

**MINUTES OF THE 666<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
OCTOBER 21, 2019**

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

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

Mrs. Barber will not be here at today's meeting and is excused.

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

**Assistant Secretary-Treasurer:** Chairman Hruby

**Chairman, Jerry Hruby:** Here

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

**Vice Chairman, Timothy Paradiso:** Here

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

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

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

**Commissioner, Guy Coviello:** Here

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

**Commissioner, Vickie Eaton Johnson:** Here

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

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

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

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

**Assistant Secretary-Treasurer:** Senator McColley

**Senator Rob McColley:** Here

**Assistant Secretary-Treasurer:** Representative Greenspan

**Representative Dave Greenspan:** Here

**Chairman:** We have a quorum. This is the 666<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting here at the Commission's headquarters, as provided for in the Commission's Code of Bylaws for a Commission Meeting.

Various reports will be received, and we will act on a few 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 September 16, 2019, Commission Meeting? Any questions, comments, or additions? Hearing none, please call the roll.

**MOTION:** A motion to adopt the Minutes of September 16, 2019, Commission Meeting was made by Mr. Coviello and seconded by Mr. Peterson. All Commission Members present voted to approve the Minutes.

**Chairman:** The minutes are adopted. We will move on to the report of the Secretary-Treasurer, Mr. Peterson.

**Secretary-Treasurer:** The following items have been provided to the Members since the last scheduled meeting of the Commission September 16, 2019:

1. Ten Resolutions;
2. Draft Minutes of the September 16, 2019, 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, September 2019;
2. Total Revenue by Month and Year, September 2019;
3. Investment Report, September 2019;
4. Financial Statement, September 2019
5. Budget Report. Nine Months – 2019; and
6. Traffic Crash Summary Report, September 2019.

That concludes my report, Mr. Chairman.

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

**Executive Director, Ferzan M. Ahmed:** Thank you, Mr. Chairman. I would like to report on a few items this morning.

Last week, snow readiness events were held at all eight of our facilities. During these events, all equipment is checked for readiness and facilities are inspected for safety. Our maintenance crews take a lot of pride in keeping the equipment and facilities clean and in good working order. All our equipment passed inspection. There was a lot of positive media coverage with all events.

Back in May, we started the “W82TXT” Campaign for 2019. Our contest was for students in grades 9-12. They were asked to create short videos about the dangers of texting and driving. Eighteen videos were submitted by students from all over Ohio. Our staff, with the help of the Highway Patrol, narrowed it down to five, and then we asked people to vote through social media. We received over 2,500 votes. The top three vote-getters get to choose from these great prizes:

- GoPro video camera;
- Apple iPad; and
- \$250 Amazon Gift Card.

The grand prize winner, Sam Holter, is a Junior at Boardman High School in Youngstown. He also receives a check for \$500.00 to donate to his high school booster club. I would like to play the video for everyone now. That video tells a story. Not many words needed to describe that. Texting and driving is an epidemic for our young drivers.

Recently, the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Executive Director, Grace Gallucci, mentioned to me that the Ohio Turnpike has never been a member of NOACA and ought to be a non-voting member since we are not eligible for funding. As transportation transitions to mobility as a service, I think that we should have a seat at the table when it comes to regional planning. On September 13, 2019, the NOACA board voted the Ohio Turnpike and Infrastructure Commission as a non-voting member of NOACA. I want to thank Director Gallucci for her partnership and support.

The last item I want to report on is something that is very near and dear to my heart. I am a big believer in organizational metrics and organizational efficiency. Our mission statement at the Turnpike is: *“To be the industry leader in providing safe and efficient transportation services to our customers, communities and partners.”* It is important for us to first define how we will measure the success of being the industry leader in providing safe and efficient transportation services to our customers, communities and partners. So, we need to create measurable objectives to determine success.

On September 25-26, 2019, the leadership team got together to discuss vision, strategy and objectives. There were twenty-six of us, including all directors and office managers.

We had a facilitator with whom I worked with to define five objectives or guiding principles. These are enterprise level objectives that are common to all areas. When we incorporate our guiding principles into our mission statement, we will restate it as:

*“To be the industry leader in providing safe and efficient transportation services to our customers, communities and partners, we will...”*

1. Improve safety (of our employees and our customers);
2. Improve quality of work life (of our employees);
3. Improve customer experience;
4. Maintain excellent system conditions (pavement, bridge, culverts, fleet, technology, buildings); and
5. Maintain strong financial stewardship.”

These guiding principles apply to every department at the Turnpike, and we will show the results on a dashboard. I believe we will be one of only a few public agencies with actual measurable goals and a dashboard.

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

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

**Representative Greenspan:** Senator McColley will remember this, in the last General Assembly the Legislature and the Governor signed into law House Bill 95, which is the distracted driving bill which went into effect October 29, 2018. If I remember, anyone under the age of 18 it was a primary offense subject to a fine and an automatic suspension of driving privileges and over 18 was a secondary offense and a fine only. So, we have taken some proactive steps to deal with the total distracted driving issue, not only texting, but also other forms of distracted driving, as well. So, we are trying to do our part to participate and eliminate or reduce the impacts of distracted driving.

**Chairman:** Thank you, Representative Greenspan. Any other questions or comments? Hearing none, we will move on to the report of the Chief Engineer, Tony Yacobucci.

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

The first resolution for your consideration seeks authorization to award Contracts for the emergency repair of the eastbound mainline slope embankment and right lane and shoulder pavement at Milepost 222.2 in Mahoning County. The slope failure is an extraordinary circumstance that represents a potentially dangerous and unsafe condition which requires immediate action by the Commission to protect the traveling public. The Engineering staff consulted with National

Engineering and Architectural Services, Inc. (“NEAS”), who reviewed the slope failure and proposed a cost-effective design solution to the slope failure. This solution requires the installation of steel reinforced concrete drilled shafts and replacement of pavement and guardrail for approximately 400 feet of the mainline roadway. Two separate contracts will be required to be awarded, one (1) for the purchase of the steel reinforcement beams and one (1) for the construction of the drilled shafts, steel beam reinforcement installation, embankment, and roadway work. In order to expedite the repair, the Commission will procure the steel reinforcing beams and the estimated cost of the steel is between \$0.4375 and \$0.62 per pound rolled and delivered to the project site. This repair will require approximately 500,000 pounds of steel reinforcing beams, and we have sought bids for the steel beams from Triad Metal International, Inc., Steel Dynamics, Inc., and Skyline Steel, LLC. The Engineering and Procurement Department staff are working together to procure the steel for the slope repair in the most expeditious and cost-effective manner. For the drilled shaft installation, embankment, and roadway construction work, Procurement invited three (3) contractors, Shelly & Sands Co., Kokosing Construction Company and Great Lakes Construction Company, to provide bid pricing for this work. The estimated cost of the steel reinforcing beams, installation of the drilled shafts, embankment, roadway construction, and other miscellaneous items is approximately \$1,000,000.00. Due to this extraordinary emergency, with potential safety impacts to our traveling public, effects on adjacent projects, and the short time remaining in the 2019 construction season, the Commission will be exercising its authority under Ohio Revised Code 5537.07(G) to contract without public advertisement. Therefore, it is recommended that the Commission authorizes and directs the Executive Director or the Chief Engineer to accept the lowest and most responsive bid of Shelly & Sands Co., Kokosing Construction Company, or Great Lakes Construction Company. It is also recommended that the Commission authorizes and directs the Executive Director or Chief Engineer to accept the best value bid and procure the steel reinforcing beams from Triad Metal International, Inc., Steel Dynamics, Inc., or Skyline Steel, LLC. This resolution also contains provisions to assign National Engineering and Architectural Services, Inc., of Cleveland, Ohio, to perform construction administration, inspection and material testing services.

