

**MINUTES OF THE 703<sup>rd</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
DECEMBER 19, 2022**

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

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

Chairman Jerry Hruby has been excused as he is unable to attend today. So, I get the honor of stepping in and filling the big shoes. Senator Bill Reineke and Representative Haraz Ghanbari are unable to attend today's meeting and they are excused.

We would like to welcome Office of Budget and Management Designee, Chief Legal Counsel, Michael Babin.

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

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

**Vice Chairman:** Here

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

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

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

**Commissioner, Guy Coviello:** Here

**Assistant Secretary-Treasurer:** Dr. Marchbanks

**Ohio Department of Transportation, Jack Marchbanks, PhD:** Here

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

**Office of Budget and Management, Michael Babin:** Here

**Vice Chairman:** We have a quorum. This is the 703<sup>rd</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 several resolutions. Draft copies have been provided to the Members prior to this meeting. The resolutions will be explained, questions and answers will be taken during the appropriate reports.

May I have a motion to adopt the Minutes of the November 21, 2022, Commission Meeting? Any corrections, additions, or questions regarding the Minutes? Hearing none, please call the roll.

**MOTION:** A motion to adopt the Minutes of the November 21, 2022, Commission Meeting was made by Mr. Coviello, seconded by Secretary-Treasurer Barber and approved by all Commission Members present.

**Vice Chairman:** The November 21, 2022, 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 November 21, 2022:

1. Eleven (11) Resolutions;
2. Draft Minutes of the November 21, 2022, Commission Meeting; and
3. Agenda for today's meeting.

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

1. Traffic Crash Summary Report, November 2022
2. Traffic and Revenue Report, November 2022;
3. Total Revenue by Month and Year, November 2022;
4. Investment Report, November 2022; and
5. Financial Statement, November 2022.

That completes my report, Mr. Vice Chairman.

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

**Director Ahmed:** Thank you, Sir. Good morning, Vice Chairman, Commission Members. Once again, welcome Office of Budget and Management Chief Legal Counsel, Michael Babin to the Commission. Good morning, audience.

Every December, we present the following year's budget for consideration by the Commission. I have provided copies of the Executive Summary of our proposed budget in your folder. The details will be discussed by the Chief Financial Officer and the Chief Engineer in their reports. We had a better-than-expected year in 2022, which was very fortunate since we have been dealing with substantial direct cost increases due to fuel and constructions costs, as well as inflation

in general. Our projected revenues are approximately \$24 million higher than 2022, while our projected operating expenses are approximately \$6 million higher than 2022. We are budgeting for 668 full-time and 205 part-time employees, which is slightly less than 2022 when we budgeted for 670 full-time and 206 part-time employees.

In addition to the budget, the Chief Financial Officer will also present the details of the new toll rate schedules that need to be in place when the new toll collection system goes live in July 2023.

Turning to Operations, I am happy to report there were no fatalities over the Thanksgiving Holiday. I want to thank our team, the Ohio State Highway Patrol, our contractors and of course our customers for that good weekend and hope that we continue that over the upcoming holidays. With the increase in travel during the Christmas season it is our goal to meet the needs of travelers while keeping the health and safety of our customers and employees at the forefront. All fourteen service plazas will be fully open and vendors will offer complimentary coffee to holiday travelers beginning at 10:00 p.m. on New Year's Eve to 7:00 a.m. on New Year's Day. My thanks to our sponsoring partners, AVI Foodsystems, Applegreen, USA and 7-Eleven for generously providing the complimentary coffee.

On Tuesday December 7<sup>th</sup>, the Greater Cleveland Chapter of the Public Relations Society of America held their annual awards dinner at the Music Box Supper Club. Our communications team does a great job telling our story and we usually win communications awards at this annual dinner. This year we were honored to win the BEST IN SHOW AWARD, in addition to several other awards. I will describe the various awards we won:

- A BRONZE AWARD for our Customer Connection Newsletter.
- Another BRONZE AWARD for the Press Release "Raising Awareness of Work Zone Safety on the Ohio Turnpike During the 2022 Construction Season."
- A SILVER AWARD for the video "The Ohio Turnpike Issues Warning Ahead of Winter Storm Landon."
- And a GOLD AWARD for the Community Relations Campaign for "Building a Solid Foundation at Boys & Girls Clubs of Northeast Ohio." This is the project we participated in with other members of The International Bridge, Tunnel and Turnpike Association (IBTTA) at the 2022 Maintenance Conference in Cleveland. More than 80 members from IBTTA from around our country, Canada and Europe volunteered their time to improve the recreation complex at the Broadway Boys & Girls Clubs of Northeast Ohio.

And finally, the BEST IN SHOW AWARD was also for the Community Relations Campaign for the work at the Boys & Girls Clubs of Northeast Ohio. The Best in Show winner received this beautiful Les Paul guitar which has a nameplate describing our accomplishment. Congratulations to the Marketing and Communications Team!

Turning to people, I would like to welcome to our new team members. In the Maintenance Department, they are David Banks and Mark Stanzas at Boston, Carl Adkins at Kunkle, Travis Persinger at Swanton, and Christina Clark and John Moran at Hiram. In the Engineering

Department, Steven Trausch, is our new Western Division Construction Area Manager. In Marketing and Communications Department, Zakary Sheehan is our new Marketing Specialist. In the Toll Operations Department, Mario Caggiano is a new part time toll collector. Welcome and best wishes to all our new team members. You are joining an absolutely wonderful organization.

I wish the following people a happy and long retirement. From the Maintenance Department, George Cramer and Walter Knebusch, and from the Toll Operations Department, Ed Nagy and Don Alter.

Finally, Mr. Vice Chairman, we also congratulate Mr. James Kennedy on his retirement. Mr. Kennedy will retire from his position as the Senior Deputy Director with the State of Ohio Office of Budget and Management on December 30, 2022. He has been a Designee Commission Member for the Director of the Office of Budget and Management since September 10, 2019. He is a highly regarded Member of the Commission and has served Ohio Turnpike motorists well. We have a Resolution to formally acknowledge Mr. Kennedy's distinguished service on the Commission.

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

**General Counsel:** Resolution Honoring the Distinguished Service of Mr. James Kennedy.

**Vice Chairman:** Are there any questions or comments?

**MOTION:** A motion to adopt a *Resolution Honoring the Distinguished Service of Mr. James Kennedy* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 89-2022.

**Vice Chairman:** The resolution passes unanimously. Please continue.

**Director Ahmed:** Finally, Mr. Vice Chairman, I would like to talk about our partners, who are a part of our family, the Ohio State Highway Patrol. As you know there are three posts on the Ohio Turnpike that help keep our customers and employees safe and they are filled with very dedicated men and woman serving Ohioans. Every year they have a contest to pick the Trooper and Dispatcher of the year. This time we have three Troopers that have won *Trooper of the Year* and we also have a Dispatcher of the Year. With that I would like to introduce St/L Reeder to share an update regarding the contest. Note: This year at Swanton Post 89- Trooper Mitchell Ross and at the Milan Post 90- Trooper Andrew Lash and at the Hiram Post 91- Trooper Leonard Karpinski won. This year Dispatcher Rhonda Tyree from the Cleveland Dispatch Center won Dispatcher of the Year.

**Staff Lieutenant Reeder:** Good morning. Thank you, Executive Director, for the quick deviation. These individuals are the tip of the spear and we wanted to get them back on the road to keep our patrons safe, so I appreciate this time. It is something that we haven't done before, but I think moving forward we can honor these individuals each year. They are selected by members of their Post for their work, their dedication, and their service to their communities.

So, each one were selected by their peers. Unfortunately, Trooper Lash couldn't be here, but I would like to give a quick bio for each.

First, from the Hiram Post is Trooper Mitch Ross. He joined the Highway Patrol in 2017 as a member of the 161<sup>st</sup> Academy Class and was assigned to the Swanton Post. He is originally from Delaware, Ohio, and graduated from Buckeye Valley High School in 2009. Trooper Ross also earned his bachelor's degree in 2013 from The Ohio State University. He was named to Swanton in 2020 and is a recent recipient of the Patrol's *Physical Fitness* and *Safe Driving* Awards. He resides in Genoa with his wife and his daughter.

Unfortunately, Trooper Lash, who works at the Milan Post was unable to be here. He needs to work his shift today at 2:00 p.m., so we needed him to stay out and work the roads, but Trooper Lash joined the Highway Patrol in 2019 as a member of the 166<sup>th</sup> Academy Class and was assigned to the Milan Post. He grew up in a small town near Birmingham, Alabama. He graduated from Hayden High School where he immediately enlisted in the United States Navy as a Submariner. After his service in the Navy, Andrew worked for the Jacksonville Beach Police Department for four years. He then joined the Highway Patrol and he has been with us since 2019. He resides in Sheffield Village with his wife and his two children.

Next, we have Trooper Leonard Karpinski from the Hiram Post. He joined the Highway Patrol in 2020 as a member of the 167<sup>th</sup> Academy Class and was temporarily assigned to the Ravenna Post for his five months of training before starting at the Hiram Post in 2020. He is from the Greater Cleveland area and graduated from North Ridgeville High School in 2003. He served active duty in the United States Army from 2003 to 2007. Trooper Karpinski earned his bachelor's degree in exercise science from Cleveland State University in 2013 and added a master's degree from Kent State in exercise physiology in 2016. He is also a member of the National Big Brothers and Big Sisters organization and is currently mentoring a young man from Cuyahoga Falls. I want to add that to my knowledge, he is the first Trooper from one of our Posts that earned the *Distinguished District Trooper of the Year* for his district. He is also in the running now for *State of Ohio Trooper of the Year*, which will be decided in early 2023. So, we wish him luck with that and we thank him for everything he has done.

This one gives me a smile, Rhonda wants no recognition. Rhonda is nearing almost thirty-one years with the division. I mean you talk about service and dedication. When she is on the radio, you feel safe because you know that you area going to be taken care of. She does not want any credit. It took a little twisting to get her here. I told her she didn't have to talk. Rhonda began her career in December of 1991 dispatching for our then District 10 here on the Turnpike. With a consolidation of posts, Rhonda transferred to the Cleveland District Dispatch Center then ultimately to the Sandusky Dispatch Center for a short time before returning back to us at the Cleveland Dispatch Center. So, she is still working with us on the Turnpike now. Dispatcher Tyree has been selected many times prior to this year's nomination as *Dispatcher of the Year* because of her superb service she provides. She knows the importance of officer safety and is quick to respond to her unit's request which allow them to complete their duties safely and quickly. Rhonda resides in the City of Lorain with her husband, Doug.

Again, it is a very real honor to be named this and voted this by your peers. I cannot thank these three enough and Trooper Lash, as well. I tried to give a snippet every month about what we do, but these are the people that are out there doing it and making it safe and making our road a great road, so thank you.

**Vice Chairman:** Would any of you like to say anything, any of the Troopers or Rhonda? On behalf of the Commission, we would open the floor. It is truly our honor to have you serve our Commission. We appreciate what you do and I think being recognized by your peers is a step above. Congratulations to all of you and thank you for your service.

**Rhonda Tyree:** Which one is Director Ahmed? I just want to know who you were because we say your name all of time.

**Director Ahmed:** Right here.

**Vice Chairman:** Thank you again. We appreciate you.

**Director Ahmed:** Mr. Vice Chairman, on that high note Mr. Vice Chairman, I will end my report, and I would be happy to answer any questions.

**Vice Chairman:** Thank you. Are there any questions or comments? We are going to change the order just a little bit. We will now have a report from our Chief Financial Officer, Lisa Mejac.

**Chief Financial Officer:** Thank you, Mr. Vice Chairman. I have a brief update on our traffic and revenue for the month of November this morning. Then I plan to review the proposed toll rate schedules and rate increases for the implementation of the new toll system for the years 2023 through 2028 followed by a presentation of the proposed 2023 Operating Budget for your consideration.

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 down 0.8% from November of last year and up 4.1% from November of 2019. While the number of weekend days remained the same from 2021, there was one less weekend day this year than in 2019.

Commercial traffic decreased 3.2% in November when compared to November of 2021. It was up 16.4% from November of 2019. The number of weekdays was the same as 2021, however there was one more weekday this year than in 2019.

The change in passenger car traffic caused passenger car toll revenues to decrease 0.7% from November of last year and increase 5.7% from November of 2019.

The decrease in commercial traffic combined with the toll rate increases caused commercial vehicle toll revenues to decrease 0.6% from November of last year and increase 24.8% from November of 2019.

This chart shows year-to-date toll revenues through the month of November during each year over the past decade. Year-to-date total toll revenues were approximately \$10.2 million or 3.2% above the amount from last year and approximately \$40.8 million or 14.4% above the amount from 2019.

Mr. Vice Chairman Paradiso, Members of the Commission, at this time, I would like to review proposed toll rate schedules and rate increases for the implementation of the new toll system for the years 2023 through 2028.

We recently updated our long-range financial projections as part of the 2022 bond refunding transaction. Our Traffic and Revenue consultants at Stantec updated our traffic and revenue forecasts. All our financial projections were shared with the rating agencies and bondholders as part of the process.

