

**MINUTES OF THE 689<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
SEPTEMBER 20, 2021**

**Chairman:** Good morning. It is 10:00 a.m. Will you 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.

Myron Pakush is here representing the Ohio Department of Transportation (“ODOT”) and Dr. Marchbanks. Vice Chairman Paradiso will not be in attendance at today’s meeting and is excused this morning.

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

**Assistant Secretary-Treasurer:** Chairman Hruby

**Chairman, Jerry Hruby:** Here

**Assistant Secretary-Treasurer:** Secretary-Treasurer Barber

**Secretary-Treasurer, Sandra Barber:** Here

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

**Commissioner, Guy Coviello:** Here

**Assistant Secretary-Treasurer:** Ms. Eaton Johnson

**Commissioner Eaton Johnson:** Here

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

**Commissioner, ODOT Proxy, Myron Pakush:** Here

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

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

**Assistant Secretary-Treasurer:** Senator Reineke

**Senator Bill Reineke:** Here

**Assistant Secretary-Treasurer:** Representative Ghanbari

**Representative Haran N. Ghanbari:** Present

**Chairman:** We have a quorum. This is the 689<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are here today at the Commission's Administration Building.

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

May I have a motion to adopt the Minutes of the August 16, 2021, Commission Meeting? Any corrections, additions, or questions regarding the Minutes?

**MOTION:** A motion to adopt the Minutes of August 16, 2021, Commission Meeting was made by Mr. Coviello, seconded by Ms. Eaton Johnson and approved by all Commission Members present

**Chairman:** The August 16, 2021 Commission Meeting Minutes are adopted. We will move on with the report of the Secretary-Treasurer, Mrs. Barber.

**Secretary-Treasurer:** The following items have been provided to the Members since the last scheduled meeting of the Commission on August 16, 2021:

1. Two (2) Resolutions;
2. Draft Minutes of the August 16, 2021, Commission Meeting; and
3. Agenda for today's meeting.
- 4.

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

1. Traffic Crash Summary Report, August 2021;
2. Traffic and Revenue Report, August 2021;
3. Total Revenue by Month and Year, August 2021;
4. Investment Report, August 2021; and
5. Financial Statement, August 2021.

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

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

I will start with an update on the toll collection modernization work. Between now and early 2023 when the new Toll Collection System ("TCS") will be deployed, there are many legal as well as procedural steps that must be completed. I will outline a few important steps and timelines that will require Commission action.

There are three main legal and procedural components. They are legislation or the Ohio Revised Code, Business Rules or the Ohio Administrative Code, and the new toll rate schedules associated with the TCS as well as our long-term needs.

1. **Legislation (ORC 4503 - BMV registration holds and 5537- v-tolls)**

- a. Senate Bill 162 was unanimously passed by the Ohio Senate on June 23<sup>rd</sup> this year.
- b. The House needs to vote on the house version of the bill. Our hope is to have this completed by the end of the year, and we will work with Rep Ghanbari to pursue that schedule.
- c. The final step after passage in the House is that the bill will go to Governor DeWine for his signature. A bill is effective 90 days after the Governor's signature.

2. **Business Rules (OAC Rules) (OAC 5537)**

Once the bill becomes law, we will need to work on the business rules that will outline the procedures for implementing the law.

- a. The business rules will be developed by staff with the help of our expert consultants. They will first need to be approved by the Executive Director and then brought before the Commission for their consideration and approval. We would like to get this done by the first quarter of 2022.
  - i. An approval by Commission will authorize the filing of the rules with The Common Sense Initiative (CSI) and the Joint Committee on Rule Review (JCARR).
  - ii. JCARR will hold three hearings in Columbus, all to be scheduled and held by JCARR.
- b. After the public comments have been received by JCARR, staff will present the final draft business rules to the Commission members for consideration and vote. We would like to aim for the 2<sup>nd</sup> quarter of 2022 for completing this.
- c. And finally, the Commission approved business rules will be filed with the Legislative Services Commission (LSC). We would like to get this done by the 4<sup>th</sup> quarter of 2022.

3. **Toll Rate Schedules**

The statute requires 3 hearings in geographically diverse locations along the Turnpike.

- a. We will present the rate schedules to Commission members in the 1<sup>st</sup> quarter of 2022.

- b. Commission will hold three hearings in geographically diverse locations, which we would like to schedule for the 2<sup>nd</sup> quarter of 2022.
- c. And finally, we will present any public comments to Commission and request consideration and vote to approve the toll schedules.

Turning to an update on our people, I would like to share the retirement certificate presentation photos that are currently up on the screen from August retirees that received their retirement certificate in August but after the August commission meeting took place.

- Cindy Burling from the Toll Operations Department.
- William Harrison and Nathaniel Matthews, Sr. from the Maintenance Department.

Shifting to September retirements, I would like to congratulate and thank the following members of the OTIC family for their recent or upcoming retirements.

- Iris Daniels, Dannial Rico, and Cindy Knights from the Toll Operations Department.
- And Alan Durliat from the Maintenance Department.

And, a congratulations to the following:

- Jeff Landel who was promoted to Division Superintendent in the west, replacing Alan.
- Nathaniel Matthews, Jr. who recently joined the Boston Maintenance Department.

Welcome!

Turning to Operations, my update is about international recognition about one of our programs.

The International Bridge Tunnel and Turnpike Association (IBTTA) will recognize the Commission with the *2021 IBTTA Toll Excellence Award* at the Annual Meeting in Anaheim in October. This is an international award recognizing OTIC for the on-going Strategy Execution Program accomplishments which have yielded tangible, measurable improvements in tolling performance, and increased management accountability and transparency - all during a time of unprecedented global challenges caused by the Pandemic. Everyone can see the strategy execution program in the form of our organizational metrics which are featured on our website.

In the past, we have made several submissions for a Toll Excellence Award, and this is our first win, for which I thank and congratulate our senior leadership team for their leadership. The Senior leadership team includes directors, managers, and others who participate and contribute to our Leadership Team Retreats.