Subsequent to issuing this draft Resolution in your Commission Meeting packets on Tuesday October 15, 2019, the Commission received bids from all three (3) construction contractors on October 17, 2019, with the apparent low bid being submitted by Great Lakes Construction Company of Hinkley, Ohio in the amount of \$664,674.00. This bid was evaluated by Engineering staff and was found to contain no errors or anomalies. Great Lakes has satisfactorily completed projects for the Commission in the past. Additionally, the Commission received bids from all three (3) potential steel suppliers. The most expeditious and cost-effective quote was provided by Triad Metals International, Inc., of Pittsburgh, PA, in the amount of \$229,206.25.

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

**General Counsel:** Resolution to Award a Contract for Emergency Slope Failures in the Total Estimated Amount of \$1,000,000.00.

**Chairman:** Any questions?

**Mr. Coviello:** What is the cause of the slope failure?

**Chief Engineer:** Mr. Chairman and Commission Member Coviello, it appears to be a deep seated failure. We have had failures throughout the Turnpike in the past but nothing of this seriousness. Most of them were sluffing off on the sides of the slopes and shoulder. In this case, we've actually seen the pavement settle about eight inches in the shoulder. This entire slope is actually on embankment and we are concerned about it sneaking into the right and left lanes therefore, closing down the entire Turnpike.

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

**Mr. Pakush:** Tony, I know sometimes when this happens on ODOT roads and we do a lot of emergency work similar to this after a rain event. Is there saturation or a rain event that happened to cause this?

**Chief Engineer:** Mr. Chairman and Commission Member Pakush, as you are aware this entire spring season has been extremely rainy and this slope was actually scheduled for repair and was repaired to the degree that we are in dispute with the contractor that did repair it. So, there were some repairs that were actually done to this slope. Actually, about a half of a mile down the road, we repaired a slope very similar to this just last year.

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

**MOTION:** A motion to *Resolution to Award a Contract for Emergency Slope Failures in the Total Estimated Amount of \$1,000,000.00* was made by Vice Chairman Paradiso, seconded by Mr. Pakush, and approved by all Commission Members present. Resolution No. 46-2019.

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

**Chief Engineer:** The next resolution for your consideration seeks the Commission's authorization to award Contract No. 4353 for the furnishing of approximately 575,000 pounds of hot-pour, ready mixed joint sealant material. On September 23, 2019, Procurement received two (2) bids for this material under Bid Invitation No. 4353. The apparent low bid was submitted by Crafc0, Inc. ("Crafc0"), of Chandler, Arizona, at a unit price of \$0.354 per pound. Crafc0 proposes to furnish the joint sealant material and services in accordance with the Specifications. Additionally, Crafc0 has furnished similar material to the Commission in the past and has performed satisfactorily. Therefore, I am recommending that an award be made to Crafc0, Inc., of Chandler, Arizona, in the amount of \$213,727.50, which includes the five percent delivery variance required by the Bid Invitation. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Awarding a Contract for Joint Sealant Under Invitation No. 4353 to Crafc0 Inc. in the Total Contract Price of \$213,727.50.

**Chairman:** Any questions or comments?

**Representative Greenspan:** Does the Commission have a “Buy Ohio” program to encourage Ohio participation, and if a bid is within a certain specification, the Ohio contractor is given an opportunity to match that out-of-state low bidder?

**General Counsel, Jennifer Stueber:** Mr. Chairman and Representative Greenspan, yes.

**Chairman:** I believe we have talked about this before when there was a Canadian firm or something last time?

**Chief Engineer:** Correct, Mr. Chairman. In this case, while their headquarters is in Chandler, Arizona, this material is actually produced in Youngstown, Ohio.

**Chairman:** I thought that was the case. Any other questions or comments? Hearing none, please call the roll.

**MOTION:** A motion to *Resolution Awarding a Contract for Joint Sealant Under Invitation No. 4353 to Crafcro Inc. in the Total Contract Price of \$213,727.50* was made by Mr. Pakush, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 47-2019.

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

**Chief Engineer:** The third resolution for your consideration seeks Commission authorization to award Project No. 71-19-10 to perform Project Management Services for modernizing the Ohio Turnpike’s Toll Collection System and implementing the Strategic Plan, as adopted by the Commission under Resolution No. 57-2017. On July 17, 2019, the Commission published notice of its Requests for Proposals with a submission deadline of August 13, 2019. Procurement received technical proposals from four (4) firms for the subject services. An evaluation team consisting of the Chief Engineer, Director of Toll Operations, Director of Audit and Internal Control, Chief Technology Officer, DED/CFO/Comptroller, and the General Counsel reviewed and evaluated the technical proposals and concluded that the proposal submitted by Stantec Consulting Services, Inc. (“Stantec”), of Cleveland, Ohio, was the highest-ranking proposal. On October 1, 2019, a final fee proposal was submitted in the amount of \$305,000.00 for providing the First Year On-Site Project Management Services. Due to the nature of this contract and tasks being identified on an as-needed basis, we are requesting Commission authorization for the award of Project No. 71-19-10 to Stantec Consulting Services, Inc., of Cleveland, Ohio, for the First Year On-Site Project Management Services and Miscellaneous Tasks in the initial estimated amount of \$500,000.00. Additional Commission authorization may be requested for future years of On-Site Project Management Services and Miscellaneous Tasks. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Awarding a Contract to Stantec Consulting Services, Inc. to Provide Toll Collection System Project Management Services in the Initial Estimated Amount of \$500,000.00.

**Chairman:** Does somebody have another contract regarding this? Not the inspection, but the actual design?

**Chief Engineer:** Mr. Chairman, yes. There are several contracts with respect to the toll collection system, but not for project management services.

**Chairman:** I thought we already awarded the contract. This is for the construction manager so to speak, correct?

**Chief Engineer:** Mr. Chairman, this is for them to assist both my engineering staff, as well as David Miller, who is the project manager on this, and to have somebody physically on-site here to basically assist us with all of the work that we are doing as the Commission.

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

**MOTION:** A motion to *Resolution Awarding a Contract to Stantec Consulting Services, Inc. to Provide Toll Collection System Project Management Services in the Initial Estimated Amount of \$500,000.00* was made by Chairman Hruby, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 48-2019.