The orange line on the screen represents the Commission's projected revenues from 2022 through 2031. The blue area represents the Commission's total operating expenses. The red area represents the Senior Lien debt service requirements. The green area represents the Junior Lien debt service requirements. Finally, the purple area represents the Commission's capital requirements through 2031.

In 2013, the Commission implemented a series of forward-looking toll increases over a 10-year period starting January 1, 2014, ending December 31, 2023. At that time, the Commission implemented a toll increase plan to increase rates by an average of 2.7% each year, which approximated the historical rate of inflation. One exception to that 10-year plan for toll increases related to passenger vehicles using *E-ZPass*® and making local trips of less than 30 miles for which tolls were not increased.

The Commission's financial analysis project that tolls will need to increase for all vehicles by 7.7 percent on January 1, 2024 and on January 1, 2025, and by 2.7 percent on January 1, 2026, 2027, and 2028.

Overall, the toll rate increases that have been determined take into account the amount necessary to meet existing and projected operational and maintenance obligations and debt service requirements of the Commission.

The bar graph on this screen shows the Commission's debt service obligations for both the Senior Lien and the Junior Lien through the year 2031. This chart does not have all years on the screen, but it is meant to show that our annual debt service increases in the upcoming years.

As you are aware in 2013 and 2018, over \$1.5 billion dollars in bonds were sold to help fund the projects in Governor Kasich's Jobs & Transportation Plan. This created the Commission's Junior Lien debt service requirements set to be paid off in the year 2048. The red

area on each bar represents the Junior Lien debt. The green area on each bar represents the Senior Lien debt.

This next slide shows the long-range capital plan showing the breakout of the capital projects by type. The different colors represent the various categories of capital projects. The blue area on each bar represents original base replacement projects. The green area on each bar represents pavement resurfacing. The purple area on each bar represents bridge projects. The other areas at the tops of each of the bars include buildings in yellow, the toll collection system in orange, renewal and replacement projects in aqua, and red for other various capital projects.

Part of our capital expenditures for 2023 will be covered by proceeds from the 2021 bond issuance, which is why our expenditures are greater in 2023. For the years 2024 and beyond, we are spending only what we generate from operations each year. You can see our capital needs will continue to grow in the upcoming years.

Last month, I walked through several full-length trip toll scenarios for you to demonstrate how the flat rate barrier tolls will be incorporated into our new toll system.

The slide you see on the screen shows the current *E-ZPass*® Toll Rates per Mile by class for 2022, the previously approved toll rates per mile for 2023, and the proposed toll rates per mile for 2024 through 2028. The toll rate per mile for each class has been increased for all vehicles by 7.7 percent on January 1, 2024, and on January 1, 2025, and 2.7 percent each year beginning on January 1, 2026, 2027, and 2028.

The toll rate per mile is multiplied by the number of miles for each trip to arrive at the toll for that trip. The full-length trip toll rates are also shown for each of the years. The highlighted rows show the full-length trip tolls for Class 1 passenger car vehicles and Class 5 commercial vehicles.

*E-ZPass*® customers pay discounted toll rates compared to non *E-ZPass*® customers. The Video *E-ZPass*® or V-Toll Rate Schedules are slightly higher than the *E-ZPass*® rates to account for the increased costs to process license plate transactions.

The slide you see on next on the screen shows the current Cash/Credit Card Toll Rates per Mile by class for the for 2022, the previously approved toll rates per mile for 2023, and the proposed toll rates per mile for 2024 through 2028. Note the minimum toll for cash and credit transactions will be set at \$1.00 in 2024.

The Unpaid Rate Schedules are slightly higher than the Cash/Credit rates to account for the increased costs to process license plate transactions.

This slide compares our current toll rates per mile, along with our proposed 2024 and 2025 toll rates per mile with those of other toll roads in the east-west corridor. Our *E-ZPass*® passenger car rates are currently at the low end of what the other toll roads charge.



The proposed 2024 and 2025 cash/credit card toll rates are still below what most other toll roads are charging today.

The proposed 2024 and 2025 toll rates for both *E-ZPass*® and Non *E-ZPass*® for commercial vehicles are less than what all the other nearby toll roads are currently charging today. We have the lowest toll rates for commercial vehicles by far.

As you can see on the screen, the Consumer Price Index has gone up 1007% since 1955. The Ohio Fuel Tax for Gasoline has gone up 670% and the Ohio Fuel Tax for Diesel has gone up 840%. As you can see, the increase in Ohio Turnpike tolls has been less than both the increase in the Consumer Price Index and the Ohio Fuel Taxes since 1955.

Next, I will turn it over to our General Counsel and she will review the toll implementation process and timeline for you all. Jen to provide dates/locations for the toll rate hearings.

**General Counsel:** Good morning, Mr. Vice Chairman and Members of the Commission.

As the Chief Financial Officer explained, we will be proceeding with the changes to the toll rate schedule in 2023. By statute this process is spelled out over a period of time. We will start the process today. As part of this process, with at least ninety days prior to any toll rate action to be taken, the Commission needs to vote to commence public hearings. We will hold those public hearings beginning next month. In addition, following today's vote we will also be drafting a required notice to the Governor and leaders of the General Assembly. Following today's Commission's vote, we will then begin setting toll rate public hearings. At these hearings, which will be held at various places across the state, we will present the toll rate schedule increases and changes and take public comments and questions from members of the communities. We are looking at having our first hearing following the January 17, 2023 meeting here at the Commission's headquarters and then scheduling the following two hearings in Lucas County in the Toledo area and Mahoning County in the Youngstown area and concluding those by the end of January 2023 or the very beginning of February of 2023. Following these public hearings, we will listen to all of the public's questions and concerns and address those. We will then be bringing back in the Spring or Summer of 2023 a resolution to this Commission to approve those toll rate changes, which would then result in sending those toll rate changes to our computing programs to have the programming for the toll rates effective when the new toll collection system goes into effect.

I will now turn it back over to Lisa.

**Chief Financial Officer:** With your permission Mr. Vice Chairman, I would like to ask the General Counsel to please read the title of the resolution.

**General Counsel:** Resolution Authorizing the Executive Director to Issue Public Notice and Hold Public Hearings Regarding a Proposal to Revise the Ohio Turnpike and Infrastructure Commission's Schedules of Tolls.

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

**Director Ahmed:** Mr. Vice Chairman, I want to add one more thing to the presentation. As you all know Commission Members, we are hoping to go-live with our new system in July of 2023. As you know from the last few years with these extremely complicated projects there are sometimes glitches. We hope that everything is going to be okay and even if things are delayed by a month or two, but we have to be prepared in case we go into the following year. If we are not prepared then we have to start the whole process again. So, I just wanted to add that. If you look at the map behind Mr. Babin, these squares in red on the right side and the squares in red on the left side reflect the gates that will still have access but will not function as toll gates with the new toll collection system and obviously that's how we are setting our toll rates in case we are not able to go through with the complete transformation because of some software technical glitch and we go into 2024, we have to have that Plan B and the Plan B will be to have rates for those gates as well until we are able to fully transform. So, I just wanted to clarify that for you. To be honest with you, we don't want that plan B because we want to get this done now and move on, but it would be irresponsible for us to not have that Plan B, so I just wanted to clarify that for you.

**Vice Chairman:** Lisa, I have a couple of questions and this could blend right into the budget for the capital expenditures and the Operating Budget, as well as the revenue and the forecast side. We already know that a couple of years ago when we introduced this project that costs have changed, the scope of the project has changed, there is some uncertainty when you project expenses, so talk to me a little about what assumptions you have made in the expenses from an operating perspective. I assume the debt is locked in, the terms are locked in on our debt service, but we have operating expenses and then capital expenditures that you are saying is going to follow the revenue and I like the discipline of saying we won't approve a Capital Expenditures Budget until we know the revenue is on track so that we are going to fund both debt and operating first before capital expenditures. So, talk a little about the assumptions on the expense side over the next five years and what happens if we are short, can we go back for another dip at the well, how does that look?

**Chief Financial Officer:** Sure, Mr. Vice Chairman I, we take a look at everything like you said. It starts with the revenues and then we look at operational expenditures, followed by debt service and then whatever is left over is the capital program. So, when the projections were made before the bond transactions, working with Stantec, our consultants, for the toll revenue because it is obviously going to change the structure in the new toll system, and just the projections for that, you have to look at how that is all going to fall out and what the capital needs are. So, it was determined that 2.7% would be needed at those 2024 and 2025 years to meet those capital requirements. Operationally we are covered and the debt service, we have to meet those. It is a waterfall effect, really it is what can be changed or altered is the capital program and if we look at our capital program in the future and things change with the tolls, you know how we are looking with the revenues potentially going into 2023 with a recession, we don't know where we are going to fall out, we potentially might have to do another bond issuance to meet those needs because obviously we have capital needs that need to be covered so Chris Matta and I work together and look at that and we can move projects to an extent from year-over-year and, kind of you know, you project it out as best you can, it is just projections but what actually happens is when you kind of come to the table and we figure out what the plan is. So, each year we have to just take a look

at that and assess and evaluate whatever is built into the capital program. There may be things that are pushed off if need be. We have to take a look at it and see.

**Vice Chairman:** Instead of a bond or pushing off a capital program that we might feel is necessary, we are locking in a rate here for six years, including next year, so would we be able to go back and change that rate structure in 2026 or 2027 if we don't feel that it is adequate?

**Chief Financial Officer:** Yes, Vice Chairman. We have that built into the resolution that if we are not meeting those needs, we can come back to you for that reason in particular. The 2023 rates are approved at the 2.7% already, so back in 2013 there was a ten year set approved. We are only going for the 2024 through 2028 which is five years at this time for the reason being that we don't know what is going to happen, we don't know the x factors of inflation and how things will change with revenue. We just have to see, so that is why we are coming back with five years instead of another ten years.

**Vice Chairman:** Any other questions?

**Secretary-Treasurer:** Mr. Vice Chairman, did I understand that we are having just two hearings, one in Toledo and one in Youngstown?

**General Counsel:** Mr. Vice Chairman and Secretary-Treasurer Barber, we will be holding three total, which is required by statute. The first hearing will be following the January 17, 2023 meeting held here at the Commission's Headquarters, and we will have another hearing in the Toledo area and our third hearing in the Youngstown area. I will be providing those dates to you. We are still scheduling and scheduling with the Chairman's calendar, as well too.

**Secretary-Treasurer:** The reason I asked the question, is I wondered if three hearing were adequate for this, but if we are only required to have three then.

**General Counsel:** The statute requires that there be three hearings held in geographically distinct areas, so we do them on either end of the state, as well as one here at the Headquarters. It is what we have done in the past and had a fairly good turnout at each one of those as well.

**Dr. Marchbanks:** Mr. Vice Chairman, Jennifer and Lisa, in regard to your agility and ability to refinance, that is the only good thing about recessions is that rates go down, and I am wondering if that's in your toolbox of funding total revenue in terms of some opportune refinancing. Is that another thing in your toolbox in terms of addressing this upcoming revenue issue for 2027?

**Chief Financial Officer:** Yes, Mr. Vice Chairman and Dr. Marchbanks, I am already being approached by several underwriters on just different opportunities. We just closed out the one deal this year and you know we always have to take a look at those opportunities to refinance and see what kind savings are out there for us, so that is on my list for after this meeting is to kind of circle up with those underwriters and our financial advisor at PFM, Bethany Pugh, and to see what kind of opportunities there are.

**Dr. Marchbanks:** Thank you. Mr. Vice Chairman, this is giving me flashbacks to when I had to approach Governor DeWine back in 2018 and early 2019 in regard to increasing the state's motor vehicle fuel tax. There are realities to accruing debt, you have to pay it off. I think it is responsible stewardship to come up with a very nuanced plan as you have here.

**Vice Chairman:** Thank you for all your hard work. Any additional questions? Hearing none, please call the roll.

**MOTION:** A motion to adopt a *Resolution Authorizing the Executive Director to Issue Public Notice and Hold Public Hearings Regarding a Proposal to Revise the Ohio Turnpike and Infrastructure Commission's Schedules of Tolls* was made by Secretary-Treasurer Barber, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 90-2022.

**Vice Chairman:** The resolution passes unanimously. I continue, Lisa.

**Chief Financial Officer:** Next, I would now like to present the proposed 2023 operating budget for your consideration.

The pie chart shown on the screen represents all the categories that make up the proposed 2023 Revenue Budget. Tolls are obviously the major source of the Commission's funding, representing approximately 90% of projected 2023 revenues.

Concessions generated from sales of food, fuel and other retail goods and services at the Commission's service plazas are estimated to be 4.1% of total revenues.

The remaining 6.4% consists of investment earnings, fuel taxes and other miscellaneous revenues.

This slide shows a comparison of the proposed 2023 budget to the 2022 budget for pledged funds.

The Toll Revenue Budget is for 2023 is approximately \$350.3 million. This is \$7.4 million or 2.2% higher than last year's budget. The toll revenue budget was developed by Stantec Consulting Services, the Commission's Traffic and Revenue consultant. The budget includes the approved January 2023 toll rate increases set at 2.7%. On the next slide, I will provide additional detail on the breakout of the Toll Revenue Budget.

