

**MINUTES OF THE 680<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
DECEMBER 21, 2020**

**Chairman:** Good morning. Will you please stand and join me in reciting the *Pledge of Allegiance*. The meeting will come to order.

We are here on video conference – not in person as Amended House Bill 404 effective November 22, 2020, extends the temporary authorizations that public bodies received in HB 197 to meet remotely, with an expiration date of July 1, 2021. We are doing our part to help prevent the spread of COVID-19.

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

**Assistant Secretary-Treasurer:** Chairman Hruby

**Chairman, Jerry Hruby:** Here

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

**Vice Chairman, Timothy Paradiso:** Here

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

**Commissioner, Sandra Barber:** Here

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

**Commissioner, Guy Coviello:** Here

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

**Commissioner, Vickie Eaton Johnson:** Here

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

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

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

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

**Assistant Secretary-Treasurer:** Senator McColley

**Senator Rob McColley:** Here

**Assistant Secretary-Treasurer:** Representative Greenspan

**Representative Dave Greenspan:** Here

**Chairman:** This is the 680<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are holding a meeting today via Microsoft Teams.

As mentioned at the beginning, Amended House Bill 404 effective November 22, 2020, allows us to continue using video conferencing for all public meetings until July 1, 2021. Accordingly, we can check in with our Technology team after the meeting and confirm that this was available by live stream to the public.

Various reports will be received, and we will act on several resolutions. Draft copies have been sent to the Members. The Resolutions will be explained during the appropriate reports.

As Secretary-Treasurer, Michael Peterson's term with the Ohio Turnpike and Infrastructure Commission has expired, we must hold a special election to appoint a new Secretary-Treasurer.

The newly appointed Secretary-Treasurer shall serve until their current term expires or until the next scheduled election of officers occurs at the first meeting held after the 30<sup>th</sup> day of June 2023, whichever comes first.

I would like to nominate Mrs. Sandra Barber.

**Dr. Marchbanks:** Second.

**Chairman:** Seconded by Dr. Marchbanks. Is there any other nominations? Hearing none, I move that the nominations be closed. Please call the roll.

**MOTION:** A motion to close the nominations for the position of Secretary-Treasurer was made by Chairman Hruby and seconded by Vice Chairman Paradiso, and approved by all Commission Members present.

**Chairman:** I move Mrs. Sandra Barber be appointed Secretary-Treasurer.

**MOTION:** A motion to appoint Mrs. Sandra Barber to the position of Secretary-Treasurer was made by Chairman Hruby and seconded by Vice Chairman Paradiso, and approved by all Commission Members present.

**Chairman:** Congratulations, Mrs. Barber. Welcome back to that position. I know you will do a great job.

We will now move on, may I have a motion to adopt the Minutes of the November 16, 2020 Commission Meeting.

**MOTION:** A motion to adopt the Minutes of November 16, 2020, Commission Meeting was made by Dr. Marchbanks and seconded by Vice Chairman Paradiso. Any questions, comments, or additions to the minutes? Hearing none. Roll call on the motion, please. All Commission Members present voted to approve the Minutes.

**Chairman:** The November 16, 2020 Commission Meeting Minutes are adopted. We will move on with the report of the Secretary-Treasurer that will be read today by the Assistant Secretary-Treasurer, Ferzan Ahmed.

**Assistant Secretary-Treasurer:** The following items have been provided to the Members since the last scheduled meeting of the Commission on November 16, 2020:

1. Twelve Resolutions;
2. Draft Minutes of the November 16, 2020, Commission Meeting; and
3. Agenda for today's meeting.

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

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

That concludes the Secretary-Treasurer's report.

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

**Director Ahmed:** I have a few items to report on today.

I am pleased and proud to share that the Commission is the recipient of the *Midwest 2020 Technology Innovation Award* from Government Technology Special Districts for our Strategy Execution Program. The award was presented to us virtually on December 15<sup>th</sup>. Special Districts are entities like turnpikes, port authorities, water, transit and park districts, and this program is a national program through AT&T.

The award recognizes our implementation of operational metrics to rate how we carry out our mission. As a team, we established measurable metrics in Safety, Quality of Work Life, Customer Experience, System Conditions and Financial Stewardship. These metrics are now available on our website.

Every year, for the statewide Combined Charitable Campaign, DAS sets a goal for agencies boards and commissions. For 2020, our goal was \$17,000. Due to the great generosity of Turnpike employees, we raised more than \$33,000 in donations. Several employees from different departments acted as coordinators for raising money for combined charities and were recognized with certificates. The pictures being shown are of Chris Merillat and teams from the Kunkle and Elmore Maintenance facilities for their efforts.

I would like to congratulate Barney Smith, Dale Lyszak and Joyce Beach for reaching career milestones. Barney retired on November 27<sup>th</sup> from the Maintenance Department. Dale plans to retire from the Sign shop and Joyce from the Toll Operations Department on Dec 31<sup>st</sup>. I thank them for their service to the Commission and Ohioans and wish them the best on their next journey.

We had a robust construction program in 2020. Over 108 lane miles of mainline roadway and two interchanges were resurfaced. Additionally, we reconstructed almost nine lane miles of mainline pavement out near Toledo, as part of our first Toll Collection System major construction project. Sixteen bridge projects were completed, consisting of bridge deck replacements, major rehabilitations, and the removal of three bridges that were no longer necessary.