And finally, I would like to report on a very large and emotional effort by a lot of people to honor one of Ohio's heroes and his family.

On Wednesday, September 8<sup>th</sup>, the funeral escort for Corpsman Maxton Soviak, the Navy Medic from Berlin Heights, Ohio, who was killed by a suicide attack in Afghanistan, passed through the Ohio Turnpike. The public response was amazing, and the preparations of our staff were truly touching. Every overpass on our road was filled with fire trucks and tow trucks displaying American flags, and people standing at attention with a hand over their heart or saluting. People were running out of the service plazas or their cars at the Vermilion Valley & Middle Ridge Service Plazas to stand along the guardrail to pay their respect to Corpsman Maxton Soviak and to the family. Once off the Turnpike, thousands of people lined the roadways.

Commission Members and United States Navy Lieutenant Commander Haraz Ghanbari worked for days with the funeral home and local authorities, as well as the family of Corpsman Soviak to finalize the arrangements. I want to acknowledge Representative Ghanbari, as well as Adam Greenslade, Jay Medina, our Assistant Eastern Superintendent, and Ohio State Highway Patrol Lieutenant Richard Reeder for coordinating the passage of the procession through the Turnpike. I also want to thank all our toll and maintenance staff for their help.

We do a weekly video for our employees called *News From The Big Road* in which we feature things going on around the Turnpike. Last week's video featured a story on Navy Corpsman Soviak. I would like to end my report by playing the video for the Commission and guests.

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

**Chairman:** Very well done. Thank you.

**Director Ahmed:** Mr. Chairman, that concludes my report. I would be happy to answer any questions.

**Chairman:** On behalf of the Commission, we congratulate our retirees and wish them well and thank them for their continued service over the years.

Again, to you State Representative Ghanbari, that video was quite moving and we appreciate that very much. Thank you, Ferzan, for putting that all together.

We will now move on to the report of our Acting Chief Engineer, Chris Matta. I will note that our Chief Engineer is sitting out in the audience. Welcome back, Mr. Yacobucci.

**Acting Chief Engineer:** Good morning, Mr. Chairman and Commission Members. Before I read the one resolution, I am very excited to have Tony back. All of our staff has put a lot of time and effort to try and keep things moving, but just missing the experience and know-how

and understanding of what our departments do. I am very, very glad to have him back. Welcome back, Tony.

I have just one resolution this morning, so that's even more exciting too. The resolution for your consideration seeks the Commission's authorization to award Construction Administration and Inspection Services for Project No. 58-21-02, New Mainline Toll Plaza Facility, Utility Buildings, Toll Booths & Canopies at Milepost 211 in Trumbull County, Ohio and Toll Booth Renovation at Milepost 239 in Mahoning County, Ohio. On July 21, 2021, Procurement received eight (8) Letters of Interest for the Request for Letters of Interest No. 9-2021 for Construction Administration and Inspection Services for Project No. 58-21-02. The LOI's were independently reviewed, evaluated, and scored by the LOI Evaluation Team in accordance with the LOI requirements. The LOI Evaluation Team reviewed and scored the Letters of Interest and concluded that Greenman Pedersen, Inc. (GPI) of Berea, Ohio, was the highest-ranking submittal. The Office of Equity and Inclusion confirmed that all Respondent's met or exceeded the 15% SBE goal as set by the Office of Equity and Inclusion. Fee negotiations commenced between GPI and our Engineering Staff, and on September 8, 2021, a final fee proposal was submitted by GPI, to perform Construction Administration and Inspection Services on Project No. 58-21-02 in the total not-to-exceed amount of \$1,065,987. Project No. 58-21-02 is for the construction of a New Mainline Toll Plaza Facility including utility buildings, toll booths, canopies, and pedestrian bridge at Milepost 211 in Trumbull County, Ohio and Toll Booth Renovations at Milepost 239 in Mahoning County, Ohio. This Project is part of the Commission's modernization of the Toll Collection System. The Project will be performed over the 2021 and 2022 construction seasons, and this work is included in the 2021 Capital Improvement Budget. Engineering staff has reviewed and negotiated the fee proposal and finds it reasonable for the scope to be performed. Please note that GPI has met the 15% SBE goal as set by the Office of Equity and Inclusion and has included approximately 15% SBE participation within this contract. Therefore, we are requesting Commission authorization for the award of the Construction Administration and Inspection Services for Project No. 58-21-02 to Greenman Pedersen, Inc. of Berea, Ohio, in the total not-to-exceed amount of \$1,065,987. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of Greenman Pedersen, Inc. for Construction Administration and Inspection Services for Project No. 58-21-02 in the Total Amount of \$1,065,987.00.

**Chairman:** I have a couple questions that I just discussed a little bit with the Executive Director. First question is, on the SBE participation of 15%, in the previous ones that we have been doing, they were 25%. Have we changed back to 15%?

**Assistant Chief Engineer:** Mr. Chairman and Commission Members, with all the LOIs we have had with quite a few go out over the past several months, there is a meeting that is held with Diana Anthony of the Office of Equity and Inclusion, myself, and the Project Manager from Engineering to discuss what the project really is that we are advertising for and what the services are, and what the opportunities are for these types. So out of that meeting, 15% was the goal that was established by Diana's office based upon the lone task of construction administration and inspection on this project. This wasn't a typical project like our bridge design projects that we have had at 25% where there are some different opportunities. Therefore, the SBE goals can be

up to 25%, but with this project there is one company providing a resident engineer, a senior inspector, possibly an assistant resident engineer, and then another inspector on the 239 part of it over in Mahoning County. There is limited opportunity and that is why it was determined at 15%. I don't know if Diana is in the audience and can add to that.

**General Counsel:** No, she is feeling under the weather, so she is at home. I can follow-up.

**Chairman:** So, we haven't changed the policy then. It is still, what we were at, at 25%. In their review they felt that 15% was more reasonable based upon the geographics and the availability of companies, is that correct?