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

**Chief Engineer:** The next resolution for your consideration seeks Commission authorization to modify Contract No. 71-18-14 with GPD Group (“GPD”), of Akron, Ohio, relating to the renovation and improvements to the Middle Ridge and Vermilion Valley Service Plazas in Lorain County. On September 28, 2018, Procurement received five (5) Letters of Interest, from which three (3) firms were deemed most qualified and invited to submit technical proposals. Engineering staff reviewed the technical proposals and concluded that GPD was the most qualified firm to perform the services. The Commission, through its Executive Director under the authority of Article V, Section 1.00 of the Bylaws, executed an Agreement for Phase 1A Services - Site Inspection and Engineering Report in an amount not to exceed \$68,054.00. On September 6, 2019, GPD submitted a fee proposal to perform Phase 1B Services which includes Final Design and Plan Preparation in an amount not-to-exceed \$173,718.00. The additional costs to obtain the necessary Phase 1B Services for Project No. 71-18-14 will increase the cost of the contract in excess of the Executive Director’s contracting authority, therefore requiring Commission authorization of the contract modification. Therefore, we are requesting Commission authorization to amend the Agreement for Project No. 71-18-14 with GPD Group, of Akron, Ohio, for Phase 1B Services of this Project in the amount not-to-exceed \$173,718.00 and in the total amount of \$241,772.00. With your permission, may the General Counsel please read the title of the Resolution?

**General Counsel:** Resolution Approving the Authorization for GPD Group to Perform Phase 1B – Design and Plan Preparation Services Under Project No. 71-18-14 in the Not-to-Exceed Amount of \$241,772.00.

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



**MOTION:** A motion to *Resolution Approving the Authorization for GPD Group to Perform Phase 1B – Design and Plan Preparation Services Under Project No. 71-18-14 in the Not-to-Exceed Amount of \$241,772.00* was made by Mr. Peterson, seconded by Ms. Eaton Johnson, and approved by all Commission Members present. Resolution No. 49-2019.

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

**Chief Engineer:** The next five resolutions for your consideration declare that the acquisition of property is necessary to construct new toll plazas, both eastbound and westbound, along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near Milepost 49 in connection with the new toll collection system. The property acquisition is necessary for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Toll Collection System and Customer Service Center Strategic Plan for modernizing the Ohio Turnpike Toll Collection System as adopted by the Commission under Resolution No. 57-2017. In connection with the Strategic Plan, the Commission has undertaken the planning and design for new toll plazas along with access ramps at or near Milepost 49 for the new toll collection system. In furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire the following parcels, as depicted on the slide shown on the monitor in front of you:

- 1.) a 0.511 acre parcel owned by AGS, LLC adjacent to the north of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22621, and recorded in Official Record No. 20170127-0003749 of Lucas County Records. This parcel is highlighted in blue and is shown in the top right of the slide on the monitor;
- 2.) a 0.509 acre parcel owned by AGS, LLC adjacent to the south of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22667, and recorded in Official Record No. 20170127-0003749 of Lucas County Records. This parcel is highlighted in blue and is shown in the bottom middle of the slide on the monitor;
- 3.) a 0.617 acre parcel owned by AGS, LLC adjacent to the south of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22621, and recorded in Official Record No. 20170127-0003749 of Lucas County Records. This parcel is highlighted in blue and is shown in the bottom right of the slide on the monitor;
- 4.) a 0.593 acre parcel owned by Daniel Boltz adjacent to the north of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate

currently designated as Lucas County Auditor's Permanent Parcel No. 72-22731, and recorded in Official Record No. 19940624-0950904 of Lucas County Records. This parcel is highlighted in yellow and is shown in the top left of the slide on the monitor;

- 5.) a 0.582 acre parcel owned by Daniel Boltz adjacent to the south of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22731, and recorded in Official Record No. 19940624-0950904 of Lucas County Records. This parcel is highlighted in yellow and is shown in the bottom left of the slide on the monitor; and
- 6.) a 0.302 acre parcel owned by Amy E. Howard adjacent to the north of the Ohio Turnpike in Swanton Township, Lucas County, which is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22671, and recorded in Official Record No. 20060130-0005927 of Lucas County Records. This parcel is highlighted in green and is shown in the top middle of the slide on the monitor.

The proposed resolutions authorize and direct the Executive Director or the General Counsel to negotiate for a reasonable time, and if possible, enter into an agreement, for the purchase of the aforementioned properties. In addition, if negotiations fail, the Executive Director or the General Counsel shall begin proceedings to appropriate and prosecute the appropriation of fee title to the properties and any necessary easements. With your permission, may the General Counsel please read the title of each resolution and allow for the Commission act upon each resolution independently?

**General Counsel:** Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22621 (North of the Ohio Turnpike).

**Chairman:** Any questions or comments?

**Vice Chairman:** This might take care of five other resolutions. Please talk about if we don't negotiate. What happens? Since I have been here, we have never done that. I know it happens with government agencies. What happens for us to take that property or to prosecute to get that property? How does that work?

**General Counsel:** Mr. Chairman and Vice Chairman Paradiso, the Commission has hired a land acquisition firm. We did a search and identified a firm that works with ODOT a lot and primarily in the northern part of the Ohio, although they are licensed to work anywhere in Ohio. We are statutorily required to present them certain information pursuant to Chapter 163. We will do that. The land acquisition agent is West Erie Realty Solutions and they will meet personally with every single property owner, explain to them the process and identify what their rights are as we are required to by statute. They will be hand-delivering our statutorily required notice, and attempt to negotiate. On the schedule, we have three months reserved for negotiations

and then we will decide what to do after that depending on how close we are and if we want to extend the time for negotiations or if we haven't signed a purchase agreement by then, depending on what the engineering schedule is, we may proceed to file a petition with the court. The statute allows us to file in either common pleas or probate court. Typically, government entities file in probate court because that is where the judges are that are familiar with land appropriations. We will make that decision when we get there. I have been working with the land acquisition agent since the beginning of summer. He is very confident that we will reach an agreement with all of these property owners. The appraiser has spoken with and walked the property of all these properties. Your packets this morning are very thick because you have a full and complete copy of the appraisal report for each property. We have done our homework. We have all of our papers lined up and ready to go.

**Mr. Coviello:** Does it come back to us before the sale?

**General Counsel:** No. The resolutions before you identifies that it as authorization to present to the property owners and negotiate. If negotiations fail, then it authorizes me or the Executive Director to pursue with the proceedings in court. It is a petition for appropriation of property.

**Chairman:** What if the dollar value exceeds \$150,000.00? Does it have to come back?

**General Counsel:** No, that is what the resolution is for and that is why I provided the appraisal reports that has the per acre value. So, the negotiations will center on the appraisal reports and the appraised value. Those values are anywhere between about \$4,000.00 and \$7,000.00 per acre. As you can see, the size of the parcels that the Chief Engineer has identified as necessary to continue with the Strategic Plan are all less than an acre. The dollar amounts to be negotiated are based on the appraised value.