The Concession Revenues Budget totals approximately \$15.3 million, which is \$3.2 million or 26.8% greater than last year's budget. The increase relates to additional revenue from new contracts in place at several service plazas, in addition to increased Common Area Maintenance revenue based on these additional locations and projected increases in janitorial fees.

Investment Revenue is budgeted to increase by approximately \$10.6 million dollars from last year's budget. The increase relates to the rapid increase in short-term interest rates by the Federal Reserve over the last year.

Lastly, the increase in the Other Revenues budget of approximately \$1.3 million relates primarily to higher monthly transponder usage fees due to an increase in the number of transponders issued to customers, along with late fees assessed to Unpaid Toll customers associated with the 2023 go-live of the new toll system.

The proposed 2023 pledged revenues budget totals \$386.2 million, an increase of \$22.5 million or 6.2% from the 2022 budget.

This next slide shows the projected 2023 projected toll revenue broken out into the various vehicle classification categories. The budget includes the introduction of the new Class 8 revenue category that I explained in my November presentation on the new toll system. The estimated Vehicle Miles Traveled or VMT was projected by Stantec, along the percentage of those miles expected to be paid with *E-ZPass*®. Those percentages then factor into the calculation of toll revenue by vehicle class for *E-ZPass*® and non *E-ZPass*® revenue. In addition, The budget breaks out License Plate toll revenue for all eight classes for the new toll system in 2023, which will be the image-based toll revenue collected from unpaid toll customers.

Total vehicle miles traveled are budgeted to decrease slightly by .5% from the 2022 budget with passenger car VMT decreasing by 3.4%. However, commercial traffic vehicle miles traveled are budgeted to increase 4.2% from the 2022 budget.

Stantec's forecast assumes lower Class 1 VMT growth than previously forecasted, resulting in slightly lower revenues from Class 1 vehicles compared to 2022. Although their forecast conservatively assumes that truck volumes will begin to decline back toward pre-pandemic norms, since commercial VMT has outperformed previous forecasts, the estimated commercial revenues are slightly higher than previous forecasts.

Approximately \$265 million or 75.7% of toll revenue is expected to be collected through *E-ZPass*® and approximately \$82.5 million or 23.6% of revenue is expected to be collected through customers paying by cash or with credit card.

Approximately \$1.9 million or less than 1% of toll revenue is budgeted for license plate toll revenue.

Consequently, the toll revenue generated by the approved toll rate increase results in total toll revenue of approximately \$350.3 million which is an increase of \$7.4 million or 2.2% higher than the 2022 toll revenue budget.

This next slide shows the categories that makeup the proposed 2023 Expenditures Budget. It is expected that only 5.0% of the Commission's 2023 budget will be spent on administration and insurance. We project that 12.4% of the budget will be needed for the maintenance of the roadway

and structures, 14.7% for the operation of the toll and service plazas, and 4.5% for traffic control, safety, patrol and communications.

The Commission currently has over than \$2 billion dollars in Senior and Junior Lien bonds outstanding. The debt service on those bonds will require 34.5% of the Commission's 2023 expenditures budget, leaving 28.8% available for capital projects.

This slide show our 2023 staffing budget. We have budgeted for an increase of 6 full-time non-bargaining positions.

We also plan on to reduce the number of full-time toll collectors by seven and the number of part-time toll collectors by five, through attrition.

The total 2023 staffing budget is 873 which is comprised of 668 full-time employees and 205 part-time employees. In total, it is a decrease of three employees from the 2022 budget.

The total expenditures budget for Operation, Maintenance and Administration costs is \$143.3 million, which is a \$6.1 million or 4.4% increase from the 2022 budget. The budget includes a 4% increase in bargaining and non-bargaining employees' wages and the negotiated one-time bonus payments to offset employees increase in health care contributions. This results in a \$1.6 million or 2.8% increase in wage expenses. The reason for lower percentage is the fact that more tenured employees paid at the higher pay scale rates are retiring and newer employees often start at the lower end of the pay scale initially.

The budget for Administration & Insurance is approximately \$19.7 million total, which is \$1.8 million or 9.9% greater than the 2022 budget. When the new toll system goes live in 2023, there will be new expenditures for the following: printing and mail house services, image-based review services, out-of-state registered owner DMV lookups, and additional bank lockbox services.

The budget for Maintenance of Roadway and Structures is approximately \$48.6 million total, which is about the same as the prior year budget.

The budget for Services & Toll Operations is approximately \$57.6 million total, which is approximately \$2.4 million or 4.4% greater than the 2022 budget. Credit card fees are \$1.0 million higher than the 2022 budget, along with utility and custodial costs for the new toll plaza locations at TP 4, 49, and 211.

The budget for Traffic Control, Safety & Patrol is approximately \$17.4 million, which is \$1.9 million or 12.3% greater than the 2022 budget. The primary reason for the increase relates to the increase in the Ohio State Highway Patrol budget of 14.9%. The total budget for Patrol is approximately \$14.5 million dollars.

Debt service payments on our existing senior and junior lien debt are estimated to be approximately \$134.8 million in 2023. This is an increase of \$11.2 million from the 2022 budget.

The Commission's Master Trust Agreement requires that we maintain an expense reserve equal to one-twelfth of our annual operating, maintenance and administrative expense budget.

With the proposed increase in our expense budget of \$6,098,300, we are required to add one-twelfth of this amount, or \$508,200 to the Expense Reserve Fund.

The remaining transfers from pledged funds support the capital budget that the Chief Engineer will be presenting in a few minutes.

We are proposing a transfer of \$10,800,000 to the Renewal and Replacement Fund and a transfer of \$96,822,500 million to the System Projects Fund.

The 2023 budgeted debt coverage ratio on our senior debt is 4.1 and the composite debt coverage ratio on all of the Commission's debt is 1.83.

To be eligible to issue additional senior lien bonds, our Master Trust Agreement requires a minimum coverage ratio of 1.5 on our senior debt during the fiscal year immediately preceding the issuance of the bonds.

The bond rating agencies generally require a debt coverage ratio of at least 2.0 in order to maintain the Commission's "AA" credit rating on our senior debt.

To be eligible to issue additional junior lien bonds, our Junior Lien Master Trust Agreement requires a projected minimum composite debt coverage ratio of 1.5.

When meeting with the credit rating agencies we have indicated that we would try to maintain a minimum composite debt coverage ratio of 1.70.

This next slide is the proposed 2023 budget for non-pledged funds. The major source of non-pledged revenue is the 5 cents in fuel tax from each gallon of fuel sold at the Commission's service plazas.

Other sources of non-pledged revenue are generated by charging the food and retail vendors operating at the service plazas a fee equal to 1% of sales for future service plaza capital expenditures.

As the Chief Engineer will explain in his presentation, these non-pledged funds are also used to support the Commission's capital budget.

This chart shows the Commission's Operating Budgets for the last 15 years. The red line represents budgeted revenues which have increased from \$212 million in 2009 to \$391 million in 2023.

The green line represents budgeted operating expenditures which have been held fairly constant over this period and have increased slightly from \$123.3 million in 2009 to \$143.3 million in 2023.

The difference between our revenues, the red line, and our operating expenditures ,the green line, represents our income from operations. The graph shoes this has more than doubled over this period from \$89 million in 2009 to \$248 million in 2023.

Overall, this has enabled the Commission to fund the increase in debt service payments from \$56 million in 2009 to approximately \$134.8 million in 2023 and an increase in the amount of funds transferred to our capital improvements funds from \$33 million in 2009 to \$113 million in 2023.

Finally, the total proposed 2023 operating budget is \$391,257,000.

Both Ohio law and our Master Trust Agreement require the Commission to adopt an annual operating budget on or before the first day of the year.

With your permission Mr. Vice Chairman, I would like to ask the General Counsel to please read the title of the resolution.

**General Counsel:** Resolution Adopting Proposed 2023 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2023.

**Vice Chairman:** Are there any questions or comments? That was quite a bit.

**Dr. Marchbanks:** Mr. Vice Chairman and Lisa, credit card expenses went up. Why?

**Chief Financial Officer:** Mr. Vice Chairman and Dr. Marchbanks, credit card fees increase as we sell more transponders. We also do inn exchanges with other toll roads and credit card fees we exchange between other toll roads as well.

**Dr. Marchbanks:** Those credit card processing fees, *ouch*. Okay, understood.

**Vice Chairman:** We don't have to get into this, but it is really for both of you, we are a work in progress and how we transfer from one fiscal year to the next, projects that have been budgeted and started this year and are going to get finished next year, that's all part of that. These are budgets that are approved in the fiscal year 2023, a work in progress from 2022 will carryover as there is money that is allocated for those dollars, right?

**Chief Financial Officer:** Yes, Mr. Vice Chairman. What we do is we look at our project detail report that looks at all of our projects and we look at what has not been spent yet. So, Chris factors that in when he prepares the next year's budget and what has not been spent and it carries over.

**Vice Chairman:** And we make adjustments accordingly. If there is some book adjustments, we can make to cost or if we are overspending or underspending on those work in progress, we make those adjustments at this year end or when that project is complete?



**Chief Financial Officer:** We actually make those adjustments on a monthly basis, up or down. We look at all of our project budgets and we, in Accounting, notify the Chief Engineer to adjust the budgets and then we, in particular, look at them at year-end and adjust them and we look at the ones that are closing and we adjust those budgets as well.

**Vice Chairman:** Very good. Nice work. Any other questions or comments?

**Dr. Marchbanks:** Mr. Vice Chairman, you bring up a good point. If Executive Director Ahmed can confirm this, I think that the Turnpike because what Lisa says is on advanced construction, it rolls over its project funding as does the Ohio Department of Transportation. That is one of the reasons why Ohio, in my opinion, and we've checked with our member states in the MidAmerican Association of State Transportation Officials all around is that we benefit from that process because it gives contractors assurance that we have the money to pay them down the line. So, we feel this is a good practice.

**Director Ahmed:** Your assessment is correct, Dr. Marchbanks. We have to have the money available for the projects and as a Commission Member you know some of these projects will go into two or three years.

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

**MOTION:** A motion to adopt a *Resolution Adopting Proposed 2023 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2023* was made by Mr. Coviello, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 91-2022.

**Vice Chairman:** The resolution passes unanimously. Thank you for your report, Lisa. If I could regress just a little bit back to the Executive Director's report, I am remiss in not doing two things. First of all, I want to recognize the new team members, welcome to the Ohio Turnpike. We are proud, we work real hard on creating a great culture, a great environment, so welcome to our team. Secondly, for those retiring, thank you very much for your service from all of the Commission Members. Hopefully, you have a blessed retirement as you move into a new chapter in your life. I want to make sure you hear from me that we appreciate your service to the Commission, so thank you very much. We appreciate that.

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

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

The first resolution for your consideration is for the adoption of our 2023 Capital Budget. In your folders you have a detailed Capital Budget, listing all of our proposed projects for 2023. I have a brief presentation this morning which reviews the proposed 2023 Capital Budget. After the presentation, I will request that the Commission adopt a resolution approving the Capital Budget. This resolution will refer to a preliminary list of projects, which may be subject to change, and any

Capital Project more than \$150,000 will be brought to the Commission for individual resolutions at the time of award.

This is an overview of the Four Funds in the Capital Budget. These include the System Projects Fund, the Renewal and Replacement Fund, the Fuel Tax Fund and the Service Plaza Capital Improvement Fund. I will discuss each of these in more detail this morning.

The first of the four funds I will review is the System Projects Fund. System Projects are the major construction projects that are part of our capital improvement program. We will begin the year with a balance of approximately \$96.2 million, and approximately \$96.8 million will be transferred to this fund from the 2023 Operating Budget. This will result in approximately \$193 million available for projects in 2023.

We have identified about \$178.4 million in System Projects, of which approximately \$89.2 million will cover the completion of existing projects and \$89.2 million is allocated to new projects.

Continuing expenditures are for existing projects that are currently under construction and have been awarded in prior years. The major projects in this category primarily include the continuation of the pavement replacement projects out at Westgate and Eastgate, bridge projects, and other projects associated with the implementation of the new Customer Service Center and the Toll Collection System Integration.

This slide lists a portion of the \$89.2 million of new System Projects to be funded in 2023. \$39.9 million has been allocated for the bridge replacement, bridge deck replacements, and bridge rehabilitation projects. We have also allocated just under \$2 million for eight mainline ITS camera installations and wrong way signage upgrades.

This slide lists the remaining portion of the \$89.2 million of new System Projects to be funded in 2023. \$37.0 million has been earmarked for mainline and interchange resurfacing projects in 2023. In addition, we have allocated \$4.7 million for the installation of weigh in motion systems and another \$1.25 million for repairing a failed slope. We have also programmed about \$4.4 million for Engineering Design and Consulting Services for future Capital Projects.

This will leave about \$14.6 million available in the System Projects Fund for potential additional costs on current projects and for unidentified projects that may come up over the next year.

