewed and approved; and

WHEREAS, the Commission has duly considered such recommendation and approval.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the purchase of the Veeam Availability Suite Enterprise Solution and the necessary supporting hardware from Pomeroy IT Solutions Sales Company, Inc. through the DAS Cooperative Purchasing Program under DAS Contract Schedule Numbers 534515 and 533110-3-33, as described in Quotation Number 9194673-1, dated September 5, 2018, in the total amount of \$167,748.00, is approved.

(Resolution No. 56-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving an Agreement with Agile Network Builders, LLC to Provide Redundant Fiberoptic Cable Connectivity, Public Wi-Fi Internet Access and Network Management Services for a Five-Year Period Under the DAS Cooperative Purchasing Program in the Total Amount of \$1,868,814.20

WHEREAS, pursuant to Resolution No. 32-2003, adopted on July 21, 2003, the Executive Director is authorized to participate in state contracts under the Ohio Department of Administrative Services (“DAS”) Cooperative Purchasing Program, through which members may purchase supplies, services, equipment and other materials in accordance with Ohio Revised Code Section 125.04; and

WHEREAS, the Commission’s fiberoptic cable network connections are limited to a sole trunk line that presents a risk for a single point of failure in the cable to result in the complete loss of connectivity at all the Commission’s thirty-one toll plazas, eight maintenance buildings and fourteen service plazas, in addition to its administrative and technology buildings and its secondary systems site; and

WHEREAS, the loss of connectivity on the fiberoptic cable would result in a catastrophic failure in the Commission’s ability to fulfill its mission critical functions, including the collection of toll revenue, and adding an additional connection to the network will allow the Commission to reroute data transmissions around the failure point to its facilities and mitigate the lost connection to maintain the performance of its operations; and

WHEREAS, the Commission has made multiple attempts through many different strategies to provide public access points to the internet at its Service Plazas through wireless fidelity (“Wi-Fi”) channels over the past ten years with limited success, and customers and concessionaires have come to expect the availability of public Wi-Fi access at facilities similar to the Commission’s Service Plazas; and

WHEREAS, Agile Network Builders, LLC (“Agile”) currently licenses space from the Commission to operate a wireless broadband communications system, which includes the Multi Agency Radio Communication System (“MARCS”) network, on communications towers under the control of the Commission; and

WHEREAS, Agile offers in its proposal dated September 6, 2018 to leverage its assets on the communications towers to deliver a solution that establishes the necessary redundant fiberoptic cable connections to the Commission’s network, supply Wi-Fi access to the internet at all the Commission’s Service Plazas, and perform network management services to maintain and operate the networks, including customer service assistance to patrons accessing the public Wi-Fi at the Service Plazas; and

WHEREAS, Agile proposes to provide the redundant fiberoptic cable connection, Wi-Fi internet access and network management services under the DAS Cooperative Purchasing Program’s Master Service Agreement for \$88,414.20 in equipment, \$105,920.00 in installation

and configuration services and \$334,896.00 per year for internet access and customer support services; and

WHEREAS, the Chief Technology Officer recommends that the Commission authorize an agreement with Agile under the DAS Cooperative Purchasing Program for the redundant fiberoptic cable connection, Wi-Fi internet access and network management services, which recommendation the Executive Director has reviewed and approved; and

WHEREAS, the Commission has duly considered such recommendation and approval.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that an Agreement with Agile Network Builders, LLC to provide redundant fiberoptic cable connectivity, public Wi-Fi internet access and network management services for a five-year period under the DAS Cooperative Purchasing Program Master Services Agreement, as described in the proposal dated September 6, 2018, in the Total Amount of \$1,868,814.20, is approved.

(Resolution No. 57-2018 adopted September 17, 2018)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Filing of Twelve “No Change Rules” with the Joint Committee on Agency Rule Review

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) has previously adopted administrative rules for the control and regulation of traffic, operation of vehicles, the collection of tolls and for the protection and preservation of property under its jurisdiction in accordance with the authority granted to it under Section 5537.16 of the Ohio Revised Code, as promulgated in the provisions of Sections 5537-1-01 through 5537-9-05 of the Ohio Administrative Code; and

WHEREAS, the General Counsel has advised the Commission that the following Ohio Administrative Rules 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-4-06, 5537-5-02, and 5537-10-01 are now up for review as required by Section 111.15 of the Ohio Revised Code; and

WHEREAS, the General Counsel has further advised the Commission that, as a result of the periodic administrative rule review required every five years pursuant to the requirements set forth in Section 111.15 of the Ohio Revised Code, all of the Ohio Administrative Rules 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-4-06, 5537-5-02, and 5537-10-01 do not require change; and

WHEREAS, administrative rules previously adopted by the Commission in accordance with Section 5537.16 of the Ohio Revised Code that have been identified as not requiring revision must be filed with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State as “No Change Rules” in accordance with Section 111.15 of the Ohio Revised Code; and

WHEREAS, the Commission concurs that the process for adopting proposed amendments to the administrative rules, for promulgating a newly proposed rule, and for adopting “No Change Rules” should be initiated.

NOW, THEREFORE, BE IT

RESOLVED, that the Commission hereby authorizes the Executive Director and General Counsel to initiate the process of submitting twelve “No Change Rules,” on Ohio Administrative Rules 5537-2-03, 5537-2-11, 5537-2-17, 5537-2-20, 5537-2-21, 5537-3-01, 5537-3-05, 5537-4-01, 5537-4-03, 5537-4-06, 5537-5-02, and 5537-10-01 in order to comply with the statutory rule-making requirements imposed by the Joint Committee on Agency Rule Review.

(Resolution No. 58-2018 adopted September 17, 2018)