**Chairman:** Have made contact with these people yet?

**General Counsel:** Through the appraiser, yes. The appraiser has walked the property and spoke with all of the property owners. All of the parcels are required by statute to be set out in a separate resolution for your consideration and vote. The reason we have two parcels in one of the resolutions is because they are adjacent and the same property owner. So, anytime the properties have the same owner and are adjacent, we can put them in one resolution. As you can see from the map that the Chief Engineer has provided, there is a blue parcel on the northside, so I put that in a separate resolution for your consideration.

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

**MOTION:** A motion to *Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22621 (North of the Ohio Turnpike)* was made by Vice Chairman Paradiso, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 50-2019.

**Chairman:** The resolution passes unanimously. Please read the title of the next resolution, Jennifer.

**General Counsel:** Resolution Declaring the Necessity of Appropriating Properties and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel Nos. 72-22667 and 72-22621 (South of the Ohio Turnpike).

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

**MOTION:** A motion to *Resolution Declaring the Necessity of Appropriating Properties and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel Nos. 72-22667 and 72-22621 (South of the Ohio Turnpike)* was made by Vice Chairman Paradiso, seconded by Mr. Pakush, and approved by all Commission Members present. Resolution No. 51-2019.

**Chairman:** The resolution passes unanimously. Please read the title of the next resolution, Jennifer.

**General Counsel:** Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (North of the Ohio Turnpike).

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

**MOTION:** A motion to *Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (North of the Ohio Turnpike)* was made by Vice Chairman Paradiso, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 52-2019.

**Chairman:** The resolution passes unanimously. Please read the title of the next resolution, Jennifer.

**General Counsel:** Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (South of the Ohio Turnpike).

**Chairman:** Any questions or comments?

**Vice Chairman:** I want to comment to the Executive Director, Tony, and Jennifer, very thorough. I am looking at this and made a couple of comments, while we cut down a lot of trees, this is very thorough, leaves very little for us to question and doubt. I appreciate your efforts with getting this ready. Thank you very much.

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

**MOTION:** A motion to *Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (South of the Ohio Turnpike)* was made by Mr. Pakush, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 53-2019.

**Chairman:** The resolution passes unanimously. Please read the title of the next resolution, Jennifer.

**General Counsel:** Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22671.

**Chairman:** Any questions or comments?

**Ms. Eaton Johnson:** So, going back to a previous question about appraised value, is there something that stipulates our ability, if necessary, to go above appraised value? Is there a certain percentage or threshold that we cannot exceed in the negotiations?

**General Counsel:** By statute, no. There is no statutory limit. Chapter 163 of the Ohio Revised Code dictates that we are required to do an appraisal, which are in your packets, and that is where we start negotiations at and if the property owner counteroffers, that is up to the Executive Director and that is what the resolution is authorizing.

**Executive Director:** Mr. Chairman, may I give a couple of examples to clarify the question? I have dealt with a lot of this in my previous jobs at ODOT, and we hesitate in terms of percentages. I will give you an example, if there were a property that we thought the fair value was \$5,000.00 and the owner comes back at \$10,000.00, well that is a 100% increase, but the value is so small that I would probably say yes. By the same token, if we were appraising the property at \$100,000.00 and somebody else came back with \$300,000.00, or even \$150,000.00, which is a 50% increase, we would have to think carefully about countering and not just agreeing. We will look at each one of them individually.

**Mr. Coviello:** Mr. Chairman, will we get a report or update with how we ended up with these properties?

**General Counsel:** Yes, absolutely.

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

**MOTION:** A motion to *Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22671* was made by Chairman Hruby, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 54-2019.

**Chairman:** All of the appropriation resolutions were adopted unanimously. Anything else, Tony?

**Chief Engineer:** Mr. Chairman, I would just like to add that the Annual Inspection Report as required by the Master Trust Agreement is in your packets today. Everything is in good order. That completes my report. I would be happy to answer any questions.

**Chairman:** Thank you. We will move on to the report of the Director of Internal Audit and Control, David Miller.

**Director of Internal Audit and Control:** Good morning, Mr. Chairman and Commission Members.

I have one resolution for your consideration this morning. Following that, I would like to provide you with a brief update on our ongoing projects for the modernization of the *E-ZPass*<sup>®</sup> Customer Service Center and Roadside Toll Collection Systems.

Throughout 2019, the Technology and Internal Audit Departments have undertaken several challenging initiatives to strengthen security and control over the Commission's sensitive and confidential customer information.

These initiatives include improving compliance with Payment Card Industry Data Security Standards and adoption of the National Institute of Standards and Technology Cybersecurity Framework.

While much progress has been achieved in recent months, successful completion of these and related initiatives requires additional resources and specialized knowledge beyond the expertise of Commission personnel.

To obtain the needed assistance, a proposal for Information Technology Advisory Services was requested from Experis, Inc. under the Commission's existing contract for Contract Compliance and Other Miscellaneous Auditing Services. This proposal was approved on August 14, 2019.

A senior-level cybersecurity consultant from Experis is now working on-site with Commission personnel and achieving the desired results.

Historically, the various services rendered under the Contract Compliance and other Miscellaneous Auditing Services contract have been of limited scope and complexity, resulting in fees totaling well below the \$150,000.00 threshold requiring formal Commission approval.

The challenging nature of the cybersecurity work and expected duration of the Commission's initiatives in this area suggest, however, that fees under the current three-year contract term with Experis, which commenced in February 2018, will likely surpass \$150,000.00 before the end of first quarter 2020.

As this work is integral to the deployment of the Commission's new *E-ZPass*<sup>®</sup> Customer Service Center system planned for next year, the need for the Experis services is expected to continue through the summer months of 2020 and potentially beyond.

It is therefore recommended that the Commission formally approve fees for professional services from Experis, Inc. up to a maximum of \$500,000.00 through February 15, 2021, the end of the current three-year contract term.

With your permission, may I have the General Counsel please read the title of the resolution which outlines this recommendation?

**General Counsel:** Resolution Authorizing a Contract with Experis US, Inc. in the Estimated Maximum Amount of \$500,000.00.

**Chairman:** Any questions or comments?

**Vice Chairman:** With having the privilege of serving on the Audit Committee, working with David and his team, I want to applaud his efforts. I think you are doing a great job. You have a lot on your plate and you continue to be thorough and diligent. I want to thank you and compliment your leadership.

**Chairman:** Anything further? Hearing none, please call the roll.

**MOTION:** A motion to *Resolution Authorizing a Contract with Experis US, Inc. in the Estimated Maximum Amount of \$500,000.00* was made by Vice Chairman, seconded by Mr. Peterson, and approved by all Commission Members present. Resolution No. 55-2019.

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

**Director of Audit and Internal Control:** I would now like to provide a brief update concerning progress toward the modernization of the Commission's *E-ZPass*<sup>®</sup> Customer Service Center and Roadside Toll Collection Systems.

With respect to the modernization of the *E-ZPass*<sup>®</sup> Customer Service Center, Commission personnel continue to work closely with representatives of the new system integrator, TransCore, to finalize the design of the new system, begin development, and formulate plans for transition.

In the coming weeks, focus is expected to begin transitioning toward initial testing of various system components.

Phase 1 of the Customer Service Center modernization, wherein the new system will be integrated with the existing roadside toll collection system, remains on schedule for deployment in May of next year.