The second component of the Capital Budget is the Renewal and Replacement Fund, which is required to be funded by our Master Trust Agreement for the Commission to maintain its buildings, vehicles, equipment, and various other minor projects. We will begin the year with a balance of approximately \$11.1 million, and \$10.8 million will be transferred to this fund from the 2023 operating budget. This will result in approximately \$21.9 million available for projects in 2023.

About \$6.7 million is committed to ongoing projects that were previously awarded in 2022. New projects total approximately \$12.7 million and include about \$1.2 million for the replacement of maintenance equipment, \$6.2 million for maintenance vehicle replacements, and \$3.8 million for numerous technology upgrades to our communication equipment and computer software and hardware.

This will leave approximately \$2.5 million available in the Renewal and Replacement Fund for potential additional costs on current projects and for unidentified projects that may come up over the next year.

The third component of the Capital Budget is the Fuel Tax Fund. This account is funded from five cents of state fuel taxes collected for fuel sold at Ohio Turnpike service plazas. We will begin the year with a balance of just under \$6 million in this fund. About \$3.4 million will be generated during 2023, resulting in a balance of approximately \$9.4 million available for 2023 projects.

Through the Fuel Tax Fund, we will be installing a sanitary sewer pump station and force main sewer line to replace the wastewater treatment plant at Erie Islands Service Plaza. This will leave about \$4.9 million available in the Fuel Tax Fund for potential additional costs on current projects and for unidentified projects that may come up over the next year. We are anticipating on carrying most of that money over for 2024 bridge painting projects.

The final component of the Capital Budget is the Service Plaza Capital Improvement Fund. This account is funded from a 1% commission of sales from the food and retail vendors operating at the fourteen service plazas. The funds are designated for capital improvements at these facilities. Transfers from this revenue of approximately \$673,000 is projected for 2023. Adding this to the projected 2023 beginning balance of approximately \$1.0 million results in approximately \$1.7 million available for projects.

Approximately half a million dollars will be budgeted for new projects in 2023, including the preservation of paved areas at Erie Islands, Commodore Perry, Mahoning Valley, and Glacier Hills Service Plazas, as well as building system upgrades at various service plazas.

This will leave approximately \$1.0 million available in the Service Plaza Capital Improvement Fund for potential additional costs on current projects and for unidentified projects that may come up over the next year. We are anticipating on carrying most of that money over for a planned 2024 renovation of the Blue Heron and Wyandot Service Plazas.

In summary, the 2023 Capital Budget includes about \$202.9 million in identified projects and \$23.1 million for unidentified projects, for a total of just under \$226 million. That completes my 2023 Capital Budget presentation. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Adopting Proposed 2023 Capital Budget.

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

**Mr. Coviello:** We've seen a lot of change orders this year, there are a few today and some bids that we have rejected since they were quite bit over the estimated amount, does that work into your projections?

**Chief Engineer:** Yes, Mr. Vice Chairman and Commission Member Coviello, as part of the unidentified projects portion it has just been a general rule of thumb to have that money in there to cover some of the other additional costs on the projects. Keeping in mind that some of the projects, yes we are experiencing these change orders due to unforeseen conditions that come up. There is usually enough in there to handle that. We do have projects that do come in under budget, as well from time to time, even though we would like to have more of those. So, the uncommitted funds portion of the budget is meant to cover it. Has it been enough? Overall, yes, specifically for some individual projects, if it was more than an estimated 10% of the amount of that planned Capital Budget. We did have a project as you know last month that came in well over the estimate and we are still looking at getting that project back out and making an adjustment and the project authorization for that.

**Mr. Coviello:** If I read it right, we have a pavement project from Milepost 14 to Milepost 27? I thought we tried to do those in five-mile increments.

**Chief Engineer:** Mr. Vice Chairman and Commission Member Coviello, we will not do that to our customers and put a thirteen mile long zone up. As part of that project, we will split it into different phases so it is not a continuous long zone.

**Vice Chairman:** Any other comments?

**Dr. Marchbanks:** Mr. Vice Chairman and Chris, in regards to your vehicle replacement, we are suffering tremendous backlogs and cancellations at the Ohio Department of Transportation with our dump trucks. What are you seeing here at the Turnpike, is it the same trend? We've basically had to roll over our money and just hold because our orders are being cut because of supply chain issues.

**Chief Engineer:** Mr. Vice Chairman and Dr. Marchbanks, same story here. We've had numerous purchase authorizations cancelled by the contract holders through the State DAS. We've had to keep some of our passenger vehicles much longer than we normally do. If you go back and look at the Renewal and Replacement Budget, our carryover amount that I listed in there was \$6 million dollars or something like that is way more than we typically carryover for the Renewal and Replacement. That fund is usually spent down at the end and there is not much carryover into the next year. However, it is a very significant portion of it because of the late delivery times on the vehicles that we can get as well.

**Dr. Marchbanks:** Mr. Vice Chairman and members of the audience, so if you see less than shiny looking snow plows on the Turnpike and at ODOT it is because our mechanics are doing a yeomen's work holding them together until we get through this supply chain issue.

**Mr. Coviello:** Are there any down payments locked in any of these?

**Chief Engineer:** Mr. Vice Chairman and Commission Member Coviello, we don't make payment on a vehicle purchase until it is received.

**Vice Chairman:** One more comment on the overall Capital Budget. I just want to first of all say, I think we do a fantastic job on managing our budget, paying attention to the finances on the revenue and the expenses and I am tickled that we've been able to support ODOT in the nexus programs around the Ohio Turnpike and Infrastructure Commission. But it is the Ohio Turnpike that is the pride of the east/west thoroughfare and we need to continue to stay focused on improving as we mentioned at the last meeting, you know the wear and tear on this Turnpike over a long period of time, we are going to need some much needed capital improvements in the next few years and I just want to continue to support you, arguing and fighting and working for those dollars because it is our duty to supply those. Nice job and thank you for all your work. Please call the roll.

**MOTION:** A motion to adopt a *Resolution Adopting Proposed 2023 Capital Budget* was made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 92-2022.

**Vice Chairman:** The resolution passes unanimously. Please continue, Chris.

**Chief Engineer:** My second resolution for your consideration seeks the Commission's authorization to modify the Contract for Project No. 71-21-03 with Poggemeyer Design Group, a Kleinfelder Company ("Poggemeyer") of Bowling Green, Ohio, relating to the Bridge Deck Rehabilitation and Deck Overlay of Mainline Bridge over State Route 420/I-280 at Milepost 71.4 in Wood County. Poggemeyer submitted the highest-ranking proposal for Project No. 71-21-03 under LOI 14-2021 and was authorized to perform Phase IA preliminary design services under the Executive Director's authority in February of 2022 which included a site inspection and the engineering report for this bridge. On October 5, 2022, Poggemeyer submitted a revised fee proposal to perform Phase 1B Services which includes Final Design and Plan Preparation and assistance during bidding in the amount of \$106,055.00. Furthermore, as part of the original scope of services advertised for this project, it is anticipated that Poggemeyer will be requested to perform Phase II services for engineering support during construction. A proposal for this work will be requested once the construction project is advertised and recommended for award. The exact cost for the Phase II services are therefore unknown at this time; however, they are anticipated to be no more than \$15,000. The additional costs to obtain the necessary Phase 1B Services for Project No. 71-21-03 along with the estimated costs for Phase II Services 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 modify the Contract for Project No. 71-21-03 with Poggemeyer Design Group, a Kleinfelder Company of Bowling Green, Ohio in the aggregate not-to-exceed amount of \$159,646.00. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Authorizing Modification to the Contract with Poggemeyer Design Group, Inc. to Perform Phase IB and Phase II Services Under Project No. 71-21-03 for an Estimated Aggregate Not-to-Exceed Amount of \$159,646.00.

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

**MOTION:** A motion to adopt a *Resolution Authorizing Modification to the Contract with Poggemeyer Design Group, Inc. to Perform Phase IB and Phase II Services Under Project No. 71-21-03 for an Estimated Aggregate Not-to-Exceed Amount of \$159,646.00* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 93-2022.

**Vice Chairman:** The resolution passes unanimously. Please continue, Chris.

**Chief Engineer:** The third resolution for your consideration seeks the Commission's authorization to modify the contract with The Kokosing Construction Company, Inc. ("Kokosing") for Project No. 43-21-02. This project was for the bridge deck replacement and rehabilitation of the Fangboner Road bridge over the Ohio Turnpike at Milepost 91.1 and the Ohio Turnpike Ramp bridge over the Ohio Turnpike at Milepost 91.6, as well as the removal of the Ohio Turnpike Ramp bridge over State Route 53 and replacing it with a roundabout at Milepost 92.0, all in Sandusky County. The Commission, under Resolution No. 13-2021 adopted on March 15, 2021, approved a construction contract with Kokosing in the amount of \$4,821,160.90 to perform the work for this Project. The bulk of this work was completed in 2021 and has continued through 2022. The total value of approved change orders on the project to date is \$360,110.70, bringing the current total contract value to \$5,181,271.60. Ten percent (10%) of the original contract value is \$482,116.09 which leaves \$122,005.39 before we exceed 10% of the original contract value. There are several change orders on this project that have yet to be approved, with an estimated net value of \$191,387.42. The estimated value of these change orders combined with the value of previously approved change orders results in a total change order value on the project of approximately \$551,498.12, which exceeds the Executive Director's authority of the greater of 10% of the original contract value or \$150,000.00. The change orders will be carefully evaluated by the Commission's Consultant and Engineering Staff, who will review and document the change orders for legitimacy, time delays, accuracy, and cost. Therefore, it is recommended that the pending change orders in the estimated amount \$191,387.42 are approved and that the Commission approves the modification of the Contract with The Kokosing Construction Company for Project No. 43-21-02 in the aggregate amount of \$5,372,659.02. It is also anticipated that there will be miscellaneous change orders encountered during the closeout of the project. If Commission authorization is required on additional items, we will report back to the Commission at a later date. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving Change Orders for Contract with Kokosing Construction Company, Inc. for Project No. 43-21-02 in the Estimated Amount of \$191,387.42.

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

**Dr. Marchbanks:** Mr. Matta, how far along is this project? How close is it to closeout or be substantially complete.

**Chief Engineer:** Mr. Vice Chairman Paradiso and Dr. Marchbanks, the project is very close. We are in punch list type mode now. We do have some drainage work we have to complete which probably won't happen until this spring with the weather we are having now.

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

**MOTION:** A motion to adopt a *Resolution Approving Change Orders for Contract with Kokosing Construction Company, Inc. for Project No. 43-21-02 in the Estimated Amount of \$191,387.42* was made by Mr. Coviello, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 94-2022.

**Vice Chairman:** The resolution passes unanimously. Please continue, Chris.

**Chief Engineer:** The fourth resolution for your consideration seeks the Commission's authorization to modify the contract with Suburban Maintenance & Construction, Inc. ("Suburban") of North Royalton, Ohio for Project No. 43-22-04. This project was for the Bridge Deck Replacement and Rehabilitation at the Ohio Turnpike Ramp over French Creek at Milepost 151.3, the Ohio Turnpike Ramp over Lorain Road at Milepost 152.3, and Jennings Road over the Ohio Turnpike at Milepost 153.9, in Lorain and Cuyahoga Counties. The Commission, under Resolution No. 18-2022 adopted on February 28, 2022, approved a construction contract with Suburban in the amount of \$3,732,600.76 to perform the work for this Project. This work began in the spring of this year and is nearing completion. The total value of approved change orders on the project to date is \$314,963.11, bringing the current total contract value to \$4,047,563.87. Ten percent (10%) of the original contract value is \$373,260.08 which leaves \$58,296.97 before we exceed 10% of the original contract value. There are several change orders on this project that have yet to be approved, with an estimated net value of \$560,252.01. The estimated value of these change orders combined with the value of previously approved change orders results in a total change order value on the project of approximately \$875,251.12, which exceeds the Executive Director's authority of the greater of 10% of the original contract value or \$150,000.00. The change orders will be carefully evaluated by the Commission's Consultant and Engineering Staff, who will review and document the change orders for legitimacy, time delays, accuracy, and cost. Therefore, it is recommended that the previously approved change orders and the pending change orders in the estimated amount \$875,251.12 are approved and that the Commission approves the modification of the Contract with Suburban Maintenance & Construction, Inc. of North Royalton, Ohio for Project No. 43-22-04 in the aggregate amount of \$4,607,815.88. It is also anticipated that there will be miscellaneous change orders encountered during the closeout of the project. If Commission authorization is required on additional items, we will report back to the Commission at a later date. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving Change Orders for Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-22-04 in the Estimated Amount of \$560,252.01.

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

**MOTION:** A motion to adopt a *Resolution Approving Change Orders for Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-22-04 in the Estimated Amount of \$560,252.01* was made by Dr. Marchbanks, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 95-2022.