Four projects will continue through winter, the clearing of newly acquired right-of-way areas purchased for the new Toll Plazas at Milepost 4 in Williams County and Milepost 211 in Trumbull County, along with construction of the new Toll Plaza building at Milepost 49 in Lucas County. Engineering plans are being completed and projects are in the process of bidding to keep construction rolling in 2021. The projects are identified in the Capital Improvement projects that will be presented during the Chief Engineer's report.

One of the most talked about connected and autonomous vehicle technologies is called "truck platooning". "Truck platooning" means that more than one truck is being driven by one driver. Basically, the lead truck is being driven and the follow truck(s) are electronically connected to the lead truck. On October 22<sup>nd</sup>, the Smart Belt Coalition (SBC), a tri-state collaboration between five transportation agencies and educational institutions in Michigan, Ohio, and Pennsylvania, including the Ohio Turnpike and ODOT, conducted a demonstration of truck platooning. The demonstration tested the administrative and procedural requirements necessary for a truck platooning system to operate continuously through a multi-jurisdictional environment. The two-truck platoon traveled over 300 miles on a route starting in Pittsburgh, across the Ohio Turnpike to Michigan. Trucks transported food between the Greater Pittsburgh Area Food Bank in Pennsylvania, the Toledo Northwest Ohio Food Bank in Ohio, and the Forgotten Harvest Food Rescue Organization in Michigan.

Although refueling was not required during the duration of the route operation, the platooning vehicles stopped at the Middle Ridge Service Plaza on the Ohio Turnpike to represent a refueling stop and demonstrated how service plazas would be navigated for fuel. This stop ended up serving as an

educational opportunity with members of the Ohio State Highway Patrol, who work with commercial vehicle enforcement and vehicle technology.

Before I end my report and wish everyone a Merry Christmas and a Happy New Year, I would like to thank Representative David Greenspan for his service to the State of Ohio as a Legislator, and to our Commission as a member of the Commission. Representative Greenspan is a true gentleman and great supporter of statewide infrastructure and transportation. We have a resolution honoring his Public Service, and with your permission, I would like to ask the General Counsel to read the title of the Resolution.

**General Counsel:** Resolution Honoring the Distinguished Service of Representative Dave Greenspan.

**Chairman:** I would like to say, Dave, on behalf of the Commission, what a gentleman you have been and what a great leader you have been in the area of transportation helping us with the state legislature. You have distinguished yourself in the many committees that you served on and you have done a great job. We certainly look forward to working with you in the future. Any other comments? Hearing none, please call the roll.

**MOTION:** A motion to adopt *Resolution Honoring the Distinguished Service of Representative Dave Greenspan* was made by Vice Chairman Paradiso, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 74-2020.

**Representative Greenspan:** Thank you, Mr. Chairman and Commission Members for this recognition, but more importantly thank you for what you do to ensure that the infrastructure, specifically the Turnpike, operates efficiently and effectively. Your work, although, many Ohioans might not see it directly clearly benefits all of Ohio. Thank you for your service.

**Chairman:** Thank you. Anything further, Director Ahmed?

**Director Ahmed:** That concludes my report, Mr. Chairman.

**Chairman:** Thank you. Any questions or comments for the Director? Hearing none, we will move on to the report of the CFO/Comptroller/DED, Marty Seekely.

**CFO/Comptroller/DED:** Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of November and three resolutions for your consideration this morning.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled continued to be impacted by the effect of COVID-19, particularly over the Thanksgiving holiday as many people stayed home instead of visiting others. As a result, passenger car vehicle miles traveled were down 23.6% in November.

However, commercial traffic continued to improve and was up 7.7% in November.

The decrease in passenger car traffic combined with the toll rate increase caused passenger car toll revenue to decrease 23.1% in November from the same month last year.

The increase in commercial traffic combined with the toll rate increase caused commercial vehicle toll revenues to increase 10.7% in November.

This chart shows the weekly percentage change in total toll revenue from the corresponding week of last year. You can see that toll revenue week ended April 18<sup>th</sup>, was down 38.1% from last year. Since then, the decline from last year has fairly steadily lessened. More recently, toll revenues were down 13.2% the week of Thanksgiving, down 6.1% week ending December 5<sup>th</sup>, and up 1.1% week ending December 12<sup>th</sup>. Last week, which is not on the chart, toll revenue was down 6.2% from last year.

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 \$25.9 million or 9.1% below the amount from last year. If you subtract February 29<sup>th</sup> from this year's total, total toll revenues are down \$26.5 million or 9.3% from last year. That completes my report on Traffic & Revenue.

Next, I have a resolution for your consideration that will authorize the issuance of Turnpike Revenue Bonds to fund \$170 million in Turnpike capital projects.

Each year the Commission prepares a long-term projection of future operating and capital budgets that projects revenues, expenses, debt service payments and capital expenditures. The long-term projection is used to plan for the sequencing of large capital projects and to forecast the need for toll increases or debt issuances. Our long-term projections over the last few years have indicated a need to issue bonds to fund capital projects in 2021 and 2022.

Over the last few months, the Commission has been working to update the long-range projection and develop a plan of finance that will provide the needed capital funds while at the same time ensuring that the Turnpike will have sufficient funds to operate and maintain the Turnpike in excellent condition. The plan has been prepared using the following inputs.