Concurrent with implementation activities for the new Customer Service Center system, significant advancements in the procurement phase for the modernization of the roadside toll collection system were achieved over the last two months.

The initial draft RFP was substantially refined with assistance from consultants from Stantec and Jacobs Engineering.

Following this refinement, the draft RFP was issued to a list of interested industry parties on August 5, 2019 for their review and comment.

Feedback from this industry comment period was reviewed and used to finalize the RFP.

Recipients of the draft RFP were also invited to submit qualifications for further participation in the procurement process.

Six companies submitted qualifications.

The Commission Project Team evaluated submissions from these six companies and identified four as most qualified to advance in the procurement process for the new system:

- Conduent State & Local Solutions, Inc., of Germantown, Maryland;
- Electronic Transaction Consultants Corporation, of Richardson, Texas;
- Kapsch Trafficom USA, Inc., of McLean Virginia; and
- TransCore, LP, of Nashville, Tennessee.

The final RFP was released to these four companies on October 5, 2019.

A mandatory pre-proposal conference is taking place here at the Administration Building tomorrow.

Proposals are due on December 6, 2019. It is the goal of the Project Team to present a recommendation for the new toll collection system integrator at the February 2020 Commission Meeting.

Mr. Chairman, that completes my report. May I answer any questions?

**Chairman:** Any questions? Thank you for your thoroughness. We will move on to the report of the DED/CFO/Comptroller, Marty Seekely.

**DED/CFO/Comptroller, Marty Seekely:** Thank you, Mr. Chairman. First, I would like to report that Moody's has completed their annual review of the Turnpike's financial condition and has maintained their Aa2 rating of our Senior Lien Bonds and their Aa3 rating on our Junior Lien Bonds. The Aa3 rating on the Junior Lien Bonds is the highest rating of the three credit rating agencies that rate our Junior Lien Bonds.

Next, I have a brief update on our traffic and revenue for the month of September.



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 down 3.4% from September of last year. There was one less weekend day this year than there was last year.

Commercial traffic was 0.6% lower in September as the economy continues to moderate from its strong growth over the last few years. September had one more weekday this year than last year.

The decrease in passenger car traffic combined with an increase in *E-ZPass*<sup>®</sup> use more than offset the toll rate increase and as a result passenger car toll revenue decreased 1.0% September.

The decrease in commercial traffic combined with the toll rate increase caused commercial vehicle toll revenues to increase 1.4% in August.

This chart shows year-to-date toll revenues through the month of September during each year over the past decade. Year-to-date total toll revenues were \$976,000.00 or 0.4% above the amount from last year.

That completes my report, Mr. Chairman.

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

**Representative Greenspan:** As we do improvements on the Turnpike, I know 152 has been closed down for a while, do you have a per toll plaza summary to determine how much revenue we are losing when a toll plaza shuts down. Personally, I now have to take I-480 to I-71 to get to Columbus, so you are losing my revenue. I am just curious.

**DED/CFO/Comptroller:** We do track our revenues and our trips by plaza. We post our Traffic and Revenue Report on the internet. I also believe it is in your packets as well. On the last page it is broken down by number of trips for each toll plaza and we did definitely see a decrease at 152 because of the closures. We closed the ramps in one direction for a while and then now we are closing the ramps in the other direction, so we definitely have seen an impact when we close ramps.

**Chairman:** Anything else? Thank you for our report, Marty. We will move on to the report of our 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, Lieutenant Richard Reeder.

**Lieutenant Reeder:** Good morning, Mr. Chairman and Commission Members.

First off, Staff Lieutenant Haymaker had a unique opportunity to go to the FBI Academy for some advanced training. Kudos to him that he got to go, so unfortunately, you are stuck with me for the next couple of meetings.

Real quick, I want to echo the comments at the start of the meeting today in reference to snow and ice preparation. Those are our brothers and sisters out there during the bad weather and I know from personal experience that inspections can be tough, but they are for a purpose and truly we appreciate everything they do.

The first incident I want to discuss today, which most of you probably saw as the Cleveland media ran it quite heavily at the start of this month, wherein on September 7, 2019, Trooper Sikola was out rendering aid to a motorist. He was changing a tire when a vehicle came into the berm striking the vehicle and narrowly missing the Trooper. We deal with close calls on a day-to-day basis, but unfortunately, this one was a lot closer than we thought. Thankfully, the Trooper was cognizant and was watching traffic. The female in the car didn't even know what happened and she is kind of dazed herself. Unfortunately, the person didn't realize what the vehicle hit, she thought it was a guardrail. We ended up tracking the vehicle down and what we determined was that she claimed to be sleepy. It just stresses that sleepy driving is distracted driving as well. It is something that we try and educate the public on. Vehicles can be replaced and fortunately everyone involved was not severely injured. We did get the vehicle stopped and there was prosecution on that.

The second incident involves a seizure, wherein a Trooper from the Hiram Post stopped a vehicle for following too closely. Criminal indicators were present. He called for a K-9, the K-9 indicated and we did a probable cause search of the vehicle. We found two containers containing approximately forty-four pounds of marijuana. The estimated street value is in excess of \$120,000.00.

The third incident involves a seizure, wherein a Trooper from the Milan Post stopped a vehicle in Sandusky County for a speed violation. Again, the plain smell of marijuana was noticed coming from the vehicle. We did a probable cause search and found fraudulent credit cards. This has been a trend that we have seen this past year that really has gone up. The criminal element has their own printers, their own computers, and are preparing these cards, they are embedding the information on them. What is really difficult for us is we try to track down each one of these victims to notify them what's going on. In many cases, the persons involved are transient. We had a case last year of several iPhones, and iPads that were purchased fraudulently.

The fourth incident involves a marijuana seizure. Trooper Beyer, from the District 2 Criminal Patrol Team, stopped a passenger car traveling eastbound in Erie County. The odor of marijuana and some other criminal indicators were noticed. With the assistance from the United States Custom and Border Protection Agent Pat Barron, we were able to get a probable cause search of that vehicle and recover that marijuana, which had a street value of just over \$22,000.00.

That completes my report.

**Chairman:** Thank you, Lieutenant. What is the number of citations lately? Are they going up or going down?

**Lieutenant Reeder:** There has been an avid flow. At my post, we are down a little bit, but our numbers are down for Troopers. What we have seen, we are kind of in the middle there, we call it vacation land, with everyone going to Sandusky, the islands. Cedar Point has really been off the hook lately with the attendance with their pass. We have been concentrating our enforcement efforts with an airplane on the weekend mornings. The speeds that we are getting has just been outrageous. We had a commercial tanker in excess of one hundred miles-per-hour. The speeds on the weekends are typically well above ninety miles-per-hour. We are so busy that we can't stop every car.

**Chairman:** I travel the Turnpike a lot on the weekends , I have noticed that traffic is really moving.

**Lieutenant Reeder:** It really does. Just to drive up here in a marked patrol car, vehicles will pass me and you just scratch your head. We do our best for the enforcements, but also the education side.