**Assistant Chief Engineer:** Mr. Chairman, that is correct. The scope of the services needed for this type of work is what is really looked at.

**Chairman:** The reason again I brought it up is because the last four or five have been at 25%. You answered my question.

The other question is, and I am sure there is an easy answer on this one, pertains to the amount. It is over \$1 million, we did some earlier this year, I think back in the spring, we did a similar project and it was way less than this. Why is this one so high?

**Assistant Chief Engineer:** Mr. Chairman and Commission Members, the fee of \$1 million is about 5.26% of the construction cost. When we look at these types of services that are provided in the fee proposals, as a general rule of thumb you kind of understand where you are going to be at percentage wise in construction costs and then you really look deep down inside like what are the personnel who will be assigned to the project, what their level of expertise is, and their associated hourly rates? You look at the contractor's schedule and make sure you cover all of the work that is being done out there. The project at TP 4, I believe, was the one you are speaking of that we awarded earlier this year and if I remember correctly, it was in the neighborhood of \$700,000 or \$800,000, that project was about a \$9 million job, and this is an award for the services on a \$20 million job down at TP 211. Also, TP 4 was just a TP 4 utility building, booths, canopies, the pedestrian bridge, wherein this project has that same component and a little bigger facility, plus they have to oversee the renovations at the Mahoning County toll booth.

**Chairman:** Thank you. Any other questions?

**Director Ahmed:** Mr. Chairman, if I may make a comment based on the question that you asked. You asked a question about the SBE program. I think it could be beneficial for us to have Diana make a presentation on our SBE program next month and a couple of things we are looking at for next year. We have recently partnered with ODOT. ODOT is doing a study to look at availability and they offered for us to participate with them to make our program a little bit better. So, we are participating in that study and I expect some changes will come out of that so it would be a good idea for Diana. So, Jennifer if you wouldn't mind coordinating that have Diana present next month.

**General Counsel:** Will do.

**Chairman:** Very good. Thank you, I appreciate that. Anything else? Hearing none, please call the roll.

**MOTION:** A motion to adopt *Resolution Approving the Selection of Greenman Pedersen, Inc. for Construction Administration and Inspection Services for Project No. 58-21-02 in the Total Amount of \$1,065,987.00* was made by Mr. Pakush, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 56-2021.

**Chairman:** The resolution passes unanimously. Anything further, Chris.

**Acting Chief Engineer:** Mr. Chairman, that completes my report.

**Chairman:** Thank you, Chris. We appreciate your report. We will now move on to the report of the Director of Service Plaza Operations, Andrew Herberger.

**Director of Service Plaza Operations:** Good morning, Mr. Chairman and Commission Members. I'm Andrew Herberger, Director of Service Plaza Operations for the Ohio Turnpike. I have one resolution for your consideration this morning.

This resolution seeks the Commission's authorization to award an Agreement to provide Food and Retail Concessions at the Erie Islands and Commodore Perry Service Plazas in Sandusky County for an initial term of ten years with five, five-year extension options available. The previous concession services contract, originally awarded in 1998, is set to expire in its entirety in March of 2022.

A RFP for Food and Retail concessions was issued on May 11, 2021, with notices sent to approximately thirty-five companies. During the open process, service plaza staff conducted several site visits for interested firms and responded to all questions during the open inquiry period which closed on June 18, 2021. Proposals were due on August 4, 2021, and three were received. The respondents were Petrogas Group d.b.a. Applegreen PLC, of Andover, Massachusetts; AVI FoodSystems, of Warren, Ohio; and Hardee's Food Systems, of Franklin, Tennessee.

An evaluation team of Service Plaza Operations staff was formed. Before receiving the proposals, the Revenue Sharing information was separated and held by the Legal Department. From Aug. 6 thru Aug 19, a thorough technical evaluation of each company's approach to perform the required scope of services was conducted. This part of the evaluation took into account each company's overall mix of concepts; pro-forma sales and expense projections over the initial ten-year term; Operational and Business Plans that acknowledged the scope of services; Capital expenditure and resources for build out; occupancy of the unit space; aesthetics and design of the concessions; facilities management plans; customer service & marketing plans; incorporating the use of technology to modernize services; and each company's qualifications & experience providing services similar in size and scope.



The Office of Equity and Inclusion also reviewed the respondent's plans to meet the assigned goals for the Small Business Enterprise program and confirmed that all three companies demonstrated good faith efforts to meet these goals.

The SBE goal for the build out phase of this contract is for 15% of the construction of the concession units. The SBE goal during the remaining term of the contract is for 10% of subcontracts to go to certified firms providing goods and services to support Operator's concession operations.

Once the Technical portion of the evaluation was finalized on August 19, 2021, the results were submitted to the Legal Department. Revenue Sharing Proposals were then provided to the Evaluation Team on Aug. 26, 2021, by Legal/Procurement.

Those were then factored into the Technical evaluation scores for each company, from which the combined scores were finalized. Results indicated that all three companies submitted responsive proposals and achieved the following combined Technical and Revenue scores; Applegreen PLC scored 149.9 points; AVI FoodSystem's scored 122.6 points; and Hardee's scored 118.2 points. The results indicate that Applegreen PLC's proposal to provide modern, comprehensive concession services will deliver the highest overall value to the Commission; and best serve the interests of the traveling public and surrounding community over the life of the Agreement.

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

**General Counsel:** Resolution Authorizing Agreement with Petrogas Group dba Applegreen PLC for the Operation of Food and Retail Concessions at the Commission's Erie Islands and Commodore Perry Service Plazas.

**Chairman:** Any questions or comments?

**Mr. Coviello:** I am a little bit concerned about using a company outside of Ohio and in this case, it is even outside of the United States. I have some questions about the process, the weight given to Ohio companies versus other companies, or United States companies versus international companies.