**Vice Chairman:** The resolution passes unanimously. Please continue, Chris.

**Chief Engineer:** The fifth resolution for your consideration seeks the Commission's authorization to modify the contract with The Great Lakes Construction Co. ("Great Lakes"), of Hinkley, Ohio, for Project No. 43-22-05. This project was for the Bridge Deck Replacement at East Edgerton Road over the Ohio Turnpike at Milepost 169.6 in Cuyahoga County and the Bridge Replacement at State Route 21 over the Ohio Turnpike at Milepost 172.9 in Summit County. The Commission, under Resolution No. 75-2021 adopted on December 20, 2021, approved a construction contract with Great Lakes in the amount of \$6,586,173.99 to perform the work for this Project. This work began in the spring of this year and will be completed in the Fall of 2023. The total value of approved change orders on the project to date is \$245,750.60, bringing the current total contract value to \$6,831,924.59. Ten percent (10%) of the original contract value is \$658,617.40 which leaves \$412,866.80 before we exceed 10% of the original contract value. There are several change orders on this project that have yet to be approved, with an estimated net value of \$657,888.48. The estimated value of these change orders combined with the value of previously approved change orders results in a total change order value on the project of approximately \$903,639.08, which exceeds the Executive Director's authority of the greater of 10% of the original contract value or \$150,000.00. The change orders will be carefully evaluated by the Commission's Consultant and Engineering Staff, who will review and document the change orders for legitimacy, time delays, accuracy, and cost. Therefore, it is recommended that the pending change orders in the estimated amount \$657,888.48 are approved and that the Commission approves the modification of the Contract with Great Lakes Construction Co. of Hinkley, Ohio for Project No. 43-22-05 in the aggregate amount of \$7,489,813.07. It is also anticipated that there will be miscellaneous change orders encountered during the closeout of the project. If Commission authorization is required on additional items, we will report back to the Commission at a later date. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving Change Orders for Contract with The Great Lakes Construction Co. for Project No. 43-22-05 in the Estimated Amount of \$657,888.48.

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

**Dr. Marchbanks:** Chief Engineer Matta, change order at \$623,000 – work zone personal vehicle? Is this law enforcement to keep the work zone safe? What is that amount?

**Chief Engineer:** Mr. Vice Chairman and Dr. Marchbanks, the zone person with vehicle is our contract provided service for the zones when we have them on the mainline traffic. When a contractor has maintenance of traffic devices on the mainline of the Turnpike, drums, barrels, cones, barrier, crossovers, we require the contractor to provide twenty-four hour surveillance of those zones in case we have customers that are in need or some of the devices are



struck and need put back, so this cost covers that service for next year's construction season. If you recall, last month we had a resolution for a consulting firm to provide additional inspection services for this project in 2023. This is the one when we originally advertised in 2022 was anticipated to be a one-year project, unfortunately with delays and everything else it is going to go into 2023, so that is what that change order is meant to cover.

**Dr. Marchbanks:** So, it wasn't anticipated and you had it in your budget originally, but because it is taking an extra year, you are going to have to add that extra year of work zone monitoring?

**Chief Engineer:** That is correct. That estimated quantity in essence doubled.

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

**MOTION:** A motion to adopt a *Resolution Approving Change Orders for Contract with The Great Lakes Construction Co. for Project No. 43-22-05 in the Estimated Amount of \$657,888.48* was made by Vice Chairman Inc., seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 96-2022.

**Vice Chairman:** The resolution passes unanimously. Inc. continue.

**Chief Engineer:** The sixth resolution for your consideration seeks the Commission's authorization to award Contract No. 4421 for pavement sweeping services between Milepost 0.0 and Milepost 241.3. The pavement sweeping service will be used for the removal of road debris accumulated along the curbs and median barrier of the turnpike. The bid invitation was divided into two groups containing four items each, which are based on the geographical location of our facilities. The bidders were permitted to bid on one or both groups. Procurement received four (4) bids in response to the bid invitation. The apparent low valid bid for both groups was submitted by Perfect Sweep, Inc., of Toledo, Ohio. This bidder proposes to furnish equipment and services in accordance with the specifications and this bidder has satisfactorily supplied pavement sweeping services to the Commission in the past. Inasmuch as our needs can fluctuate for this service, we are recommending a blanket order Contract, for a one-year term, in the estimated amount of \$150,000 be established with Perfect Sweep, Inc., of Toledo, Ohio. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Authorizing Selection of Perfect Sweep, Inc. for the Furnishing of Pavement Sweeping Services Under Bid Invitation No. 4421 in the Total Estimated Amount of \$150,000.00.

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

**MOTION:** A motion to adopt a *Resolution Authorizing Selection of Perfect Sweep, Inc. for the Furnishing of Pavement Sweeping Services Under Bid Invitation No. 4421 in the Total Estimated Amount of \$150,000.00* was made by Secretary-Treasurer Barber, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 97-2022.

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

**Chief Engineer:** No, that completes my report, thank you.

**Vice Chairman:** Thank you. Moving on to the report of the Training and Development Manager, Lauren Hakos.

**Training and Development Manager:** Good morning, Mr. Vice Chairman and Commission Members. I am Lauren Hakos, Training and Development Manager and I'm here to present a resolution for your consideration.

Last month, you approved a resolution for a learning management system for online training specifically. The resolution being presented today further shows our investment in our people and supporting their continued growth through in-person leadership development training.

The leadership journey is constantly evolving with new challenges. Whether it's the team growing, shrinking, or taking on new responsibilities, position changes, promotions, demands on time and prioritizing projects, not to mention many technology changes and working to support our team and helping them grow with the agency. All of it requires that our leadership adapts. And with most companies and agencies, the biggest challenge is people and different perspectives, communications styles and leadership styles.

To further support our leaders, we worked with design thinking and organizational development experts – Joe Watson and Kathy Wilcox from Switch Innovation Lab out of Richfield, Ohio, on a six-month executive leadership series, which began in June of 2021. Our managers and directors would meet as a team once a month to talk about issues or things that we wanted to see improve. It was so successful that in 2022, we expanded the program to include Director-Only meetings and one-on-one coaching. This was done from February of this year through July.

Another critical component of these leadership workshops was the team building aspect, and the comradery that's established during these sessions. Often times we don't all have an opportunity to interact, so this was a chance to learn more about each other and through that, build some mutual trust, respect, understanding, and support, which has proven to be very beneficial.

Being a great leader isn't just knowing a lot about our industry, I am confident that all of our leaders know that component, but this training is specifically designed to heighten individual awareness of key leadership principles, along with teamwork and how to best support and empower our teams.

Having seen the positive results from these in-person leadership sessions and heard supporting feedback from participants, we are looking to continue the momentum and good work that's been accomplished thus far by offering additional leadership development training and workshops for our senior staff, including directors and managers.

We requested proposals from various leadership training companies in our area and received four proposals. Those were reviewed by me, as well as Dawn Shockey, the Commission's Payroll Manager, and Amanda Ginley, the Commission's Customer Service Center Manager. After reviewing the proposals, we met (virtually) with each of the four firms to have them walk us through their proposals. That gave us an opportunity to not only learn more about their leadership topics and plans for our group workshops in more detail, but also to meet with the facilitators and trainers.

The three of us unanimously voted for Switch Innovation Lab to conduct leadership training moving forward. They had the most comprehensive proposal, which really outlined their plans and topics specifically, but also showed the flexibility to adapt and change as needed and to fully customize our sessions based on leadership participant feedback. And furthermore, Switch Innovation Lab suggested ways to measure success and expand communication to all of our employees, so that they are also invested. While the focus of these workshop is on executive level training and development, it's important to share the journey and success with the entire agency.

We've laid the foundation and now we'd like the opportunity to build on it and put these leadership principles into practice, not only among Directors and Managers, but throughout the entire organization.

The costs for this training series includes three parts:

Part 1: Group Leadership Development Sessions

Part 2: Individual Coaching Program

Part 3: Director-Only and Manager-Only Workshops

The total, annual cost is \$95,000 for 12-months, with an option to renew for two additional years, bringing the total not to exceed amount of \$285,000.00.

Mr. Vice Chairman with your permission may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Authorizing the Selection of Go Big Creative Lab, LLC DBA Switch Innovation Lab for Leadership and Development Training in the Not-To-Exceed Amount of \$285,000.00.

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

**Secretary-Treasurer:** I am equally excited about this and I think anything we as a Commission can do is to help our employees, our directors, our managers to not only enhance their individual skills, but to develop better teamwork. It makes for a better agency. So, I am really thrilled that we are doing this.

**Vice Chairman:** Thank you for your leadership. Any further questions or comments? Hearing none, please call the roll.

**MOTION:** A motion to adopt a *Resolution Authorizing the Selection of Go Big Creative Lab, LLC DBA Switch Innovation Lab for Leadership and Development Training in the Not-To-Exceed Amount of \$285,000.00* was made by Dr. Marchbanks, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 98-2022.

**Vice Chairman:** The resolution passes unanimously. Anything further, Lauren?

**Training and Development Manager:** No, that completes my report, thank you.

**Vice Chairman:** We will now move on to the report of the Director of Toll Plaza Operations, Laurie Davis.

**Director of Toll Plaza Operations:** Good morning, Mr. Vice Chairman and Commission Members. I have one resolution for your consideration this morning.

This resolution seeks authorization to reject bid invitation #4420 submitted by American Maintenance Inc, dba AMS to supply material and cleaning services for Group III Toil Plaza 180-239 and Ohio State Highway Patrol Post 91.

On August 31, 2022, AMS Submitted the loan bid for this invitation in the amount \$87,216.00 per year with an additional 2-year options for a combined term of approximately \$275,824.00. While the dollar amount of this contract was well with the Commission's estimate, the contractor's employee compensation plan came into question. AMS's starting wage for Janitorial employees was listed as \$9.50 per hour, this wage fell short of the Federal Minimum Wage requirement for the 2023 year, which is anticipated to be \$10.10 per hour.

On November 22, 2022, OTIC staff met with Samantha Turner, of AMS, to request an updated Compensation Plan as well as a best and final offer for this bid.

On November 28, 2022, OTIC received the best and final offer which increased the \$118,080 per year and \$354,240, per contract term, however only increased the employee hourly wage salary to \$10.00 per hour which still neglected to meet the 2023 minimum wage requirement.

For the forementioned reasons, we are requesting this bid be rejected. With your permission may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Rejecting the Sole Bid Received for Bid Invitation No. 4420 for Janitorial Services at Toll Plaza Nos. 180-239 and Ohio State Highway Patrol Post 91.

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

**Mr. Coviello:** What will we do in the meantime?

**Director of Toll Plaza Operations:** So, AMS is the same company and actually has a temporary deal with us. So, they are cleaning temporarily until a permanent deal is in effect.

**Dr. Marchbanks:** Are they paying at the rate that they offered for this new contract.

**Director of Toll Plaza Operations:** They are not. They are paying far less. They are paying \$6,000 a month for the temporary.

**Director Ahmed:** I think when that original contract went into effect, we did not discuss wages. We had not discussed wages and we were just allowing the market to take its course. We are quite certain that those wages are not up to par, obviously having had discussions with the Commission Members in the last few months, we want to make sure that wages are at least at par with the Bureau of Labor Statistics and that's what we are going to strive to do. In the meantime, we had no choice but to continue the relationship with the existing vendor on a temporary basis.

**Mr. Coviello:** What is the hourly wage now?

**Director of Toll Operations:** So, the hourly wage now is \$9.50, which is within the minimum wage for now for 2022. I think the minimum wage for 2022 is \$9.30, so they are within it for 2022. However, when the contract renews in 2023, they would not meet the minimum wage requirement.

**Mr. Coviello:** But we would continue with the agreement at the existing rate?

**Director Ahmed:** Mr. Vice Chairman and Commission Member Coviello, Unfortunately, we don't have a choice but to do that. That is the only choice we have, temporarily.

**Mr. Coviello:** Is there policy or something in writing that prohibits us from going below \$10.10?

**Director of Toll Operations:** Well \$10.10 is the anticipated minimum wage for next year, so we definitely want to make sure that our bidders and vendors are at least meeting the minimum wage.

**Mr. Coviello:** Is that something we have, I guess what I am getting at, is there any risk to us if it is not a policy or written anywhere and we reject them on that basis?

**Director Ahmed:** Mr. Vice Chairman and Commission Member Coviello, I believe that we do have to abide by state law since the state law requires a minimum wage, we do have the ability to reject that bid.

**General Counsel:** Mr. Vice Chairman and Commission Member Coviello, within all of our contracts we do have provisions that state and federal laws need to be followed. When the minimum wage is raised in Ohio on January 1, 2023, to \$10.10, there will be that requirement that any of our vendors who are paying any of their employees meet that minimum wage requirement.

**Vice Chairman:** I do want to make a comment for you and your team members in the toll collection area, I mean it has been crazy, we have contractors in and out, we've got gates up and gates down, and removed, it is as crazy as it has ever been, right. We are busier and I think more hectic than ever and your team did seem to be so accommodating, so willing, so patient, every time I go through the Turnpike, I am proud of your team, so I just wanted to pass that on to you.

**Director of Toll Operations:** Thank you. I appreciate that and I will let them know. Thank you.

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

**MOTION:** A motion to adopt a *Resolution Rejecting the Sole Bid Received for Bid Invitation No. 4420 for Janitorial Services at Toll Plaza Nos. 180-239 and Ohio State Highway Patrol Post 91* was made by Mr. Coviello, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 99-2022.