We have contracted with Stantec Consulting Services to project our Traffic and Revenue. Operating Expenses have been projected by the CFO/Comptroller. The Chief Engineer has prepared a detail capital expenditure plan that projects the capital expenditures required to maintain the road in an excellent condition. Citigroup Global Markets has been retained to structure the new debt issue and to sell the bonds along with the other underwriters. And PFM Group has been retained to advise and assist the Commission through this process.

The next few slides, taken from the presentation that we just gave to the rating agencies, outline our financial projections for the next 31 years.

This slide contains Stantec's traffic projections. The chart on the top is their projection for the number of toll transactions that will occur on the Turnpike. The black line represents the

number of transactions in millions and the blue bars represent the percentage increase in transactions each year. They expect transactions to increase in 2021 as we recover from the COVID pandemic and then grow at a steady rate of about 0.5% each year with the exception of an over 20% increase in 2022. That large increase is due to the opening of the two new barrier toll plazas at Eastgate and Westgate as part of the implementation of the new toll system. As you will recall, with the implementation of the new toll system, vehicles making full length trips across the Turnpike will pay three tolls westbound and two tolls eastbound instead of the one toll they pay today.

The bottom chart shows their projection of vehicle miles traveled. Based on traffic trends in the years prior to this year, they project a long-term growth rate in vehicle miles traveled of about 0.3% per year. This is about 0.4% less per year than what was previously forecast.

This slide contains Stantec's revenue forecast. Because of the lost revenue due to COVID-19 that we are currently experiencing, the reduction in the long-term growth rate in vehicle miles traveled and an increase in our projected capital expenditure requirements, it is necessary to revise our projected toll rate increase assumptions. The updated long-term projection assumes that toll rates will increase 2.7% in 2021 and 2022, 7.7% in 2023 and 2024, dropping back to 2.7% per year in 2025 through 2028, and then 2% per year thereafter.

This slide contains the first ten years of our thirty-five year capital expenditure projection. To ensure that the Turnpike continues to be maintained in an excellent condition, the Chief Engineer has prepared a detailed capital expenditure projection that takes into account all of our expected capital needs including: replacing all of the original concrete base that was constructed in 1955; replacing the third lane that was constructed in the 1990's; bridge repairs and rehabilitation; repairs or replacement of all of our buildings; and the periodic replacement of telecommunications equipment, computer systems and the toll system. This year the estimate of the cost for bridge repairs and deck replacements was reevaluated and it was determined that since most of the Commission's bridges had their deck replaced in the 1980's, that a major bridge deck replacement program would need to begin in 2024. This results in a large increase in the long-term capital projection.

The major types of expenditures are color coded on the chart. Pavement replacement expenditures are in dark blue, resurfacing and repaving is green, bridges are purple, buildings are in light blue, and the toll collection system is in yellow.

This slide gives a graphical representation of how much we are spending on each major area. The chart on the left includes the cost of the capital program over the next ten years, which we anticipate will total almost \$1.8 billion. 30% will be spent on the replacement of the original concrete pavement, 15% on resurfacing the road to maintain the surface in excellent condition and 34% on bridges.

The chart on the right has the cost of the capital program over the next thirty-five years. During this time period you can see we have planned to start replacing the third lane that was constructed in the 1990's. Over the next thirty-five years 17% of our capital dollars will be spent

on pavement replacement, 15% on Third lane pavement replacement, 15% on resurfacing and repaving and 35% on bridges.

This slide contains our proforma debt service coverage. The chart contains the pledged revenue projection from Stantec, the operating expense projection and the resulting net revenues available for debt service. This is the amount that would be available to pay debt service and our capital program each year. The next section contains the annual net senior lien debt service requirement. This includes the additional debt service required for the 2021 bonds. The next section contains the Junior Lien debt service requirements. To be conservative, we have not factored in the savings we would get if we refunded the 2013 Junior Lien Bonds. On the bottom of the page, we have the projected senior lien debt service coverage ratio and the composite debt coverage ratio. You can see that our projected Senior Lien coverage ratio starts out at 3.28 times in 2021 and eventually grows to over twenty-four times in 2031. The composite debt service coverage ratio starts out at 1.83 times in 2021 and increases to 2.37 times in 2031. The Commission has a goal to always remain above 1.7 times coverage.

This slide is a graphical representation of the financial plan. The dark blue bars represent our existing debt service. The light blue bars represent the debt service on the 2021 Senior Lien debt issuance. The light and dark green bars represent the debt service on the Junior Lien debt. Above that you will notice the grey portion of the bars. This represents the amount of funds needed from operations to fund our capital expenditures. And the black line represents our net funds available from operations. That is our revenues minus our operating expenses. You can see that we have sufficient funds available from operations each year to make all our required debt service payments and fund our capital expenditure requirements.

This is a summary of the expected bond issuance sources and uses. We expect to issue senior lien bonds with a par value of approximately \$140.9 million which with the expected bond premium will generate approximately \$178 million in proceeds. We will deposit \$170 million into the construction fund to fund Turnpike construction projects and make a required deposit of \$7.0 million to the Senior Lien debt service reserve account.

In April of this year, the Commission passed a resolution authorizing the advance refunding of the certain of the 2013 Junior Lien Bonds during 2020 if interest rates made an advance refunding favorable. We did not proceed with the refunding in 2020 but interest rates continue to be low and an advance refunding may be favorable during 2021. If the Commission authorizes an advance refunding of these bonds for 2021, we may be able to realize substantial interest savings.