**Director of Service Plaza Operations:** Mr. Chairman and Commission Member Coviello, during the technical scoring process, we did award some credits to the Ohio-based company which was AVI FoodSystems. However, other components of their proposals basically reduced their overall technical score to the point where Applegreen's final score was actually higher regardless of the credits given for the Ohio-based company.

**Mr. Coviello:** Without getting too far into the weeds, are there some aspects of Applegreen's proposal that were significantly better that allowed them to overcome the weight given to the Ohio-based company?

**Director of Service Plaza Operations:** Mr. Chairman and Commission Member Coviello, yes. The factors considered in our technical evaluation dealt not only with the Ohio-based companies, but operating hours were a big component that we weighed. Each company's numbers of hours of operation, both weekly and annually, as well as the percentage of occupancy in the service plazas, as well as the capital investment into our facilities, so weighing all of those factors positioned Applegreen's proposal higher than the other two proposals received.

**Senator Reineke:** I actually had the same questions, but I was wondering if you could take it a step further and say to those that presented back to them to counter with the hours and investment, I mean they are all Ohio workers so, I guess, were they given the opportunity to revamp their proposal?

**Director of Service Plaza Operations:** When we looked at the overall package, the scoring was such that all three of the proposals received on the technical side were competitive and we thought that once we received the revenue sharing proposals that positioned Applegreen even further ahead of the other two proposals. The difference in contract value from the Applegreen proposal to the other two is roughly \$16 to \$18 million over the term of the contract. So, that was a significant factor as well.

**Senator Reineke:** But, were they allowed to refute that or come back with a different proposal?

**Director of Service Plaza Operations:** We did not pursue that at the time.

**Mr. Coviello:** Senator, that was going to be my question. So, Senator I appreciate the question. I had the same question in my head, but I was assuming that is not a legal process?

**Director Ahmed:** Mr. Chairman, may I?

**Chairman:** Please.

**Director Ahmed:** I think it would be good to hear from Jennifer on that. I don't believe once we have the proposals and price, we can go back to them.

**General Counsel:** Mr. Chairman and Commission Members, negotiation of the contract is typically not something we engage in when we do the public bidding process.

**Chairman:** Jennifer, I could not hear what you said at the end, please.

**General Counsel:** Mr. Chairman, we do not engage in negotiating with the bidder during the public bidding process for the contracts.

**Chairman:** It is all plain open bidding, correct? Then once the bids are in the bids are in?

**General Counsel:** Correct.

**Chairman:** We have the right as a Commission if we wish to reject them and ask that they go back out for bid?

**General Counsel:** Yes, Mr. Chairman.

**Chairman:** We have that option if the Commission so wishes to do that. We can do that if you wish. You are talking some serious money differences. Is it not? How can it be that large of a difference? It is a foreign company, correct?

**Director of Service Plaza Operations:** Owned by an Ireland consortium and they purchased HMS Host's North American Toll Road Division in the United States. The Applegreen PLC portion is operated out of Massachusetts.

**Chairman:** So, we would anticipate that the employees, the people running this facility are all going to be citizens of the United States?

**Director of Service Plaza Operations:** Applegreen has retained all of the existing staff that was in place previously with HMS Host including the management staff and hourly staff has been retained.

**Chairman:** Are they based at all in Ohio?

**Director of Service Plaza Operations:** As far as I know, they are based out of Massachusetts, but they do have local offices here in Ohio.

**Chairman:** Any other questions or comments?

**Mr. Coviello:** You mentioned the right to reject, but does that open up some legal issues if we are rejecting and changing the process that was established? What is the difference between the staff doing it and us doing it?

**General Counsel:** Mr. Chairman and Commission Members, it is the decision of the board to vote, either to accept the recommendation of Director Herberger or reject the contract and ask him to go back to the market. So, I am sure you can appreciate the risk in doing so and opening up the bidding process again with these current bids now public records. That may cause problems. But it is your prerogative and your decision. Director Herberger and Executive Director Ahmed is making a recommendation to you to vote, to consider and vote on this contract. It is a long term contract, so I understand there is significant dollars at issue, so it should be thoughtfully considered.

**Chairman:** Is there anything in the specifications that were submitted prior to the bid that this company did not meet?

**General Counsel:** Mr. Chairman, no.

**Chairman:** So, they met all of our qualifications and all of our specifications for what we wanted?

**General Counsel:** Mr. Chairman, yes. So, technically the bids were properly received and completed.

**Chairman:** Thank you. Any other questions?

**Ms. Eaton Johnson:** So, for clarity sake, this is a foreign company who purchased a company in the United States as opposed to establishing the company?

**Director of Service Plaza Operations:** Mr. Chairman and Commission Member Eaton Johnson, that is correct. HMS Host Tollroads, 8% of their total business portfolio was toll roads, the remaining portion is airports and transportation. So, what happened is due to the impact of the COVID pandemic, HMS Host put that toll road division up for sale and Applegreen acquired that entire division. So, they are actually already operating on the Ohio Turnpike at this point.

**Senator Reineke:** Is ten years a normal time period for a contract with two five year extensions?

**Director of Service Plaza Operations:** Mr. Chairman and Senator Reineke, the original contracts were originally bid in the 1990s and several of those contracts are becoming due and will be expiring here, this being one of them. The initial terms were set at seven years with five, five year options available. Starting in 2018, Service Plaza Operations conducted several open houses with interested firms to garner interest and competition on bidding opportunities over the next three to five year. So, as part of the process we discussed our existing business terms and we requested feedback from the companies to be considered for upcoming RFPs. Other toll roads where concession operators are required to design, build, construct, operate and maintain the facilities are generally thirty years or longer. The feedback we got from the operators in Ohio was they requested a minimum of ten years to be able to amortize their investment upfront because of what we are looking for. There is a range of roughly \$5 million to \$7 million investment to redesign a plaza. So, they need some time to amortize that. Each company expressed significant with seven years and requested that extend the first term to ten.