**Vice Chairman:** The resolution passes unanimously. Anything further, Laurie?

**Director of Toll Operations:** That completes my report. Thank you.

**Vice Chairman:** Report from our General Counsel, Jennifer Monty Rieker?

**General Counsel:** Thank you, Mr. Vice Chairman. For my report this month, I did want to touch on some of the items that the Chief Financial Officer discussed in her presentation as well. In the department of legal affairs, we've been working with the Chief Financial Officer and her team in reviewing toll rate schedule changes. In combination with the hearings that we discussed during her report, we will also be presenting the changes to the Ohio Administrative Code rule changes that we discussed at the last meeting. We will be discussing those at each one of those three public hearings and taking comments from the public as well as answering those questions and incorporating anything as needed into those final rule changes.

Additionally, in legal affairs we are concluding the year with reviewing policies and procedures, as well as providing year-end reports to our auditors.

At this time, that concludes my report.

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

**Staff Lieutenant Reeder:** Good morning, Mr. Vice Chairman and Commission Members. I have a couple items to report on for this reporting period.

On November 4, 2022, at approximately 21:11 hours, the Milan Post received a report of a one vehicle crash that occurred on the Ohio Turnpike near Milepost 101 in the eastbound lane.

Trooper Nick Smart arrived on scene and advised the vehicle had not struck the concrete median wall, but was pulled up against the wall. Trooper Smart reported that the driver was unresponsive and appeared to be having a seizure. Trooper Andrew Lash arrived on scene to assist Trooper Smart. As they attempted to break the window to render aid to the driver, the vehicle sped away from the scene at varying speeds ranging from 10 to 65 mph, while repeatedly striking the concrete median wall. Trooper Lash was able to box the vehicle in against the wall when it slowed down near Milepost 104. Both Troopers were able to reach into the vehicle and put it into park. Sandusky County EMS arrived on scene and confirmed the driver was having a medical emergency and was transported to Firelands Regional Medical Center.

I have a fatal crash. The Hiram Post investigated a two person fatal crash that occurred on the Interstate 76 portion of the Ohio Turnpike in Mahoning County on November 29, 2022. Troopers were dispatched to the westbound lanes the Turnpike with reported two vehicle serious injury crash. The investigation determined that a Toyota Tacoma was traveling eastbound before it went off the left side of the roadway through the grass median, struck a concrete barrier before it came to rest in the westbound lanes disabled. Almost instantaneously a Toyota Rav 4 traveling westbound struck the Tacoma. The driver of the Rav 4 was transported from the scene to an area hospital with minor injuries. Both the driver and the passenger of the Tacoma were killed as a result of the injuries suffered in this crash. During the investigation after the crash, they located some medical marijuana in the vehicle. Ohio laws prevent medical marijuana from being used in the vehicle. During the investigation they found that not only was there medical marijuana, but there were also many burnt roaches in the vehicle that would indicate the persons had been smoking in the vehicle. I can't say for fact that was a factor involved in the crash, the blood results are still pending, but that is something that we look into to see if the driver was impaired. But again, you are not permitted to smoke medical marijuana in a vehicle.

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

**Vice Chairman:** Thank you very much. We appreciate your good work and pass that on to your team.

The next meeting of the Ohio Turnpike and Infrastructure Commission will be held on January 17, 2023, at 10:00 a.m. here at the Commission's Administration Building located in Berea, Ohio.

I would like to thank you, Executive Director, for all of your work and your leadership, your cabinet, it has been a fantastic year for the Turnpike Commission and we appreciate your leadership. Thanks to all of you for your hard work and dedication and I would like to wish everyone a fantastic holiday. Merry Christmas and a blessed New Year.

If there is no further business, I will accept a motion to adjourn the 703<sup>rd</sup> Commission Meeting.

**MOTION:** A motion to adjourn the 703<sup>rd</sup> Commission Meeting is made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and unanimously approved by all Commission Members present.

Time of adjournment: 11:47 a.m.

**Attendees for Record Keeping Purposes:**

Commission Members: Vice Chairman Tim Paradiso; Secretary-Treasurer Sandra Barber; Commission Member Guy Coviello; Commission Member Jack Marchbanks, PhD; and Office of Budget and Management Representative Michael Babin.

Other Attendees: Hamid Homae, TBD Advisors; Jon Lorincz, AECOM; Art Rometo, GAI Consultants; Ed Adamczyk, Arcadis; Michael Burgess, Prime AE; Sean Logan, Woolpert; Todd Majidzadeh, Resource International; and Jeff Broadwater, Michael Baker International

Ohio Turnpike and Infrastructure Commission Personnel: Ferzan M. Ahmed, P.E., Ohio Turnpike; Staff Lieutenant Richard Reeder, Ohio State Highway Patrol; Jennifer Monty Rieker, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Chris Matta, Ohio Turnpike; Jayne Ferreira, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Sue Coleman, Ohio Turnpike; Lisa Mejac, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Chuck Cyril, Ohio Turnpike; Valerie Reed, Ohio Turnpike; Jackie Dohoda Herberger, Ohio Turnpike; Lisa Drozdowski, Ohio Turnpike; Joseph Mannion, Ohio Turnpike; Daniel Rodriguez, Ohio Turnpike; Joseph Gardner, Ohio Turnpike; Amanda Brown, Ohio Turnpike; Taylor Birth, Ohio Turnpike; Kristin Obermeyer, Ohio Turnpike; David Miller, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.



# **EXHIBITS**

- Resolution No. 89-2022 – Resolution Honoring the Distinguished Service of Mr. James Kennedy;
- Resolution No. 90-2022 – Resolution Authorizing the Executive Director to Issue Public Notice and Hold Public Hearings Regarding a Proposal to Revise the Ohio Turnpike and Infrastructure Commission's Schedules of Tolls
- Resolution No. 91-2022 – Resolution Adopting Proposed 2023 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2023
- Resolution No. 92-2022 – Resolution Adopting Proposed 2023 Capital Budget
- Resolution No. 93-2022 – Resolution Authorizing Modification to the Contract with Poggemeyer Design Group, Inc. to Perform Phase IB and Phase II Services Under Project No. 71-21-03 for an Estimated Aggregate Not-to-Exceed Amount of \$159,646.00
- Resolution No. 94-2022 – Resolution Approving Change Orders for Contract with Kokosing Construction Company, Inc. for Project No. 43-21-02 in the Estimated Amount of \$191,387.42
- Resolution No. 95-2022 – Resolution Approving Change Orders for Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-22-04 in the Estimated Amount of \$560,252.01
- Resolution No. 96-2022 – Resolution Approving Change Orders for Contract with The Great Lakes Construction Co. for Project No. 43-22-05 in the Estimated Amount of \$657,888.48
- Resolution No. 97-2022 – Resolution Authorizing Selection of Perfect Sweep, Inc. for the Furnishing of Pavement Sweeping Services Under Bid Invitation No. 4421 in the Total Estimated Amount of \$150,000.00
- Resolution No. 98-2022 – Resolution Authorizing the Selection of Go Big Creative Lab, LLC DBA Switch Innovation Lab for Leadership and Development Training in the Not-To-Exceed Amount of \$285,000.00
- Resolution No. 99-2022 – Resolution Rejecting the Sole Bid Received for Bid Invitation No. 4420 for Janitorial Services at Toll Plaza Nos. 180-239 and Ohio State Highway Patrol Post 91.

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Honoring the Distinguished Service of Mr. James Kennedy**

WHEREAS, on December 30, 2022, James Kennedy, CPA, CISA will retire from his position as the Senior Deputy Director with the State of Ohio Office of Budget and Management.

WHEREAS, on September 10, 2019, Mr. Kennedy began his service with the Ohio Turnpike and Infrastructure Commission (“Commission”) as the Designee Commission Member for the Director of the Office of Budget and Management; and

WHEREAS, Mr. Kennedy has been a highly regarded Designee Commission Member of the Commission and has served Ohio Turnpike motorists well; and

WHEREAS, the Commission wishes to formally acknowledge Mr. Kennedy’s distinguished service on the Commission and for the traveling public; and

WHEREAS, the members and staff of the Commission wish to give formal and public recognition for the honorable, exceptionally dedicated, and effective service of Mr. Kennedy.

NOW, THEREFORE, BE IT

RESOLVED, that the Ohio Turnpike and Infrastructure Commission hereby acknowledges and expresses its gratitude to Mr. Kennedy for his three years, three months and twenty days of dedicated service, and the Commission also considers that the people of the State of Ohio have been fortunate in receiving the unselfish services that he rendered; and

FURTHER RESOLVED, that the Commission extends its best wishes to Mr. Kennedy, his family, and desires that Mr. Kennedy have much success and well-being in all matters and activities that he shall undertake in the future; and

FURTHER RESOLVED, that the Assistant Secretary-Treasurer be, and hereby he is, directed to send a certified copy of this Resolution to Mr. Kennedy.

**(Resolution No. 89-2022 adopted December 19, 2022)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Authorizing the Executive Director to Issue Public Notice and Hold Public Hearings Regarding a Proposal to Revise the Ohio Turnpike and Infrastructure Commission's Schedules of Tolls**

WHEREAS, the Ohio Turnpike and Infrastructure Commission ("Commission") authorized the current Schedule of Tolls under Resolution 43-2013, which contained a series of ten toll rate increases, the last of which takes effect on January 1, 2023; and

WHEREAS, the Commission, as part of the Strategic Plan adopted under Resolution 57-2017, is in the process of implementing a modernized Toll Collection System that will incorporate updated forms of tolling, including but not limited to video tolls, barrier tolls, and an additional class of vehicles; and

WHEREAS, the current Schedule of Tolls does not contain a mechanism for the assessment and collection of video tolls, barrier tolls, and an additional class of vehicles, and

WHEREAS, the Commission requires a Schedule of Tolls that incorporates rates for those updated forms of tolling upon the successful implementation of the new Toll Collection System which is anticipated in 2023; and

WHEREAS, the Commission's Chief Engineer has evaluated the integrity of the bridge structures that compose the Ohio Turnpike; and

WHEREAS, to ensure the continued high quality of its bridge infrastructure, the Commission must financially plan to maintain same; and

WHEREAS, the Commission is authorized by the provisions of Ohio Revised Code Sections 5537.04 and 5537.13 to establish the schedule of toll rates, and Section 4.04(a) of the Master Trust Agreement dated as of February 15, 1994, as supplemented by Eighteen supplemental agreements (collectively, the Master Trust Agreement), allows the Commission to increase tolls from time to time as necessary to cover the cost of the operation, maintenance and administration of the Turnpike Project, and also to meet the required amount of System Pledged Revenues; and

WHEREAS, the Commission is anticipated to go live with the new Toll Collection System during the course of 2023, and therefore the Commission will need new toll rate schedules to account for the addition and removal of various toll plazas and to account for video tolls, barrier tolls, and an additional class of vehicles; and

WHEREAS, to adequately plan for the maintenance of its bridges and other infrastructure, the Executive Director, Chief Financial Officer, and Chief Engineer have determined that toll rate increases are needed to pay for projected increases in operating costs, debt service, and capital improvement costs over the next five years; and

WHEREAS, to meet these operating costs, debt service, and capital improvement costs, the Executive Director and Chief Financial Officer have concluded that, on January 1, 2024, and on January 1, 2025, a toll rate increase of 7.7% per year, and thereafter a toll rate increase of 2.7% per year through 2028, would provide stable predetermined toll rates from which traffic and revenue forecasts and financial projections could be generated; and

WHEREAS, the 2.7% per year toll rate increases are meant to approximate the historical rate of inflation, and to estimate the future rate of inflation and may be higher than or lower than the actual rate of inflation; and

WHEREAS, the 7.7% per year toll rate increases for the years of 2024 and 2025 only are meant to estimate the future rate of inflation as described above, plus an additional 5% for each of those years for additional amounts estimated to properly maintain the Commission's bridges and other infrastructure; and

WHEREAS, with approval of this resolution, in accordance with the provisions of Ohio Revised Code Section 5537.26, notice will be issued to the Governor and respective leaders of the General Assembly explaining the justification for the toll rate increases, and public notice will be issued and a series of public hearings will be conducted in at least three geographically diverse locations along the Turnpike during a ninety-day period prior to the Commission taking any action to change the toll rate structure; and

WHEREAS, the Commission has duly considered all of these recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with Ohio Revised Code Section 5537.26, the Commission hereby authorizes the Chairman and the Executive Director or his designee to issue the required notice to the Governor and respective leaders of the General Assembly explaining the justification for the toll rate increases, and to issue public notice and conduct the required public hearings regarding the proposed revised schedules of toll rates as outlined in the attached exhibit; and

FURTHER RESOLVED, that the Executive Director shall prepare a report to the Commission after issuing public notice and holding the public hearings in at least three geographically diverse locations along the Turnpike; and

FURTHER RESOLVED, that, if the cumulative increase in the toll rates is less than the cumulative rate of inflation, and the Commission's operating and capital costs are increasing more than projected, the Chief Financial Officer and the Executive Director are instructed to determine whether a change in the toll rate schedule is required so that the Commission will have sufficient funds to pay operating, debt service and capital costs in accordance with the requirements of Sections 4.04(a) and 5.09(a) of the Master Trust Agreement; and

FURTHER RESOLVED, that the Executive Director of the Ohio Turnpike and Infrastructure Commission will provide a certified copy of this resolution to the Huntington National Bank, as Trustee for the Bondholders, and to the Commission's appointed bond counsel.