**Mr. Peterson:** The tanker going over one hundred miles-per-hour, is that a reckless operation violation? Is that an arrestable charge at that point?

**Lieutenant Reeder:** Unfortunately, it is not. We can charge them with a reckless operation, but there has to be something. A lot of times it is the individual court. Some judges, if it is twenty over, they demand an appearance, other courts do not. Unfortunately, I think that the fines and some of the stuff that we do, we need to re-evaluate because it seems like a seatbelt ticket when I started twenty-one years ago, is about the same as it is now. I feel that there can be maybe be a little bit more of a deterrent effort through legislation or something of that nature to help us make people not want to go that fast.

**Chairman:** Anything further? Thank you again for all of your work.

The next meeting will be held on November 18, 2019, at 10:00 a.m. 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. Paradiso and unanimously approved by all Commission Members present.

Time of adjournment: 11:03 a.m.

**Attendees for Record Keeping Purposes:**

Sean Tihal, Stantec; Brian Meluch, CT Consultants; Alan Biehl, TranSystems; Michael Burgess, Prime AE; Ed Adamczyk, Arcadis; Halle Capers Jones, G. Stephens; Vickie Wildeman, DLZ; Paul Strack, Woolpert; Scott Buchanan, AECOM; Jake Siesel, IUOE 18; Jason Watson, MSG; Bethany Pugh, PFM; Maureen Schildwachter, HNB; Hamid Homae, KS Associates; Martin Seekely, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Matt Cole, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Michelle Hall, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

# **EXHIBITS**

1. Resolution to Award a Contract for Emergency Slope Failures in the Total Estimated Amount of \$1,000,000.00;
2. Resolution Awarding a Contract for Joint Sealant Under Invitation No. 4353 to Crafcoc Inc. in the Total Contract Price of \$213,727.50;
3. Resolution Awarding a Contract to Stantec Consulting Services, Inc. to Provide Toll Collection System Project Management Services in the Initial Estimated Amount of \$500,000.00;
4. Resolution Authorizing GPD Group to Perform Design and Plan Preparation for Renovations Under Project No. 71-18-14 Phase 1B in the Not-to-Exceed Amount of \$241,772.00;
5. Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22621 (North of the Ohio Turnpike);
6. Resolution Declaring the Necessity of Appropriating Properties and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel Nos. 72-22667 and 72-22621 (South of the Ohio Turnpike);
7. Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (North of the Ohio Turnpike);
8. Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (South of the Ohio Turnpike);
9. Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22671; and
10. Resolution Authorizing a Contract with Experis US, Inc. in the Estimated Maximum Amount of \$500,000.00.

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution to Award a Contract for Emergency Slope Failures in the Total Estimated Amount of \$1,000,000.00**

WHEREAS, about 400 feet of embankment at MP 222 on the Ohio Turnpike in Mahoning County is sliding and the slope at or near MP 222 is failing (“Slope Failure”); and

WHEREAS, the Chief Engineer has inspected and has determined that the Slope Failure is a potentially dangerous and unsafe condition requiring immediate repair; and

WHEREAS, the Chief Engineer has determined that the Slope Failure is an extraordinary circumstance that requires the immediate action by the Commission to protect the traveling public; and

WHEREAS, the Chief Engineer has caused the Slope Failure to be inspected and consulted with National Engineering & Architectural Services, Inc. (“NEAS”) to design and propose a solution to the Slope Failure; and

WHEREAS, NEAS’ solution requires the Commission to purchase steel beams to support the slope, the cost of said steel beams is estimated to be between \$0.4375 and \$0.62 per pound rolled and delivered to the project site; and

WHEREAS, the Chief Engineer has estimated that the Slope Repair Contract will require approximately 500,000 pounds of steel beams, and is seeking bids for said steel beams from Triad Metal International, Inc., Steel Dynamics, Inc., and Skyline Steel, LLC; and

WHEREAS, the Chief Engineer is working to purchase the steel beams for the Slope Repair Contract in the most expeditious and cost effective manner; and

WHEREAS, the Chief Engineer is seeking bids from Shelly & Sands Co., Kokosing Construction Company and Great Lakes Construction Company, to construct the necessary repairs pursuant to a Slope Repair Contract to correct the Slope Failure as designed by NEAS; and

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

WHEREAS, Commission action is necessary to approve the Slope Repair Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the low bid received will require expenditures that will exceed \$150,000.00; and

WHEREAS, the Executive Director has reviewed the recommendations of the Chief Engineer and concurs with the recommendation that the Slope Failure constitutes an extraordinary emergency necessitating immediate action by the Commission and to award the Slope Repair Contract on said emergency basis; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike and Infrastructure Commission hereby determines that the Slope Failure at or near MP 222 in Mahoning County is an extraordinary emergency necessitating emergency repairs; and

FURTHER RESOLVED that the Executive Director or the Chief Engineer is hereby authorized and directed to accept the lowest and most responsive bid of Shelly & Sands Co., Kokosing Construction Company or Great Lakes Construction Company or any combination thereof or any such comparably reputable construction company in the total estimated amount of \$1,000,000.00 for the performance of the emergency repairs pursuant to the Slope Repair Contract, and the Executive Director or the Chief Engineer is authorized to execute said Contract on the basis of said bid as determined by the Executive Director or the Chief Engineer in their professional judgment, provided that said contractor shall be and hereby is required to submit a performance bond with good and sufficient surety and all other documentation required by the General Counsel; and

FURTHER RESOLVED that the Executive Director or Chief Engineer is hereby authorized and directed to accept the best value bid and shall purchase the steel beams from Triad Metal International, Inc., Steel Dynamics, Inc., or Skyline Steel, LLC or any combination thereof or any such comparably reputable company in the total estimated amount of \$250,000.00 necessary for the completion of the emergency repairs pursuant to the Slope Repair Contract; and

FURTHER RESOLVED that the Commission approves the Executive Director or the Chief Engineer assigning NEAS to perform the necessary construction inspection, material testing and administration services for the correction of the Slope Failure in accordance with the Miscellaneous Professional Services Agreement between the Ohio Turnpike and Infrastructure Commission and said firm; 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. 46-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Awarding a Contract for Joint Sealant Under Invitation No. 4353 to Crafcoc Inc. in the Total Contract Price of \$213,727.50**

WHEREAS, the Commission advertised an Invitation for Bids to furnish the approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant under Invitation No. 4353; and

WHEREAS, the Commission received two bids in response to the Invitation, and the Commission's Deputy Chief Engineer reviewed and analyzed the timely bids submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer reports that Crafcoc Inc. ("Crafcoc"), of Chandler, Arizona, submitted the apparent low bid at a unit price of \$0.354 per pound; and

WHEREAS, the General Counsel advises that Crafcoc qualifies for consideration as the lowest responsive and responsible bidder, that all bids were solicited on the basis of the same terms, conditions and specifications, and that the bid of Crafcoc was accompanied by a bid guaranty with good and sufficient surety and complies with the requirements of Sections 5537.07 and 9.312 of the Ohio Revised Code; and

WHEREAS, the Deputy Chief Engineer reports that the bid of Crafcoc conforms with the bid specifications in all material respects, observed that Crafcoc has satisfactorily furnished similar material previously to the Commission, and recommends that the Commission select the bid of Crafcoc as the lowest responsible and responsive bid received under Invitation No. 4353, in the amount of \$0.3540 per pound, which may result in a total contract price of \$213,727.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached; and

WHEREAS, the amount of the bids received identify expenditures under Invitation No. 4353 that will exceed \$150,000.00, and Commission action is necessary to execute the Contract in accordance with Article V, Section 1.00 of the Commission's Bylaws.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Crafcoc Inc., under Invitation No. 4353, to deliver an approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant for its bid price of \$0.3540 per pound, which will result in a total contract price of \$213,727.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached, is approved as the lowest responsive and responsible bid received, and that the Executive Director is authorized to execute a Contract on the basis of said bid.