**Chairman:** Anyone else?

**Mr. Coviello:** Mr. Chairman, the \$16 million dollar difference, that is over ten years, so you are talking \$1.6 million a year for ten years?

**Director of Service Plaza Operations:** That is correct.

**Mr. Coviello:** Jennifer, you are recommending we approve the motion?

**General Counsel:** Mr. Chairman and Commission Members, yes.

**Secretary-Treasurer Barber:** Mr. Chairman, I just want to make a comment. The specifications went out on these bids and companies responded and submitted their bids following the specifications and I understand the feeling of foreign businesses, but I don't think it would be a good idea for us to reject this and I don't think publicly it would look good for us once we sent these specifications out and legally, they responded as such. If we are concerned about foreign companies participating in this process, perhaps we need to revisit that and make that statement before these bids go out. That is my feeling.

**Mr. Pakush:** Mr. Chairman, I'd like to learn a little bit more about the vendor process, Drew and how knowing this is a ten year contract with the concessionaire, how are the contracts with the individual vendors? Do those also get locked into ten years? Do those turn around more often? Does the staff have opportunity to make changes or recommend changes to vendors who are not performing or no popular? How does the individual vendor process work?

**Director of Service Plaza Operations:** Mr. Chairman and Commission Member Pakush, the operators are actually multi-brand operators. They are licensed to operate a certain brand package. So, various operators are licensed to operate different brands. These companies case to us with a few of the similar brands, Dunkin being on, and there are several others, but there is some variance with some of what we call the "anchor brands" at the service plazas at well. So, really it is not the individual brands it is a brand package and a brand license to operate those brands. It is in everybody's best interest that these brands perform and customers want those brands out there. So, if there is something that underperforming when we meet annually, we develop an annual plan, so if something is underperforming, the vendor may come to the Commission and request to rebrand that space or we may go back to the operator and request that they rebrand that space and then we will work up a business plan to modernize that concession and improve the offerings. So, it is really an annual process of review.

**Mr. Coviello:** Just a couple comments. I agree with you. I think it might be a good idea and I wouldn't mind knowing more details, not for this meeting but at a future meeting about the weight given to Ohio companies and if that needs to be revised. I know that, obviously, they are going to hire Ohio workers and have a presence and the United States, but what we have seen a lot of times in these cases in the private sector, is the wealth goes elsewhere, the philanthropy is elsewhere and it does hurt Ohio overall. I wouldn't mind having an opportunity to learn that process better and consider revising that process.

One last comment to Drew, Jennifer and Ferzan, just how much I appreciate the work you guys put into this and being able to answer questions as thoroughly as you just did. I thank you for that.

**Director Ahmed:** Thank you, Mr. Coviello, Mrs. Barber, Senator and Mr. Pakush, This is a very good discussion because after the toll operations this is our biggest revenue generator. You know the rules are the rules in Ohio and from my experience in the public sector, this is just my experience, I am not saying this is universal in Ohio, I have not seen an official weight given to made in Ohio. Having said that, when I was in the private sector, I did see that in the State of Indiana. So, what I would like to do is work with Jennifer to see if there is a possibility for us to actually in our bidding process, put say 10% weight for Ohio companies and things like

that and then whoever competes has to be 10% better than that company just to be equal and before we implement that we will come back and share that with the Commission. So, Mr. Chairman, I would like to pursue that and see what the feasibility of that is given Ohio laws and given the environment.

**Chairman:** Jennifer, if you would do that. Jennifer, you were not here at the time but we had this debate once before, it was over the buying of some equipment that was foreign made rather than buying from Caterpillar and the same circumstances. Our specifications that we submitted for bid for competitive bidding were that and it did not prohibit them from bidding so they bid and they were the lowest and, actually, the best bid. So, we were faced with that and awarded the contract. I don't know after that if we made any changes or not because that done by a state bid, I think.

**General Counsel:** Mr. Chairman, we do have a *Buy Ohio Policy*. We can give it a hard review and get back to the Commission Members.

**Chairman:** Well, that's part of what ended up with that *Buy Ohio Policy*. We will look at that and review it.

**Senator Reineke:** Sandusky County, which is my district, I understand that the Turnpike concessions is the highest sales tax revenue generator out of anything in Sandusky County and it bothers me greatly that it would be managed by a company out of Ohio and possibly out of the United States. Being a State Senator and somebody that does promote Ohio and I know I am not a voting member but I just needed to make sure I am on record of saying that, just from the standpoint of the jobs and the sales tax revenue and that's how we pay for things in Ohio. I just needed to make sure that I express my opinion on this. I am not suggesting what you should do, I am just saying this is a difficult one for me.

**Chairman:** Senator Reineke, both you and the Representative, although you don't vote, you are like council to us and keep us advised as to what is going on in Columbus, take back our needs to Columbus, but at the same time you are in an advisory capacity. Any advice that you want to give us or any type of information like that, we will certainly consider. I think you hear what that plan is, and that is we are going to revisit our *Buy Ohio Policy* and see if there is something more that we can do. As far as this current legislation, I can see no reason to legally object to it. Can we just say, we object, Jennifer?

**General Counsel:** Mr. Chairman, it is your decision. Staff has made a recommendation. Executive Director Ahmed has made his recommendation, so it is up to this Commission to make a decision.

**Chairman:** Okay. Let's move on. We have a motion and a second. Let's do the roll call and see where we end up.

**MOTION:** A motion to adopt *Resolution Authorizing Agreement with Petrogas Group dba Applegreen PLC for the Operation of Food and Retail Concessions at the Commission's Erie*

*Islands and Commodore Perry Service Plazas* was made by Mr. Pakush, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 57-2021.

**Chairman:** The resolution passes unanimously, so go ahead and do your business. But, expect that is going to be a key issue for us and we will look at that.