**(Resolution No. 90-2022 adopted December 19, 2022)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Adopting Proposed 2023 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2023**

WHEREAS, Ohio Revised Code Section 5537.17(F) requires the Commission to submit a copy of its Proposed Annual Operating Budget to the Governor, the Presiding Officers of each House of the General Assembly, the Director of Budget & Management, and the Legislative Service Commission, no later than the first day of the calendar or fiscal year; and

WHEREAS, Article V, Section 5.01 of the Amended and Restated Master Trust Agreement dated April 8, 2013, between the Commission and The Huntington National Bank as Trustee (“Master Trust Agreement”), provides that the Commission shall adopt an annual operating budget on or before the first day of each fiscal year and shall file the same with the Trustee; and

WHEREAS, the Chief Financial Officer and the Executive Director have recommended that the Commission adopt the attached proposed 2023 Annual Operating Budget; and

WHEREAS, the Commission, in order to comply with the provisions of Ohio Revised Code Section 5537.17(F), and the provisions of the Master Trust Agreement, takes the following action.

NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with Article V, Section 5.01 of the Master Trust Agreement, the Commission hereby adopts the following as its 2023 Annual Operating Budget, and the Executive Director, his successor or the Chief Financial Officer are directed to transmit a copy of the budget to the appropriate state officials as set forth in Ohio Revised Code Section 5537.17(F) and to The Huntington National Bank as Trustee, as required under Section 5.01(a)(iii) of the Master Trust Agreement, and to make those deposits or transfers of funds as are necessary to effectuate said budget attached hereto and incorporated by reference into this resolution.

FURTHER RESOLVED, that any 2023 revenues remaining in the General Fund after making payments for the Cost of Operation, Maintenance and Administration, Debt Service, and all budgeted transfers shall be transferred to the Systems Projects Fund.

**(Resolution No. 91-2022 adopted December 19, 2022)**

I, Ferzan M. Ahmed, P.E., Executive Director, of the Ohio Turnpike and Infrastructure Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on December 19, 2022, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike and Infrastructure Commission on  
this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Ferzan M. Ahmed, P.E.  
Executive Director

**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
2023 ANNUAL OPERATING BUDGET**

	<b>PLEGDED</b>	<b>NON-PLEDGED</b>	<b>TOTAL</b>
<b>REVENUES:</b>			
TOLL	\$ 350,271,000	\$ -	\$ 350,271,000
CONCESSION	15,259,800	628,000	15,887,800
INVESTMENT	11,363,400	1,212,500	12,575,900
FUEL TAX	-	3,200,000	3,200,000
OTHER	9,322,300	-	9,322,300
<b>TOTAL REVENUES</b>	<b>\$ 386,216,500</b>	<b>\$ 5,040,500</b>	<b>\$ 391,257,000</b>
 <b>EXPENDITURES:</b>			
<b>OPERATION, MAINTENANCE &amp; ADMINISTRATION:</b>			
ADMINISTRATION & INSURANCE	\$ 19,671,600	\$ -	\$ 19,671,600
MAINTENANCE OF ROADWAY & STRUCTURES	48,621,900	-	48,621,900
SERVICES & TOLL OPERATIONS	57,593,300	-	57,593,300
TRAFFIC CONTROL, SAFETY, PATROL & COMM.	17,402,600	-	17,402,600
<b>TOTAL OPERATION, MAINTENANCE &amp; ADMIN.</b>	143,289,400	-	143,289,400
<b>DEBT SERVICE PAYMENTS</b>	134,796,400	-	134,796,400
<b>TOTAL EXPENDITURES</b>	278,085,800	-	278,085,800
 <b>TRANSFERS TO / (FROM):</b>			
EXPENSE RESERVE	508,200	-	508,200
NON-TRUST FUND	-	1,002,500	1,002,500
FUEL TAX FUND	-	3,365,000	3,365,000
SERVICE PLAZAS CAPITAL IMPROVEMENT FUND	-	673,000	673,000
RENEWAL & REPLACEMENT FUND	10,800,000	-	10,800,000
SYSTEM PROJECTS FUND	96,822,500	-	96,822,500
CONSTRUCTION FUND	-	-	-
<b>TOTAL TRANSFERS</b>	108,130,700	5,040,500	113,171,200
<b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>\$ 386,216,500</b>	<b>\$ 5,040,500</b>	<b>\$ 391,257,000</b>

**(Resolution No. 91-2022 adopted December 19, 2022)**



# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## Resolution Adopting Proposed 2023 Capital Budget

WHEREAS, under Article V, Section 5.03(b)(i) of the Amended and Restated Master Trust Agreement dated April 8, 2013 (“Master Trust Agreement”), the Commission covenants that “from the revenues of the [Turnpike] System it will at all times maintain the System in good repair and in sound operating condition and will make all necessary repairs, renewals, improvements and replacements;” and

WHEREAS, in accordance with Article IV of the Master Trust Agreement, the 2023 Annual Operating Budget includes transfers of revenues to the System Projects Fund, Renewal and Replacement Fund, Fuel Tax Fund, and Service Plaza Capital Improvement Fund; and

WHEREAS, the transfers of 2023 revenues to the System Projects Fund, Renewal and Replacement Fund, Fuel Tax Fund, and Service Plaza Capital Improvement Fund are intended to be added to any unspent balances in these funds and the total is to be available for capital expenditures; and

WHEREAS, the Commission’s Chief Engineer and Chief Financial Officer have prepared the attached Capital Budget that includes a recommended preliminary list of 2023 capital projects totaling up to \$202,877,972, which list is subject to change, and \$23,082,992 in uncommitted funds, which may be used for currently unidentified capital projects that may be needed during 2023; and

WHEREAS, the Executive Director has reviewed and concurs with the recommendations of the Chief Engineer and Chief Financial Officer; and

WHEREAS, the Commission has duly considered said recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the requirements of Article IV of the Master Trust Agreement, the Commission hereby authorizes expenditures from the System Projects Fund, Renewal and Replacement Fund, Fuel Tax Fund, and Service Plaza Capital Improvement Fund for 2023 capital projects, which shall constitute System projects, with such expenditures not-to-exceed a combined total of up to \$225,960,964, and which projects shall be awarded in accordance with the requirements of Article V of the Commission’s Code of Bylaws.

FURTHER RESOLVED, that the Executive Director of the Ohio Turnpike and Infrastructure Commission will provide a certified copy of this resolution to the Huntington National Bank, as Trustee for the Bondholders.

**(Resolution No. 92-2022 adopted December 19, 2022)**

I, Ferzan M. Ahmed, P.E., Executive Director, of the Ohio Turnpike and Infrastructure Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on December 19, 2022, at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike and Infrastructure Commission on this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Ferzan M. Ahmed, P.E.  
Executive Director

**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
2023 TOTAL CAPITAL EXPENDITURES BUDGET**

	IDENTIFIED PROJECTS	UNCOMMITTED FUNDS	TOTAL BUDGETED EXPENDITURES
SYSTEM PROJECTS FUND	\$ 178,371,631	\$ 14,626,033	\$ 192,997,664
RENEWAL & REPLACEMENT FUND	\$ 19,411,341	\$ 2,490,772	\$ 21,902,113
FUEL TAX FUND	\$ 4,440,000	\$ 4,915,431	\$ 9,355,431
SERVICE PLAZA CAPITAL IMPROVEMENT FUND	\$ 655,000	\$ 1,050,756	\$ 1,705,756
<b>TOTAL 2023 EXPENDITURES</b>	<b>\$ 202,877,972</b>	<b>\$ 23,082,992</b>	<b>\$ 225,960,964</b>

**(Resolution No. 92-2022 adopted December 19, 2022)**

**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

**Resolution Authorizing Modification to the Contract with Poggemeyer Design Group, Inc. to Perform Phase IB and Phase II Services**

**Under Project No. 71-21-03 for an Estimated Aggregate Not-to-Exceed Amount of \$159,646.00**

WHEREAS, the Commission selected Poggemeyer Design Group, Inc. (“Poggemeyer”), to perform the architectural/engineering design services, specifically site inspection, engineering report, design and plan preparation (Phase I) and engineering support during construction (Phase II) for the Bridge Deck Rehabilitation, Deck Overlay of Mainline Bridge over State Route 420/I-280 at Milepost 71.4 in Wood County, Ohio designated as Project 71-21-03 (the “Project”), on the date noted and for the scope of work identified below:

**SERVICES/FEES APPROVED TO DATE**

<b>CONTRACT</b>	<b>SERVICES</b>	<b>FEE PROPOSAL</b>	<b>APPROVAL</b>	<b>AMOUNT</b>
Original Contract dated February 17, 2022	Phase IA Services – Project No. 71-21-03 – site inspection and engineering report	January 14, 2022	Executive Director	\$38,591.00

**TOTAL AMOUNT TO DATE: \$38,591.00**

**PROPOSED SERVICES/FEES**

<b>CONTRACT</b>	<b>SERVICES</b>	<b>FEE PROPOSAL</b>	<b>APPROVAL</b>	<b>AMOUNT</b>
<i>First Modification</i>	Phase IB Services - Project No. 71-21-03 - preliminary and final design and plans, and assistance during the bidding process, including bid review services	October 5, 2022	<i>Proposed</i>	\$106,055.00
<i>Future Modification</i>	Phase II Services – Project No. 71-21-03 – Engineering Support during construction	TBD	<i>TBD</i>	\$15,000.00

**TOTAL AMOUNT WITH MODIFICATION: \$159,646.00**

WHEREAS, the parties entered into a Contract for Professional Services (the “Contract”), dated February 17, 2022; and

WHEREAS, the parties contemplated modifying the Contract after the completion of the Phase IA Services to incorporate additional design services based on the findings of the work performed under Phase IA and to be separately designated as Phase IB; and

WHEREAS, the Phase IA Services are complete, and the parties prepared a final design scope for the Project which includes, but is not limited to, preliminary and final design and plans, and assistance during the bidding process, including bid review services (“Phase IB Services”); and

WHEREAS, Poggemeyer submitted a fee proposal dated October 5, 2022, in the not-to-exceed amount of \$106,055.00, to perform the Phase IB Services which fee proposal the Chief Engineer deemed reasonable and necessary; and

WHEREAS, Poggemeyer, per the original draft scope in the advertised project, will be requested to submit a fee proposal to perform Phase II Services, Engineering Support During Construction after the Commission has selected a contractor to construct the improvements designed by Poggemeyer. The estimated cost for these services is \$15,000, which estimated costs the Chief Engineer deems reasonable and necessary; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and approves the recommendation to authorize Poggemeyer Design Group, Inc. to perform the Phase IB Services and anticipated Phase II Services under Project No. 71-21-03; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission’s Code of Bylaws because the proposed Contract modification exceeds the greater of \$150,000 or 10% of the original Contract amount; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the proposal from Poggemeyer Design Group, Inc. dated October 5, 2022 to perform the Phase IB Services and anticipated Phase II Services, specifically described in the recitals, under Project No. 71-21-03 in the not-to-exceed amount of \$121,055.00 is approved, and the Executive Director is authorized to amend the Contract with Poggemeyer Design Group, Inc., to perform such additional services in accordance with the terms and conditions of the existing Contract and Poggemeyer’s fee proposal dated October 5, 2022, in the aggregate not-to-exceed amount of \$159,646.00.

**(Resolution No. 93-2022 adopted December 19, 2022)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving Change Orders for Contract with Kokosing Construction Company, Inc. for Project No. 43-21-02 in the Estimated Amount of \$191,387.42**

WHEREAS, the Commission, under Resolution No. 13-2021, adopted March 15, 2021, approved a construction contract with Kokosing Construction Company, Inc. in the amount of \$4,821,160.90 for Bridge Deck Rehabilitation and Bridge Removal at Fangboner Road over the Ohio Turnpike at Milepost 91.1, the Ohio Turnpike Ramp over the Ohio Turnpike at Milepost 91.6, and the Ohio Turnpike Ramp over S.R. 53 at Milepost 92.0, in Sandusky County, Ohio, designated as Project No. 43-21-02 (the “Project”); and

WHEREAS, the total value of change orders issued on the Project to date is \$360,110.70 each of which was separately approved by the Executive Director or Chief Engineer under the authority of Article V, Section 1.00 of the Code of Bylaws, bringing the current total contract value to \$5,181,271.60; and

WHEREAS, the Commission’s Engineering staff reports there are several change orders yet to be approved on the Project with an estimated net value of \$191,387.42, which includes the following:

- \$121,620.04, Change Order 3, Demobilizing, Remobilizing and Milling Costs
- \$36,892.89, Change Order 10, Various Items
- \$5,732.63, Change Order 11, Signage Changes and Upgrades
- \$76,132.59, Change Order 12, MOT Changes and Curb Price Adjustments
- \$22,087.55, Change Order 13, Infield Drainage Revisions
- \$55,351.68, Change Order 14, Additional 2022 Costs for Project Completion
- \$651.37, Change Order 15, Lighting Circuits
- \$7,018.62, Change Order 16, Light Tower #20 Discrepancy
- \$91,410.34, Change Order 17, Final Quantities
- \$42,689.61, Change Order 18, Non-Performance amount from Change Order 7; and

WHEREAS, Commission approval is necessary because the pending change orders of \$191,387.42, which in combination with the previously approved change orders in the amount of \$360,110.70, result in a total change order value on the Project of approximately \$551,498.12 which exceeds the greater of \$150,000 or 10% of the original contract amount; and

WHEREAS, the Chief Engineer recommends that the Commission approve the change orders described above and his report is currently before the Commission; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs with the recommendation to approve the change orders as described above; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the pending change orders as set forth in the recitals above on the Project in an estimated amount of \$191,387.42 are approved, and the Executive Director is authorized to modify the construction contract with Kokosing Construction Company, Inc. by issuing such change orders, subject to the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate contract amount not to exceed \$5,372,659.02.