The second column in the top table includes the par value of the refunding bonds that would be issued to advance refund \$273 million of the 2013 Junior Lien Bonds. We will monitor interest rates over the next few weeks and if we determine an advance refunding of these bonds is favorable, we will market the refunding bonds at the same time as we market the 2021 Senior Lien Bonds. If an advance refunding is not favorable at that time, we will continue to monitor interest rates and if an advance refunding becomes favorable later in the year we will proceed with the advance refunding at that time. You can see in the bottom table that the refunding of these bonds has the potential to have net present value savings of \$46 million or 16.9% of par value at current interest rates. We will evaluate the savings that can be realized now versus the potential savings



that could be realized by waiting until the call date in making our decision on when to proceed with the refunding of these bonds.

This is the schedule for the bond transaction.

We met with the rating agencies last week and have requested that they provide their ratings on the bonds on January 8<sup>th</sup>.

We will print the preliminary official statement the week of January 12<sup>th</sup> with pricing of the bonds the week of January 26<sup>th</sup> and a closing on February 16<sup>th</sup>.

The first resolution authorizes the issuance of Senior Lien Turnpike Revenue bonds that will generate \$170 million dollars in proceeds for Turnpike projects. May the General Counsel please read the title of the resolution.

**General Counsel:** A Resolution Authorizing the Issuance of State of Ohio Turnpike Revenue Bonds, Authorizing Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds.

**Chairman:** Any questions or comments?

**MOTION:** A motion to adopt *A Resolution Authorizing the Issuance of State of Ohio Turnpike Revenue Bonds, Authorizing Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds* was made by Chairman Hruby, seconded by Vice Chairman, and approved by all Commission Members present. Resolution No. 75-2020.

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

**CFO/Comptroller/DED:** The second resolution that I have for your consideration authorizes an advance refunding of some of the Commission's 2013 Bonds.

In April of this year, the Commission passed a resolution authorizing the advance refunding of the certain of the 2013 junior lien bonds during 2020 if interest rates made an advance refunding favorable. We did not proceed with the refunding in 2020 but interest rates continue to be low and an advance refunding may be favorable during 2021.

This resolution will provide the authorization for the Commission to proceed with an advance refunding of those bonds in 2021 if that opportunity arises.

It authorizes the issuance of refunding bonds in the not to exceed amount of \$425 million, provided that the net present value savings achieved by refunding the bonds is not less than 5%.

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

**General Counsel:** A Resolution Authorizing the Issuance of State of Ohio Turnpike Junior Lien Revenue Refunding Bonds (Federally Taxable) (Infrastructure Projects), Authorizing

Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds.

**Chairman:** Any questions or comments?

**Dr. Marchbanks:** Mr. Chairman, in regard to redeeming these Junior Lien Bonds, what would the trigger be in terms of timing?

**CFO/Comptroller/DED:** Mr. Chairman and Dr. Marchbanks, we will evaluate the refunding at the time we go to market. So, we will compare what we can save on refunding the bonds today against what we estimate we can save if we waited until the call date.

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

**MOTION:** A motion to adopt *A Resolution Authorizing the Issuance of State of Ohio Turnpike Junior Lien Revenue Refunding Bonds (Federally Taxable) (Infrastructure Projects), Authorizing Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds* was made by Secretary-Treasurer Barber, seconded by Ms. Johnson, and approved by all Commission Members present. Resolution No. 76-2020.

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

**CFO/Comptroller/DED:** Next, I would now like to present the proposed 2021 Operating Budget for your consideration.

This pie chart provides an overview of the proposed 2021 revenue budget. Tolls are obviously the major source of the Commission's funding, representing 92.2% of projected 2021 revenues.

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Concessions generated from sales of food, fuel and other retail goods and services at the Commission's service plazas are estimated to be 4.2% of total revenues.

The remaining 3.6% consists of investment earnings, fuel taxes and other miscellaneous revenues.

This slide shows a comparison of the proposed 2021 budget to the 2020 budget for pledged funds. The toll revenue budget is \$16.2 million or 5.1% lower than last year's budget. The toll revenue budget was developed by Stantec Consulting Services, our traffic and revenue consultant. Tolls will be increased 2.7% on January 1 next year. The decrease in revenue is due to the effect of COVID-19 on passenger car vehicle miles traveled.

The Concession revenues budget is \$2,892,000 or 17.8% less than last year's budget. This decrease is also due to the effect of COVID-19 on traffic.

Investment revenue is budgeted to decrease by \$8.1 million or 87% from last year's budget. The decrease is due to the reduction in short term interest rates by the Federal Reserve over the last year and lower investment balances in the Infrastructure Fund.

The increase in the other revenues budget relates primarily to higher monthly transponder usage fees due to an increase in the number of transponders issued to customers.

The proposed 2021 pledged revenues budget totals \$324.7 million, a decrease of \$26.5 million or 7.5% from the 2020 budget.

This slide shows the projected 2021 vehicle miles traveled, the percentage of those miles expected to be paid with *E-ZPass*<sup>®</sup> and the resulting calculation of toll revenue by vehicle class.