**Director of Service Plaza Operations:** Thank you.

**Chairman:** Thank you. We will now move on to the report of the Deputy Executive Director/CFO/Comptroller, Martin Seekely.

**Deputy Executive Director/CFO/Comptroller:** Good morning, Mr. Chairman and Commission Members, I have a brief update on our traffic and revenue for the month of August 2021.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike since the beginning of 2019. Passenger car vehicle miles traveled were up 26.6% from August of last year and down 1.5% from August 2019.

Commercial traffic continued to increase and was up 11.9% from August of last year and up 12.5% from August of 2019.

The change in passenger car traffic combined with the toll rate increases caused passenger car toll revenue to increase 29.5% from August of last year and to increase 1.4% from August of 2019.

The increase in commercial traffic combined with the toll rate increases caused commercial vehicle toll revenues to increase 14% from August of last year and 17.6% from August of 2019.

Finally, this chart shows the year-to-date toll revenues through the month of August during each year over the past decade. Year-to-date total toll revenues were \$43.6 million or 23.9% above the amount from last year and \$18.3 million or 8.8% above the amount from 2019.

That completes my report, Mr. Chairman.

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

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

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

**Staff Lieutenant Haymaker:** Good morning, Mr. Chairman and Commission Members. I have two items to report.

The first incident was on August 1, 2021, at 2347 hours, Trooper Doerle U-544, of the Swanton Post, was dispatched to a report of a vehicle in a ditch on the Turnpike near Milepost 4 eastbound. After performing field sobriety tests, Trooper Doerle was placing the subject under arrest for OVI and he started to resist. After several requests to place his hands behind his back the driver would not comply. Trooper Doerle, with the help of the driver for Hutch's Towing were able to place handcuffs on the subject. At one point, the subject attempted to jump out into oncoming traffic. He then refused to be seated in the patrol car. Once he was finally in the car, he began to kick the rear window and door. The subject also tried to escape the vehicle and would not get back in. He eventually had to be tased in order to be placed in the car. After being cleared at the Bryan Hospital, he was incarcerated at the Correction Center of Northwest Ohio and charged with resisting arrest, criminal damaging, OVI, failure to control and failure to wear a seatbelt.

I also wanted to present this today, Units from the Milan Post had the honor to take part in the final homecoming of United States Navy Corpsman Maxton Soviak who was killed in action on August 26, 2021 in a terrorist attack at the Kabul Airport in Afghanistan. Thousands of people lined the highways and streets to pay respects to this brave young hero. I wanted to give a special thanks to Lieutenant Rick Reeder, of the Milan Post, and Lieutenant Commander Haraz Ghanbari, State Representative, for their leadership and all of the planning that took place to assure a proper homecoming for this hero and assure the family's needs and wishes were met in doing so.

That completes my report.

**Chairman:** Any questions for the Lieutenant?

**Representative Ghanbari:** Thank you, Mr. Chairman. Lieutenant, I believe when there is a construction situation on let's say, Interstate 75, the speed is reduced while workers are present. I was out with one of your Troopers a couple weeks ago and they stopped a vehicle that had just passed through a construction zone where there were no workers present, simply just some barrels and I asked the Trooper, well why did you stop the vehicle for speed? He said, well regardless on the Turnpike, regardless of if there is workers present or not, when the speed drops to 50 miles-per-hour, again whether workers are present or not, 50 miles-per-hour is the cap on the speed. I guess I am asking, why is that different on the Turnpike than it would be on any of the other roads here in the state for the presence of construction workers and the reduction of speed?

**Staff Lieutenant Haymaker:** I do not believe it is different. I know other construction zones like ones that I've worked recently or in the past, like in 76 or Route 8, it is the same way. Usually, the speed is a fixed speed, it is not necessarily, you know it does not change when there is not workers present because usually like on Route 8 there's a cement divider, it is a narrow passage through there, so that is why there is a reduced speed. Now, when you actually write the ticket, there is a spot on the ticket that actually has that you check mark for "workers present" and it kind of lets the judge know that, and I am not sure if that affects the fine or not, I know construction zone affects the fine, but also, I think "workers present" that some judges go off of that, whether they want to double to fine. But as far as reducing the zone, usually, they're fixed at a reduced speed.



**Representative Ghanbari:** Mr. Chairman, has there ever been any consideration to having an adjustable speed limit? So, in other words, as I am heading this way, I saw several sections of the Turnpike that had cones, but yet there were no workers present, there was no construction machinery, but the posted sign was still reduced to 50 miles-per-hour, so I crawled down to 50 until I got through the zone. Has there ever been any consideration to having that remaining speed as posted unless there is construction equipment or personnel there so the flow of traffic can continue since this is a premium road that folks are paying tolls for, to keep the flow of traffic going or Executive Director or Deputy Chief Engineer, whomever?

**Director Ahmed:** Mr. Chairman and Representative Ghanbari, thank you so much for the question. It is a great question. The terminology for that is what they call "Smart Work Zone." The thinking behind that is that if you see cones and you don't see any workers there, then people get used to the fact that it is a work zone, which is not active and then people won't obey the speed limit and that typically is what happens. So, a smart work zone is one where you have signs and lights and when those lights are flashing it will notify you that there are people in the zone and it is an active work zone. When there is no one in the work zone, then it is inactive. So, we have implemented that a couple of times on the Turnpike. Last year as a pilot project, I believe we are doing that at night in our maintenance work zones and we have an internal meeting coming up here soon with our traffic engineer to do that next year in the construction zones on the Ohio Turnpike. It has shown as a safer work zone because again, why should you slow down to 50 when there is nobody there. Perhaps, you slow down to 65 or 60 and then you slow down to 50 when there are people there. So, that is what we are going to be doing next year at our work zones. Thank you bringing that up.

**Secretary-Treasurer:** Mr. Chairman, I think the State Representative and I must be the only two people that put their cruise on to 50 because I went through eight construction areas on my way here from no man's land west of here, and everybody was passing me. Trucks were passing me, cars were passing me, I didn't see any workers, so that must be a good idea, but I am not sure people even pay attention to the signs anymore. So, that was a good point but I don't know what you can do about it because I don't think that motorists pay attention except the two of us.