**(Resolution No. 47-2019 adopted October 21, 2019)**



## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Awarding a Contract to Stantec Consulting Services, Inc. to Provide Toll Collection System Project Management Services in the Initial Estimated Amount of \$500,000.00**

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

WHEREAS, in connection with the Strategic Plan, the Commission issued a Request for Proposal ("RFQ") on July 17, 2019 seeking Project Management Services for the installation of a new Toll Collection System and its integration with the Customer Service Center and Unpaid Toll Processing Systems; and

WHEREAS, on August 13, 2019, the Commission received "technical proposals" from four (4) firms requesting to be considered in response to the RFQ; and

WHEREAS, the technical proposals received by the Commission were evaluated by the Selection Committee, which consisted of Sharon Isaac (Director of Toll Operations), David J. Miller (Director of Audit and Internal Control), Brian D. Kelley (Chief Technology Officer), Martin S. Seekely (DED/CFO/Comptroller), Anthony D. Yacobucci (Chief Engineer) and Jennifer L. Stueber (General Counsel); and

WHEREAS, the Selection Committee ranked Stantec Consulting Services, Inc. as the highest, and the Selection Committee requested that Stantec Consulting Services, Inc. submit a fee proposal for an On-Site Project Manager as the initial task for the Services; and

WHEREAS, on October 1, 2019, Stantec Consulting Services, Inc. submitted the requested fee proposal in the amount of \$305,000.00 for an On-Site Project Manager but that due to the nature of this contract and tasks being identified on an as-needed basis, the Selection Committee is recommending the initial contract amount be authorized at \$500,000.00, to cover the first year of On-Site Project Management Services as well as other tasks the Commission staff deems necessary; and

WHEREAS, the Executive Director has reviewed the recommendation by the Selection Committee to accept the Fee Proposal submitted by the Stantec Consulting Services, Inc., and concurs that the Commission should authorize the initial contract amount of up to \$500,000.00 due to the nature of this contract and tasks being identified on an as-needed basis.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the Fee Proposal from Stantec Consulting Services, Inc. dated October 1, 2019 to perform the provide Toll Collection System Project Management Services to cover the first year of On-Site Project

Management Services as well as other tasks the Commission staff deems necessary, in the initial estimated amount of \$500,000.00 is accepted and approved; 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 services in furtherance of and are necessary for implementing the Strategic Plan 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. 48-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving the Authorization for GPD Group to Perform Phase 1B – Design and Plan Preparation Services Under Project No. 71-18-14 in the Not-to-Exceed Amount of \$241,772.00**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”), through the Executive Director under the authority of Article V, Section 1.00 of the Code of Bylaws, selected Glaus, Pyle, Schomer, Burns & Dehaven, Inc., dba GPD Group (“GPD Group”), of Akron, to perform professional services for renovations at the Middle Ridge and Vermilion Valley Service Plazas in Lorain County, Ohio (the “Project”) and authorized Phase 1A Facility Evaluation Report under Project No. 71-18-14 in the total amount of \$68,054.00; and

WHEREAS, the Commission retained options under the agreement with GPD Group to obtain additional services that are necessary to complete the Project through Phase 1B Services – Design and Plan Preparation Services (“Phase 1B Services”) and Phase 2 – Construction Administration and Inspection Services (“Phase 2 Services”); and

WHEREAS, GPD Group has submitted a fee proposal dated September 6, 2019, in the not-to-exceed amount of \$173,718.00 to perform the Phase 1B Services, which amount the Chief Engineer has deemed to be reasonable and necessary; and

WHEREAS, the amount described in the fee proposal from GPD Group, dated September 6, 2019, to perform the required Phase 1B Services will increase the contract by an amount that exceeds the Executive Director’s contracting authority under Article V, Section 1.00 of the Commission’s Code of Bylaws, and Commission approval is necessary to authorize the modification to the Agreement incorporating the fee proposal; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and approves the recommendation to authorize GPD Group to perform Phase 1B Services under Project No. 71-18-14; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the proposal from GPD Group dated September 6, 2019 to perform Phase 1B design and plan preparation for renovations at the Middle Ridge and Vermilion Valley Service Plazas under Project No. 71-18-14 in the not-to-exceed amount of \$173,718.00 is approved, and the Executive Director is authorized to amend the Agreement with GPD Group to perform such services in accordance with the terms and conditions of the Commission’s RFP for Professional Engineering Services, GPD Group’s technical response and fee proposals, in the not-to-exceed aggregate amount of \$241,772.00; 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 agreement with GPD Group to perform Phase 1B and/or Phase 2 services necessary for Project 71-18-14 that does not

exceed the Executive Director's contracting authority, and approve 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. 49-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22621 (North of the Ohio Turnpike)**

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

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 0.511 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.511 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein, the “Property”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22621, and recorded in Official Record No. 20170127-0003749 of Lucas County Records.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Property is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Property with the following person identified to be the current owner of the Property:

AGS, LLC 420 N. Hallet Ave., Swanton Township, Ohio 43558

and such other persons that have or may have an interest in said Property or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Property and any necessary easements on and over Parcel No. 72-22621 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Property described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-02 is a designated System project under the Master Trust Agreement.

**(Resolution No. 50-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Appropriating Properties and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel Nos. 72-22667 and 72-22621 (South of the Ohio Turnpike)**

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

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 0.509 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.509 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein as “Property A”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22667, and recorded in Official Record No. 20170127-0003749 of Lucas County Records;

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to also acquire a 0.617 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.617 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein as “Property B”) (Property A and Property B are collectively referred to herein as the “Properties”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22621, and recorded in Official Record No. 20170127-0003749 of Lucas County Records.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of the Properties is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Properties with the following person identified to be the current owner of the Properties:

AGS, LLC 420 N. Hallet Ave., Swanton Township, Ohio 43558

and such other persons that have or may have an interest in said Properties or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Properties and any necessary easements on and over Parcel Nos. 72-22667 and 72-22621 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Properties described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-02 is a designated System project under the Master Trust Agreement.