Total vehicle miles traveled are budgeted to decrease 9.4% from the 2020 budget with passenger car vehicle miles traveled decreasing 12% and commercial traffic vehicle miles traveled decreasing 4.7% from the 2020 budget.

The *E-ZPass*<sup>®</sup> rate of usage for Class 1 vehicles (passenger cars) is budgeted at 59.5% in 2021. Class 5 (semi-trucks) *E-ZPass*<sup>®</sup> usage is projected to Increase to 92.7%.

Consequently, the additional revenue generated by the toll rate increase combined with the decrease in vehicle miles traveled results in total toll revenue of \$302.8 million which is a decrease of \$16.2 million from our 2020 toll revenue budget.

It is expected that only 4.7% of the Commission's 2021 budget will be spent on administration and insurance. We project that 14.1% of the budget will be needed for the maintenance of the roadway and structures, 17.0% for the operation of the toll and service plazas, and 4.8% for traffic control, safety, patrol and communications.

The Commission currently has about \$2.0 billion in Senior and Junior Lien Bonds outstanding and we will be issuing approximately \$141 million in new senior lien bonds in 2021. The debt service on those bonds will require 36.1% of the Commission's 2021 expenditures budget, leaving 23.3% available for capital projects.

This slide contains our 2021 staffing budget. We have budgeted for a decrease of seven fulltime non-bargaining positions, five of which are toll supervisory positions.

We plan on reducing the number of full-time toll collectors by twelve and the number of part-time toll collectors by nineteen, through attrition.

We also plan on decreasing the number of part-time maintenance staff by seven, all of which are summer help or interns.

The total 2021 staffing budget is 898 which is a net decrease of nineteen full-time positions and a decrease of thirty-two part-time positions from last year's budget.

The decrease in personnel combined with no planned increase in employees' wages from last year's budget and one less day because of leap year last year, results in a \$1.9 million or 3.5% decrease in wage expenses.

Most of the increase in Administration & Insurance is due to increased software maintenance costs from the expected implementation of the new customer service center software.

The decrease Services & Toll operations expenses is due to a reduction in wages as a result of the reduction in the number of toll collectors.

The increase in Traffic Control, Safety & Patrol is primarily due to increases in costs from the Ohio Highway Patrol.

Total 2021 operating, maintenance and administrative expenses are expected to decrease by \$536,000 or 0.4% from the 2020 budget.

Debt service payments on our existing Senior and Junior Lien debt and the \$141 million debt issuance planned for next year, are estimated to be \$118.6 million in 2021.

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 decrease in our expense budget of \$536,000, we are required to remove one-twelfth of this amount, or \$44,700 from 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 \$5 million to the Renewal and Replacement Fund and a transfer of \$67.9 million to the System Projects Fund.

The 2021 budgeted debt coverage ratio on our senior debt is 2.89 and the composite debt coverage ratio on all of our debt is 1.62.

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 1.7.

This is the proposed 2021 budget for non-pledged funds.

The major source of non-pledged revenue is five 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 thirteen years. The red line represents budgeted revenues which have increased from \$212 million in 2009 to \$328 million in 2021.

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 \$133.1 million in 2021.

The difference between our revenues, the red line, and our operating expenditures, the green line, represent our income from operations which has more than doubled over this period from \$89 million in 2009 to \$195 million in 2021.

This has enabled the Commission to fund the increase in debt service payments from \$56 million in 2009 to \$119 million in 2021 and an increase in the amount of funds transferred to our capital improvements funds from \$33 million in 2009 to \$76 million in 2021.

The total proposed 2021 Operating Budget is \$328,276,000.

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. Chairman, I would like to ask the General Counsel to please read the title of the resolution.

**General Counsel:** Resolution Adopting Proposed 2021 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2021.

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

**MOTION:** A motion to *adopt A Resolution Adopting Proposed 2021 Annual Operating Budget*

*and Providing for Deposits Required Under the Master Trust Agreement During 2021* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 77-2020.

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

**CFO/Comptroller/DED:** No, Mr. Chairman, that completes my report.

**Chairman:** Thank you. We will now move on to the report of the Chief Engineer, Tony Yacobucci.

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

The first resolution is for the adoption of our 2021 Capital Budget. In your folders you have a detailed Capital Budget, listing all of our proposed projects for 2021. I have a brief presentation this morning which reviews the proposed 2021 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 five funds in the Capital Budget. These include the System Projects Fund, the Construction 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 five 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 \$17.4 million, and approximately \$67.9 million will be transferred to this fund from the 2021 Operating Budget. This will result in approximately \$85.3 million available for projects in 2021.

We have identified about \$73.2 million in System Projects, of which approximately \$54.7 million will cover the completion of existing projects and \$18.5 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 project in Fulton and Lucas Counties, the new mainline toll plaza in Lucas County, the Toll Collection System Integration, and the implementation of the new Customer Service Center.

This slide lists the \$18.5 million of new System Projects to be funded in 2021. \$15.9 million has been allocated for the bridge deck replacements, bridge deck widening, and bridge removal projects that we anticipate bidding in 2021. We have also allocated \$500,000 for a small

interchange resurfacing project and about \$2.2 million for Engineering Design and Consulting Services for Capital Projects.

This will leave about \$12.1 million available in the System Projects Fund for other unidentified projects that may come up over the next year.