**Representative Ghanbari:** That is because I was riding with the Patrol recently. I was like, maybe I haven't been following that properly because I thought it was always just when there was construction workers present or machinery present.

**Secretary-Treasurer:** If it says 50 miles-per-hour I set my cruise at 50.

**Mr. Pakush:** Mr. Chairman, I can add a little bit to it, so with ODOT and the Turnpike, we do have the ability to use what we call, "variable speed limits" where we can adjust when there are workers present. So, the law already is set-up, a few years ago, gave us the ability for variable speed limits, but they have to be appropriately signed, these changeable message signs need to be there to be able to lower the speed limit, different than what is set-up during a construction zone. So, we do all over Ohio, it is the same thing, it's no different than the Turnpike or the state highways or interstates across the states. There are construction speed limits that are set prior to the job because there's concrete barrier wall there or reduced lane width, so it is not a safe environment

to go through so we lower those speed limits that are consistent throughout the project that is going on. But then, the contractor has the ability to do variable speed limits to lower then even further when there is actually workers out there. We work really well with the Highway Patrol, the Turnpike and ODOT all the time to try and get those speeds down but people are flying through there. I know we've done some targeted enforcements in construction work zones this past summer and the summer before with aerial coming in and trying to get these people pulled over so it is a very extremely dangerous area, not only for drivers, but for those construction workers that I know. Patrol works really well with Turnpike and ODOT, but we do have the ability in law already with the variable speed limit process and probably Chris can explain that better than I did. But there is already the ability there for a variable speed limit.

**Acting Chief Engineer:** Mr. Chairman and Commission Members, we adopted a variable speed limit work zone procedure. First and foremost, it comes down to safety like what kind of lane width can we give our customers, can we given them a recoverable paved shoulder, or a place to pull off to safety, what are the obstructions in that work zone, and if certain criteria are met, we do use the variable speed limit trailers out on many of our projects, including night work zones that our maintenance crews do when they are not working in that zone during the day, so the traffic can go at a faster speed. It may not bring them all the way up to 70 miles-per-hour but maybe to 60 instead of 50. Our Engineering Department, in particular, our Traffic Engineer is intimately familiar with what the speed limit should be through these construction zones.

**Representative Ghanbari:** So, I understand the explanation and I appreciate the thoughts on that. I think another concern that I have that parlays into the speed is obviously vehicles need to be going at a safe speed, but also as the speed continues to decrease, folks that are traveling on our roadways are also going to likely be behind the wheel even longer which leads to sleepy eyes, which leads to vehicles not staying in their lane, I know there was a fatal accident recently that the Patrol is investigating on the Turnpike and I don't know if that investigation is concluded yet, but it seems to me that preliminary thoughts were are least that the driver had fallen asleep. So, as the speed continues to decrease and some of these vehicles that are getting through, some of them are trying to push the limits to stay awake to make sure that they can make their endpoint when they need to, so part of it is that and the other question that falls into that would be, obviously I know we have some areas where folks can get off and stretch their legs and use the bathroom and what not, is there any way to increase maybe some of the digital sign board messaging if you are sleepy pull off, coffee break, you know just two miles ahead so that people might be able to gauge how long they need to push through to the next stop?

**Chairman:** Okay. Are there any other questions or comments? Lieutenant, thank you very much for your report. We appreciate it. Please pass on our thank you to your staff.

**Staff Lieutenant Haymaker:** Thank you. I appreciate it.

**Chairman:** The next meeting shall be held on Monday October 18, 2021, at 10:00 a.m. here at the Commission Administration Building located in Berea, Ohio.

If there is no further business.

**Director Ahmed:** I would like to just make a comment based on all of the comments we have heard today. I have some homework for the next meeting. We will come back with how we can incorporate a factor for an Ohio based business and quality based selections, that is the hard part, the purchasing is easy but I am sure there's a way to do it. We will come back with that. Diana Anthony is going to do a report on our SBE program and Representative based on your comments, we will have our Traffic Engineer do a summary on the variable work zones that we have used on the Turnpike and share that with all the Commission Members.

**Chairman:** If you would Members, I gave each one of you a packet, so if you would take that home and read it before the next meeting and we can discuss it maybe at that point in time. If there is no further business, I move that the Commission Meeting is adjourned. Is there a second?

**Secretary-Treasurer Barber:** Second.

**MOTION:** A motion to adjourn the 689<sup>th</sup> Commission Meeting is made by Chairman Hruby, seconded by Secretary-Treasurer Barber, and unanimously approved by all Commission Members present.

Time of adjournment: 11:00 a.m.

**Attendees for Record Keeping Purposes:**

Commission Members: Chairman Jerry Hruby; Secretary-Treasurer Sandra Barber; Commission Member Guy Coviello; Commission Member Vickie Eaton Johnson; Commission Member Myron Pakush; Office of Budget and Management Representative James Kennedy; Ohio Senator Bill Reineke and Ohio Representative Haraz Ghanbari.

Other Attendees: Marcia Lampman, Resource International; Michael Burgess, Prime AE; Doug Hedrick, GPI; Harold Hughes, GSI; Ed Adamczyk, Arcadis; Jon Lorincz, AECOM; Jacob Siesel, IUOE Local 18;

Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Chris Matta, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Tony Yacobucci, Ohio Turnpike; David Miller, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

# **EXHIBITS**

1. Resolution No. 56-2021 – Resolution Approving the Selection of Greenman Pedersen, Inc. for Construction Administration and Inspection Services for Project No. 58-21-02 in the Total Amount of \$1,065,987.00; and
2. Resolution No. 57-2021 – Resolution Authorizing Agreement with Petrogas Group dba Applegreen PLC for the Operation of Food and Retail Concessions at the Commission’s Erie Islands and Commodore Perry Service Plazas.