**(Resolution No. 51-2019 adopted October 21, 2019)**



## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (North of the Ohio Turnpike)**

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

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 0.593 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.593 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein, the “Property”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22731, and recorded in Official Record No. 19940624-0950904 of Lucas County Records.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Property is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Property with the following person identified to be the current owner of the Property:

Mr. Daniel Boltz, 2231 S. Fulton-Lucas Rd., Swanton Township, Ohio 43558

and such other persons that have or may have an interest in said Property or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Property and any necessary easements on and over Parcel No. 72-22731 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Property described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-02 is a designated System project under the Master Trust Agreement.

**(Resolution No. 52-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22731 (South of the Ohio Turnpike)**

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

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 0.582 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.582 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein, the “Property”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22731, and recorded in Official Record No. 19940624-0950904 of Lucas County Records.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Property is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Property with the following person identified to be the current owner of the Property:

Mr. Daniel Boltz, 2231 S. Fulton-Lucas Rd., Swanton Township, Ohio 43558

and such other persons that have or may have an interest in said Property or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Property and any necessary easements on and over Parcel No. 72-22731 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Property described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-02 is a designated System project under the Master Trust Agreement.

**(Resolution No. 53-2019 adopted October 21, 2019)**

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Declaring the Necessity of Appropriating Property and Directing That Proceedings to Effect Such Appropriation Begin and be Prosecuted for Permanent Parcel No. 72-22671**

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

WHEREAS, in connection with the Strategic Plan, the Chief Engineer has caused the design and planning for new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system; and

WHEREAS, in furtherance of, and as necessary for public use in implementing the Strategic Plan, and for the overall public purpose of modernizing, maintaining and operating the Ohio Turnpike in a safe and efficient manner, the Commission desires to acquire a 0.302 acre parcel adjacent to the Ohio Turnpike in Swanton Township, Lucas County, which 0.302 acre parcel (as legally described on Exhibit A attached hereto and incorporated herein, the “Property”) is a portion of the real estate currently designated as Lucas County Auditor's Permanent Parcel No. 72-22671, and recorded in Official Record No. 20060130-0005927 of Lucas County Records.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby declares that said acquisition of Property is necessary to construct new toll plazas (both eastbound and westbound), along with an eastbound access ramp from the Ohio Turnpike to the southern toll plaza and a westbound access ramp merging from the northern toll plaza on to the Ohio Turnpike, to implement both open road tolling and toll collection by traditional cash payment at or near MP 49 in connection with the new toll collection system, all for the modernization, proper operation, and maintenance of the Ohio Turnpike, as part of Project No. 74-19-02 under the Strategic Plan; and

FURTHER RESOLVED that in compliance with Ohio Revised Code Chapters 5537 and 163, the Executive Director or the General Counsel is authorized and directed to negotiate for a reasonable time, and if possible enter into an agreement, for the purchase of the Property with the following person identified to be the current owner of the Property:

Ms. Amy E. Howard, 14225 Shaffer Rd., Swanton Township, Ohio 43558

and such other persons that have or may have an interest in said Property or is otherwise required to be named in the proceedings for appropriation under Ohio Revised Code Chapter 163; and

FURTHER RESOLVED that the Executive Director or the General Counsel begin proceedings to appropriate and prosecute the appropriation of fee title to the Property and any necessary easements on and over Parcel No. 72-22671 or neighboring parcels; and

FURTHER RESOLVED that the Executive Director or the General Counsel be, and he/she is hereby instructed to do or cause to be done all things that may be reasonably necessary so that proceedings for the appropriation of the Property described herein may be commenced and completed; and

FURTHER RESOLVED that Project No. 74-19-02 is a designated System project under the Master Trust Agreement.

**(Resolution No. 54-2019 adopted October 21, 2019)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Authorizing a Contract with Experis US, Inc. in the Estimated Maximum Amount of \$500,000.00**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (the “Commission”) recognizes that the importance of implementing and following a well-defined and accepted cybersecurity framework cannot be understated, as the costs and administrative burden resulting from a data breach can be significant; and

WHEREAS, the Commission recognizes that potential data breaches pose a serious risk to the Commission’s operations because of the Commission’s revenue is in part received through electronic means and therefore the Commission processes sensitive information such as customer records, internal operating documents, and confidential records; and

WHEREAS, as a recipient of customers’ sensitive and confidential information such as customer accounts and credit card transactions, the Commission is required to maintain the Payment Card Industry Data Security Standards (“PCI DSS”); and

WHEREAS, the Commission believes that the safety and security of its data, and that of its customers, is of the highest priority and strives to continuously improve its security systems to protect the customers’ sensitive and confidential information; and

WHEREAS, in order to improve the level of security and to meet certain industry standards, the Executive Director of the Commission organized a Cybersecurity Framework Workgroup (“Workgroup”) to evaluate and recommend a cybersecurity framework to be adopted by the Commission; and

WHEREAS, the Workgroup is comprised of the following persons: Brian Kelley (Chief Technology Officer), David J. Miller (Director of Audit and Internal Control), Jennifer L. Stueber (General Counsel) and Martin Seekely (DED/Chief Financial Officer/Comptroller); and

WHEREAS, the Workgroup has recommended to the Executive Director that the Commission adopt the NIST Special Publication (SP) 800-53 Framework along with the Transportation Systems Sector (TSS) Cybersecurity Framework Implementation Guidance; and

WHEREAS, in addition to the Workgroup’s recommendation, Brian Kelley (Chief Technology Officer) and David J. Miller (Director of Audit and Internal Control) have led efforts to improve the Commission’s compliance with PCI DSS; and

WHEREAS, to accomplish the adoption of the NIST framework and to further the Commission’s compliance with PCI DSS, David J. Miller (Director of Audit and Internal Control) and Brian Kelley (Chief Technology Officer) have recommended that the Commission seek the assistance of security experts; and

WHEREAS, the Commission entered into a Contract for Compliance and Miscellaneous Auditing Services with Experis US, Inc. on February 15, 2018 (the “Contract”), which expires on February 15, 2021; and

WHEREAS, David J. Miller (Director of Audit and Internal Control) received a proposal from Experis US, Inc. to perform audit and miscellaneous professional services, which set forth hourly rates for such services and professionals; and

WHEREAS, David J. Miller (Director of Audit and Internal Control) and Brian Kelley (Chief Technology Officer) have recommended that the Commission retain security professionals at Experis US, Inc. for such services related to the implementation of governance, controls, policies and procedures in connection with the adoption of the NIST framework and to further the Commission’s compliance with PCI DSS, all in the estimated amount of \$500,000.00 over the 3-year term of the contract; and

WHEREAS, the Executive Director concurs with this recommendation; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that Ohio Turnpike and Infrastructure Commission approves authorization for the Executive Director to retain Experis US, Inc. under the terms and conditions of the Contract to perform the professional security services related to the implementation of governance, controls, policies and procedures in connection with the adoption of the NIST framework and to further the Commission’s compliance with PCI DSS, in the total not-to-exceed amount of \$500,000.00, which is based on the hourly rates as set forth in its fee proposal; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to further amend the Contract to perform additional services necessary that does not exceed ten percent of the total not-to-exceed amount approved to date for the Contract, and 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. 55-2019 adopted October 21, 2019)**