The second component of the Capital Budget is the Construction Fund. This account is funded from the 2021 Senior Lien Bond sale proceeds, which are to be expended on Ohio Turnpike projects. Projects listed in the Construction Fund are also major construction projects that are part of our Capital Improvement Program. The sum of the beginning balance, transfers from 2021 Operating Funds, and the Bond Proceeds will result in approximately \$90.1 million available for projects in 2021.

We have identified about \$85.5 million in Construction Fund Projects, of which approximately \$45 million will cover the completion of existing projects and \$40.5 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 are the continuation of a pavement replacement project in Williams County and a pavement replacement project in Trumbull County.

This slide lists the \$40.5 million of new Construction Fund Projects to be funded in 2021. \$17 million has been allocated for a Pavement Replacement Project in Mahoning County, \$12.5 million has been allocated to new mainline toll plazas in Williams and Trumbull Counties and adding a toll lane at two existing toll plazas, and \$11 million is going toward an Erie County resurfacing project.

This will leave about \$4.6 million available in the Construction Fund for other unidentified projects that may come up over the next year.

The third 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 \$14.6 million, and \$5 million will be transferred to this fund from the 2021 Operating Budget. This will result in approximately \$19.6 million available for projects in 2021.

About \$5.5 million is committed to ongoing projects that were previously awarded in 2020. New projects total approximately \$12 million and include about \$1.4 million for the replacement of maintenance equipment, \$4 million for maintenance vehicle replacements, and over \$4.7 million for numerous technology upgrades to both our communication equipment, as well as computer software and hardware.

This will leave approximately \$2.1 million available in the Renewal and Replacement Fund for other unidentified projects that may come up over the next year.

The fourth 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 the service plazas being returned to the Commission. We will begin the year with a balance of approximately \$5.1 million in this fund. About \$3 million will be generated during 2021, resulting in a balance of approximately \$8.1 million available for 2021 projects.

Within the Fuel Tax Fund, about \$50,000 is committed to ongoing bridge painting projects. One new bridge painting project has been identified with \$3.8 million allocated to it, and one new slope failure project has been identified with \$2.8 million allocated to it.

This will leave about \$1.5 million available in the Fuel Tax Fund for other unidentified projects that may come up over the next year.

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. Revenue of approximately \$500,000 is projected for 2021. Adding this to the projected 2021 beginning balance of approximately \$1.4 million results in approximately \$1.9 million available for projects.

Approximately \$800,000 will be budgeted for new projects in 2021, including the preservation of paved areas at Indian Meadow, Tiffin River, Blue Heron and Wyandot Service Plazas, as well as building system upgrades at various service plazas.

This will leave approximately \$1.1 million available in the Service Plaza Capital Improvement Fund for other unidentified projects that may come up over the next year or in future years.

In summary, the 2021 Capital Budget includes about \$183.6 million in identified projects and \$21.4 million for unidentified projects, for a total of \$205 million. That completes my 2021 Capital Budget presentation. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Adopting Proposed 2021 Capital Budget Totaling \$205,022,965.

**Chairman:** Any questions or comments?

**Dr. Marchbanks:** With regard to change orders or unforeseen cost overruns with your capital projects, are they built into the overall estimate of the project or are they covered in the unforeseen project fund?

**Chief Engineer:** Mr. Chairman and Dr. Marchbanks, we build a small portion in because everything that we do obviously is estimated when we do this, so there is a small portion of change orders and unforeseen conditions built in. As I mentioned, in every fund there is the



unidentified projects portion or uncommitted funds and those uncommitted funds are also used for those types of unforeseen conditions or other projects that may come up over the course of the year. So, whenever I do the budget, I try to leave anywhere from 8% to 10% of uncommitted funds in every fund so that I have available funds if something were to come up.

**Dr. Marchbanks:** That is conservative. I like that. Thank you.

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

**MOTION:** A motion to adopt a *Resolution Adopting Proposed 2021 Capital Budget Totaling \$205,022,965* was made by Chairman Hruby, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 78-2020.

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

**Chief Engineer:** The second resolution for your consideration seeks the Commission's authorization to award Contract No. 40-20-01 for the repainting of three bridges located between Milepost 145.9 and Milepost 148.0, located in Lorain County. This work is included in the 2021 Capital Improvement Budget. On November 6, 2020, Procurement received six (6) bids for this work, and the apparent low bid was submitted by APBN, Inc. ("APBN"), of Campbell, Ohio, in the amount of \$2,859,109.00. This bid was evaluated by Commission staff and was found to contain no errors or anomalies. The bid submitted by APBN is below the Engineer's Estimate and is deemed to be a responsive and responsible bid. Based on a review of previous years' work volume and work presently under contract, it appears that APBN has sufficient capacity to perform this project. Furthermore, APBN has satisfactorily completed similar projects for the Commission in the past. The Resolution also contains provisions to assign Quality Control Services, LLC, of Cleveland, Ohio, a Commission certified SBE/DBE firm, to perform construction administration and inspection services. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of APBN, Inc. for Project No. 40-20-01 for the Total Amount of \$2,859,109.00 and Approving Quality Control Services, LLC to Perform Professional Services on the Project.

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

**MOTION:** A motion to adopt a *Resolution Approving the Selection of APBN, Inc. for Project No. 40-20-01 for the Total Amount of \$2,859,109.00 and Approving Quality Control Services, LLC to Perform Professional Services on the Project* was made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 79-2020.