# **TCS MODERNIZATION PROJECT**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving the Selection of Greenman Pedersen, Inc. for Construction Administration and Inspection Services for Project No. 58-21-02 in the Total Amount of \$1,065,987.00**

WHEREAS, on June 30, 2021, the Commission issued Request for Letters of Interest No. 9-2021 seeking letters of interest for construction administration and inspection services for Project No. 58-21-02, Mainline Toll Plaza Facility, Utility Buildings, Toll Booths & Canopies at Milepost 211 located in Trumbull County, Ohio and Toll Booth Renovation at Milepost 239, located in Mahoning County, Ohio (the “Project”); and

WHEREAS, on July 21, 2021, Letters of Interest were received from eight (8) firms expressing their readiness to serve as the Commission’s Engineering Consultant for construction administration and inspection services for the Project; and

WHEREAS, on the basis of the proposals received, the Engineering staff concluded that Greenman Pedersen, Inc. (“GPI”), of Berea, Ohio, was the most qualified to perform the necessary services for the Project; and

WHEREAS, Engineering staff conducted a Scope of Services meeting with GPI to confirm a mutual understanding of the services for the Project consisting of Construction Administration and Inspection Services (the “Services”); and

WHEREAS, GPI submitted its fee proposal dated September 8, 2021, to perform the Services in the not-to-exceed amount of \$1,065,987.00 which fee proposal the Acting Chief Engineer deemed reasonable and appropriate, and recommends that the Commission approve the award of the contract based on its technical proposal and fee proposal for Project No. 58-21-02; and

WHEREAS, the Commission’s Staff Attorney has determined that the LOI process and the selection of GPI conform 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 GPI 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 15% which meets the SBE participation goal of 15% for the Project; and

WHEREAS, the Executive Director has reviewed the recommendation of the Acting Chief Engineer and concurs that the Commission should approve the selection of GPI to perform the Services for Project No. 58-21-02; 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 Greenman Pedersen, Inc. is approved as the firm that is most qualified to perform the construction administration and inspection services necessary for Project No. 58-21-02 and that the Executive Director is authorized to execute a contract with Greenman Pedersen, Inc. in the total amount of \$1,065,987.00; 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 (10%) 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. 56-2021 adopted September 20, 2021)**

# OHIO TURNPIKE & INFRASTRUCTURE COMMISSION

## Resolution Authorizing Agreement with Petrogas Group dba Applegreen PLC for the Operation of Food and Retail Concessions at the Commission's Erie Islands and Commodore Perry Service Plazas

WHEREAS, on May 11, 2021, in conformance with the requirements of Ohio Revised Code Section 5537.13, the Commission published notice of its Request for Proposals (“RFP”) for Food and Retail Concession Operations at the Erie Islands and Commodore Perry Service Plazas located at Milepost 100.0 in Sandusky County (Agreement No. 2021-SP-4-MCA-FRC); and

WHEREAS, site visits were conducted on June 2, 2021 and June 9, 2021 for interested parties; and

WHEREAS, on August 4, 2021, three Proposals for the operation of food and retail concessions were received from Petrogas Group dba Applegreen PLC, of Andover, Massachusetts, AVI Foodsystems, Inc., of Warren, Ohio, and CKR/Hardees Foodsystems of Franklin, Tennessee; and

WHEREAS, an Evaluation Team consisting of staff from the Service Plaza Operations Department and Office of Equity and Inclusion reviewed the Proposals submitted and concluded that the best Proposal in terms of branding, financial and operational capabilities was submitted by Petrogas Group dba Applegreen PLC and further indicated in the evaluation summary that Petrogas Group dba Applegreen PLC has significant experience, expertise and resources in operating food and retail concessions in transportation service sectors; and

WHEREAS, Revenue Sharing Proposals were then unsealed; and

WHEREAS, Petrogas Group dba Applegreen PLC submitted the best Technical and Revenue Sharing Proposal, with the overall Proposal summarized as follows:

<b>Concessionaire</b>	<b>Brand Concepts</b>	<b>Revenue Sharing Return on Gross Receipts</b>
Applegreen PLC	Burger King Dunkin Sbarro Panda Express Baskin Robbins	<ul style="list-style-type: none"><li>• Guaranteed Annual Min. Payment of: Calendar Year 2022: \$1,500,000; increased by 2% annually</li><li>• 14% of receipts for food concession fee</li><li>• 14% of receipts for retail concession fee</li></ul>

WHEREAS, the Commission's Staff Attorney has determined that the Petrogas Group dba Applegreen PLC's proposal conforms to the requirements of Ohio Revised Code Sections 5537.07 and 5537.13, Proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents, Petrogas Group dba Applegreen PLC has provided the requisite proposal guaranty and proof of insurance required under the RFP, and the Commission may legally accept said company's proposal; and

WHEREAS, the Executive Director has reviewed the recommendation of the Evaluation Team and, predicated upon their analysis, has made his recommendation to the Commission that Agreement No. 2021-SP-4-MCA-FRC be awarded to Petrogas Group dba Applegreen PLC; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Proposal submitted by Petrogas Group dba Applegreen PLC of Andover, Massachusetts, for the performance of Food and Retail Concession Operations at the Erie Islands and Commodore Perry Service Plazas is hereby accepted, and that the Executive Director and/or General Counsel are directed to: 1) execute Agreement No. 2021-SP-4-MCA-FRC with Petrogas Group dba Applegreen PLC for an initial term of ten (10) years, 2) direct the return to each respondent of their proposal guaranty at such time as Petrogas Group dba Applegreen PLC has entered into the Agreement with the Commission, 3) renew said Agreement for up to five (5) additional, five-year periods, and 4) take any and all action necessary to properly carry out the terms of said Agreement; 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 (10%) 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 Projects or increase its costs.

**(Resolution No. 57-2021 adopted September 20, 2021)**