**(Resolution No. 94-2022 adopted December 19, 2022)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Approving Change Orders for Contract with Suburban Maintenance and Construction, Inc. for Project No. 43-22-04 in the Estimated Amount of \$560,252.01**

WHEREAS, the Commission, under Resolution No. 18-2022, adopted February 28, 2022, approved a construction contract with Suburban Maintenance and Construction, Inc. in the amount of \$3,732,600.76 for Bridge Deck Replacement and Rehabilitation at the Ohio Turnpike Ramp over French Creek at Milepost 151.3, the Ohio Turnpike Ramp over Lorain Road at Milepost 152.3, and Jennings Road over the Ohio Turnpike at Milepost 153.9, in Lorain and Cuyahoga Counties, Ohio, designated as Project No. 43-22-04 (the “Project”); and

WHEREAS, the total value of change orders issued on the Project to date is \$314,963.11 each of which was separately approved by the Executive Director or Chief Engineer under the authority of Article V, Section 1.00 of the Code of Bylaws, bringing the current total contract value to \$4,047,563.87; and

WHEREAS, the Commission’s Engineering staff reports there are several change orders yet to be approved on the Project with an estimated net value of \$560,252.01, which includes the following:

- \$221,760.00, Change Order 5, Zone person with zone vehicle
- \$141,755.91, Change Order 6, Plan Quantity adjustments
- \$102,781.10, Change Order 7, Field Overhead costs for extended completion date.
- \$93,955.00, Various Change Orders, French Creek, Lorain Ramp, Jennings Road.

WHEREAS, Commission approval is necessary because the pending change orders of \$560,252.01, which in combination with the previously approved change orders in the amount of \$314,963.11, result in a total change order value on the Project of approximately \$875,215.12 which exceeds the greater of \$150,000 or 10% of the original contract amount; and

WHEREAS, the Chief Engineer recommends that the Commission approve the change orders described above and his report is currently before the Commission; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs with the recommendation to approve the change orders as described above; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the pending change orders as set forth in the recitals above on the Project in an estimated amount of \$560,252.01 are approved, and the Executive Director is authorized to modify the construction contract with Suburban Maintenance and Construction, Inc. by issuing such change orders, subject

to the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate contract amount not to exceed \$4,607,815.88.

**(Resolution No. 95-2022 adopted December 19, 2022)**



# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Approving Change Orders for Contract with The Great Lakes Construction Co. for Project No. 43-22-05 in the Estimated Amount of \$657,888.48**

WHEREAS, the Commission, under Resolution No. 75-2021, adopted December 20, 2021, approved a construction contract with The Great Lakes Construction Co. in the amount of \$6,586,173.99 for Bridge Deck Replacement at East Edgerton Road over the Ohio Turnpike at Milepost 169.6 and Bridge Replacement at State Route 21 over the Ohio Turnpike at Milepost 172.9, in Cuyahoga and Summit Counties, Ohio, designated as Project No. 43-22-05 (the “Project”); and

WHEREAS, the total value of change orders issued on the Project to date is \$245,750.60 each of which was separately approved by the Executive Director or Chief Engineer under the authority of Article V, Section 1.00 of the Code of Bylaws, bringing the current total contract value to \$6,831,924.59; and

WHEREAS, the Commission’s Engineering staff reports there are several change orders yet to be approved on the Project with an estimated net value of \$657,888.48; which includes the following:

- \$30,368.41, Change Order 6, SR 21 Contaminated Soil
- \$683.46, Change Order 7, Edgerton Road Work Zone
- \$444.42, Change Order 8, Edgerton Road Beam Modification
- \$1,680.24, Change Order 9, Edgerton Road Bearing Modification
- \$901.07, Change Order 10, SR 21 Beam Modification
- \$623,810.88, Change Order X, 2023 Work Zone Person with Vehicle; and

WHEREAS, Commission approval is necessary because the pending change orders of \$657,888.48, which in combination with the previously approved change orders in the amount of \$245,750.60, result in a total change order value on the Project of approximately \$903,639.08 which exceeds the greater of \$150,000 or 10% of the original contract amount; and

WHEREAS, the Chief Engineer recommends that the Commission approve the change orders described above and his report is currently before the Commission; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and concurs with the recommendation to approve the change orders as described above; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the pending change orders as set forth in the recitals above on the Project in estimated amount of \$657,888.48

are approved, and the Executive Director is authorized to modify the construction contract with The Great Lakes Construction Co. by issuing such change orders, subject to the terms and conditions of the existing contract, which together with all amendments, shall be in the total aggregate contract amount not to exceed \$7,489,813.07.

**(Resolution No. 96-2022 adopted December 19, 2022)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Authorizing Selection of Perfect Sweep, Inc. for the Furnishing of Pavement Sweeping Services Under Bid Invitation No. 4421 in the Total Estimated Amount of \$150,000.00**

WHEREAS, the Commission advertised an Invitation for Bids to perform its requirements for pavement sweeping services during a period commencing upon contract execution and continuing through the 2023 pavement sweeping season; and

WHEREAS, Invitation No. 4421 was divided into the following Groups: Group I (Item 1, Kunkle Section, M.P. 0.0 to M.P. 31.0; Item 2, Swanton Section, M.P. 31.0 to M.P. 60.3; Item 3, Elmore Section, M.P. 60.3 to 93.1; Item 4, Castalia Section, M.P. 93.1 to 126.4) and Group II (Item 1, Amherst Section, M.P. 126.4 to 161.5; Item 2, Boston Section, M.P. 161.5 to 187.5; Item 3, Hiram Section, M.P. 187.5 to M.P. 217.2; Item 4, Canfield Section, M.P. 217.2 to 241.3), and the bidders were given the option to submit bids for any or all Groups; and

WHEREAS, the Commission received three bids for Group I and four bids for Group II, with one of those bids only responding to Item 1 in Group II, in response to the Invitation, and the Commission's Maintenance Operations Engineer reviewed and analyzed the bids timely submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Maintenance Operations Engineer reports that the lowest responsive and responsible bid for the performance of Group I and Group II under Invitation No. 4421 was submitted by Perfect Sweep, Inc., of Toledo, Ohio, in the total estimated amount of \$150,000.00 based on the anticipated quantities of pavement sweeping services that the Commission will require throughout the term of the contract and the pricing offered under the bid; and

WHEREAS, the Maintenance Operations Engineer reports that Perfect Sweep, Inc. has performed the Commission's pavement sweeping services in the past and has performed satisfactorily; and, therefore, the Maintenance Operations Engineer recommends that the Commission award a contract for pavement sweeping services to Perfect Sweep, Inc. for Group I and Group II as the lowest responsible and responsive bidder; and

WHEREAS, the Director of Contracts Administration determined that the bids for Invitation No. 4421 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Perfect Sweep, Inc. for Invitation No. 4421 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Office of Equity and Inclusion (OEI) Contracts Coordinator determined to waive the program requirements due to lack of subcontracting opportunities and availability of certified firms; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bid received may

require expenditures that will exceed \$150,000.00 if the Commission's requirements for pavement sweeping services surpass the estimated quantities; and

WHEREAS, the Commission's Chief Engineer and Executive Director recommend that the Commission award Perfect Sweep, Inc. the contract for Invitation No. 4421 as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the bid of Perfect Sweep, Inc. in the estimated amount of \$150,000.00 to perform the Commission's requirements for pavement sweeping services 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, and the Contractor shall furnish the Commission's requirements for pavement sweeping services throughout the contract term, whether more or less than the estimated quantities, as may be ordered by the Commission under the contract.

**(Resolution No. 97-2022 adopted December 19, 2022)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Authorizing the Selection of Go Big Creative Lab, LLC DBA Switch Innovation Lab for Leadership and Development Training in the Not-To-Exceed Amount of \$285,000.00**

WHEREAS, providing training and development opportunities to the Ohio Turnpike and Infrastructure Commission (“Commission”) leadership team is a priority and aligns with the Commission’s Quality of Work/Life Strategic Initiative stating: “we are committed to provided Ohio Turnpike employees with stable employment and a friendly, respectful and team-oriented culture that include a diversity and inclusion strategy; training; effective communications from leadership; and the ability to be heard and valued;” and

WHEREAS, the Commission previously contracted with Go Big Creative Lab, LLC DBA Switch Innovation Lab, of Richfield, Ohio (“Switch”) for leadership and development training which took place in 2021 and 2022, including Director-only training, Manager-only training, group training and individual coaching session and the training received positive reviews by Commission staff; and

WHEREAS, based on the success of the prior training, the directors and managers collectively decided it was appropriate to continue the leadership and development training for the Commission’s leadership team and the Training and Development Manager solicited proposals from four firms to provide the training, specifically (1) Group leadership training; (2) Director-only and Manager-only leadership training; and (3) Individual coaching sessions (for up to 20 employees); and

WHEREAS, an Evaluation Committee consisting of the Training and Development Manager, Payroll Manager and Customer Service Center Manager reviewed the proposals, conducted interviews with each firm and determined that the proposal submitted by Switch Innovation Lab is the best proposal which most closely aligns with the Commission’s strategic goals and initiatives as detailed in the Training and Development Manager’s recommendation memorandum which is before the Commission; and

WHEREAS, the Evaluation Committee recommends selecting Switch Innovation Lab for leadership and development training for an initial one-year term (\$95,000.00), and two additional, one-year options to extend the contract (each year at \$95,000.00) for a total not to exceed amount of \$285,000; and

WHEREAS, the Commission’s Director of Contracts Administration has determined that the selection of Switch Innovation Lab complies Section 5537.07(F) of the Ohio Revised Code; and

WHEREAS, the Executive Director has reviewed the recommendation of the Evaluation Committee and concurs that the Commission should approve the selection of Switch Innovation Lab for leadership and development training for the Commission’s leadership team; and

WHEREAS, Commission action is necessary to approve the contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the expenditure exceeds \$150,000.00; 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 Go Big Creative Lab LLC DBA Switch Innovation Lab of Richfield, Ohio is approved to provide leadership and development training to the Commission's leadership team and that the Executive Director is authorized to enter into a contract with Go Big Creative Lab LLC DBA Switch Innovation Lab for an initial one-year term (\$95,000.00), and two additional, one-year options to extend the contract (each year at \$95,000.00) for a total not to exceed amount of \$285,000.00.

**(Resolution No. 98-2022 adopted December 19, 2022)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Rejecting the Sole Bid Received for Bid Invitation No. 4420 for Janitorial Services at Toll Plaza Nos. 180-239 and Ohio State Highway Patrol Post 91**

WHEREAS, the Ohio Turnpike and Infrastructure Commission (“Commission”) published notice in accordance with law advertising its invitation to bid upon a contract for Furnishing All Service and Materials for Cleaning of Select Commission Toll Plazas and Ohio State Highway Patrol Post 91 (hereinafter the “Project”); and

WHEREAS, the Commission received one bid in response to perform cleaning services at certain Toll Plazas and Ohio State Highway Patrol Posts, specifically Interchanges 180 through 239 and the Hiram Patrol Post 91, also known as Group III, from American Maintenance Services, Inc. (“AMS”), of Youngstown, Ohio; and

WHEREAS, Section 5537.07(A) of the Ohio Revised Code, as well as the Instructions to Bidders, provide that the Commission may reject any and all bids; and

WHEREAS, AMS’s bid did not address Ohio’s minimum wage increase, effective January 1, 2023:

WHEREAS, when the Commission staff requested additional information from AMS regarding Ohio’s minimum wage increase, this bidder’s pricing increased by more than 35% and, therefore, the Director of Toll Operations recommends rejecting the sole bid and rebidding this contract with the goal of receiving multiple competitive bids; and

WHEREAS, based on the foregoing, the Executive Director concurs with the recommendation that the Commission reject the sole bid on the Project; and

WHEREAS, the Commission has duly considered said recommendations.

NOW, THEREFORE, BE IT

RESOLVED, by the Ohio Turnpike and Infrastructure Commission that the sole bid received in response to Bid Invitation No. 4420, Group III is rejected.

**(Resolution No. 99-2022 adopted December 19, 2022)**