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

**Chief Engineer:** The third resolution for your consideration seeks the Commission's authorization to amend the Agreement for Project No. 71-19-07 with Arcadis US Inc. ("Arcadis"),

of Cleveland, Ohio, relating to Professional Engineering Services for modernizing the Ohio Turnpike's Toll Collection System and implementing the Strategic Plan, as adopted by the Commission under Resolution No. 57-2017. The Commission, under Resolution Nos. 58-2019 and 66-2020, authorized Arcadis to perform Task 1 services including plan review, field verification and as-built drawing plan development, and to perform Task 2 services including environmental support and permitting, field survey, geotechnical investigation, design, and plan preparation for the addition of a lane at Toll Plaza 64 and Toll Plaza 152. On December 3, 2020, Arcadis provided a proposal to perform Task 3 services, including the preparation of construction plans, specifications, and construction estimates for bidding purposes for Toll Plaza 52 through Toll Plaza 209 (excluding Toll Plaza 64 and Toll Plaza 152), as part of the TCS Modernization Project, in the not-to-exceed amount of \$755,368.18. Therefore, we are requesting Commission authorization to amend the Agreement for Project No. 71-19-07 with Arcadis US Inc., of Cleveland, Ohio, in the amount not to exceed \$755,368.18, for the performance of Task 3 services. With your permission, may the General Counsel please read the title of the Resolution?

**General Counsel:** Resolution Authorizing Arcadis U.S. Inc. to Perform Task 3 Services Under Project No. 71-19-07 in the Aggregate Not-To-Exceed Amount of \$1,486,584.07.

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

**MOTION:** A motion to adopt a *Resolution Authorizing Arcadis U.S. Inc. to Perform Task 3 Services Under Project No. 71-19-07 in the Aggregate Not-To-Exceed Amount of \$1,486,584.07* was made by Vice Chairman Paradiso, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 80-2020.

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

**Chief Engineer:** The next resolution for your consideration seeks the Commission's authorization to award Contract No. 4379 for the furnishing of approximately 575,000 pounds of hot-pour, ready mixed joint sealant material. On December 4, 2020 Procurement received two (2) bids for this material under Bid Invitation No. 4379. The apparent low bid was submitted by Crafc0, Inc. ("Crafc0"), of Chandler, Arizona, at a unit price of \$0.33 per pound. Crafc0 proposes to furnish the joint sealant material and services in accordance with the Specifications. Additionally, Crafc0 has furnished similar material to the Commission in the past and has performed satisfactorily. Therefore, I am recommending that an award be made to Crafc0, Inc. of Chandler, Arizona, in the amount of \$199,273.50, which includes the five percent delivery variance required by the Bid Invitation. With your permission, may the General Counsel please read the title of the resolution?

**General Counsel:** Resolution Awarding a Contract to Crafc0, Inc. for Joint Sealant in the Total Contract Price of \$199,273.50.

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

**MOTION:** A motion to adopt a *Resolution Awarding a Contract to Crafcoc, Inc. for Joint Sealant in the Total Contract Price of \$199,273.50* was made by Chairman Hruby, seconded by Ms. Johnson, and approved by all Commission Members present. Resolution No. 81-2020.

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

**Chief Engineer:** The fifth resolution for your consideration seeks the Commission's authorization to award Contract No. 4377 for furnishing approximately 108,500 gallons of propane-liquefied petroleum gas fuel annually. This fuel is used for heating at nine of our facilities. The contract has an initial one-year term, with two possible one-year renewal terms. The bid invitation was divided into two groups, which are based on the geographical location of our facilities. The bidders were permitted to bid on one or both groups. As we do with our gasoline pricing, we use the Oil Pricing Information Services publication for baseline pricing and bidders were required to bid a differential for profit and the shipping on the material. We received two bids in response to the invitation. The apparent low bid for both groups was submitted by Corrigan Propane, LLC, of Brighton, Michigan. This bidder proposes to furnish material and services in accordance with specifications. This bidder has not supplied propane to the Commission in the past, and engineering staff performed due diligence in checking references from customers with similar needs. All references stated the bidder provided a high level of service and met fuel supply demands. Inasmuch as our needs can fluctuate for this material, we are recommending a one-year blanket order contract in the estimated amount of \$110,000, with two possible one-year renewal terms, for a total estimated Contract amount of \$330,000.00 over the potential three-year term. With your permission, may the General Counsel please read the title of the resolution.

**General Counsel:** Resolution Approving the Selection of Corrigan Propane, LLC to Supply the Commission's Requirements for Propane-Liquefied Petroleum Gas Fuel in the Total Estimated Annual Amount of \$110,000.00, with Options to Renew for Two Additional One-Year Periods.

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

**MOTION:** A motion to adopt a *Resolution Approving the Selection of Corrigan Propane, LLC to Supply the Commission's Requirements for Propane-Liquefied Petroleum Gas Fuel in the Total Estimated Annual Amount of \$110,000.00, with Options to Renew for Two Additional One-Year Periods* was made by Vice Chairman Paradiso, seconded by Secretary-Treasurer Barber, and approved by all Commission Members present. Resolution No. 82-2020.

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

**Chief Engineer:** The sixth resolution for your consideration seeks the Commission's authorization to award Contract No. 4380 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 two (2) bids in response to the bid invitation. The apparent low bid for both groups was submitted by

Perfect Sweep, Inc., of Toledo, Ohio. This bidder proposes to furnish equipment and services in accordance with 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 Awarding a Contract to Perfect Sweep, Inc. for Pavement Sweeping Services in the Total Estimated Amount of \$150,000.00.

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

**MOTION:** A motion to adopt a *Resolution Awarding a Contract to Perfect Sweep, Inc. for Pavement Sweeping Services in the Total Estimated Amount of \$150,000.00* was made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 83-2020.

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

**Chief Engineer:** The seventh and final resolution for your consideration seeks the Commission's authorization to enter into contract for trash, recyclable, and tire debris removal and disposal service under Ohio DAS Contract No. CSP902221, Index No GDC138 with Elytus, Ltd., of Columbus, Ohio. The service is required at various Commission facilities including maintenance buildings, toll plazas, and the administration buildings. The trash, recyclable, and tire debris removal and disposal service is proposed to be provided by Elytus, Ltd. ("Elytus"), of Columbus, Ohio. Elytus provides an enterprise-wide third-party administrative service to handle these requirements and has satisfactorily supplied this service to the Commission in the past. Engineering staff have reviewed costs of performing the services in-house versus the third-party administrative service, and when combined with actual refuse removal and disposal costs, find that savings are realized by utilizing the DAS contract. Furthermore, the administrative services to be provided by Elytus, Ltd., will save the Commission's administrative personnel several hundred hours per year. Based on the Contractor's satisfactory performance and favorable unit prices, I am recommending that the Commission enter into a contract for trash, recyclable, and tire debris removal and disposal service with Elytus, Ltd., of Columbus, Ohio. It is recommended that a two-year Contract be established, in the estimated amount of \$250,000, with one possible two-year renewal term, for a total estimated Contract amount of \$500,000.00 over the potential four-year term. With your permission, may the General Counsel please read the title of the Resolution?

**General Counsel:** Resolution Approving the Selection of Elytus, Ltd. to Provide Trash, Recyclables and Tire Debris Removal and Disposal Services Under the DAS Cooperative Purchasing Program in the Maximum Total Estimated Amount of \$500,000.00.

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

**MOTION:** A motion to adopt a *Resolution Approving the Selection of Elytus, Ltd. to Provide Trash, Recyclables and Tire Debris Removal and Disposal Services Under the DAS Cooperative*

*Purchasing Program in the Maximum Total Estimated Amount of \$500,000.00* was made by Secretary-Treasurer Barber, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 84-2020.

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

**Chief Engineer:** No, Mr. Chairman that completes my report.

**Chairman:** We will move on next to our General Counsel, Jennifer Stueber.

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

In an effort to make continuous improvements to the administrative functions, as General Counsel to the Commission, I am recommending that the Executive Director adopts a written policy which sets forth the requirements of Chapter 153 of the Ohio Revised Code as applicable to Turnpike operations.

With the legislation that changed the name of the Ohio Turnpike Commission to add “and Infrastructure” effective July 1, 2013, several other changes in legislation were made, including adding the Commission to the definition of “public agency” in Chapter 153. Specifically, Sections 153.56 through 153.73 of the Ohio Revised Code requires that all public agencies follow a qualification based selection process (referred to as QBS) for procuring the services of professional engineers, surveyors, and/or architects to perform engineering, architectural and system design services and construction support services. While the Commission has only recently been legally obligated to follow this QBS process as identified in Chapter 153, portions of that law have been on the books for other public entities since 1953 and substantial additions made in 1988 with the current law being developed in 1991.

I have reviewed the Commission’s policies and standard operating procedures dating back to July 1, 2013, including the current contracts policy. The record reflects the Commission’s contracts policies and standard operating procedures have consistently included requirements relating to professional engineering services to be awarded on a qualification based selection (or QBS) process. I found no exceptions or statements to the contrary.

Additionally, I also reviewed the process with the Chief Engineer and I have examined the steps for awarding professional services contracts. During my review, the Chief Engineer reported that he reviews qualifications prior to awarding a contract for any type of engineering design services, as required by Section 153.69.

As defined by Section 153.65 of the Ohio Revised Code, the term “Professional design services” means services within the scope of practice of a professional engineer or surveyor registered under Chapter 4733 of the Ohio Revised Code, which defines the practice of engineering as any professional service, such as consultation, investigation, evaluation, planning, design, or inspection of construction or operation for the purpose of assuring compliance with drawings or specifications in connection with any structures or buildings.

Despite the fact that the Commission's directors and employees are already required to follow the law, the best practice would be to formalize the requirements of Chapters 153 and 4733 so that our internal policies and guidelines match what is required in the Ohio Revised Code, similar to our ethics policy as adopted by the Commission by Resolution 29-2012 on June 18, 2012.

At this time, I am recommending that this Commission's intention to adopt a QBS contract process be formalized in a written policy and supported by applicable standard operating procedures (SOPs) to ensure that all contracts for professional services are publicly announced in uniform manner, qualifications evaluated, firms ranked and such process be documented to comply with the Public Records Act (per RC 149.43), including the review for potential SBE participation, wherever available. Adopting the resolution to formalize the QBS policy ensures transparency in the Commission's process and affords the Commission the best opportunity for the widest range possible of qualified professionals. Accordingly, I recommend that the Commission consider and vote on the resolution titled "Resolution Expressing Intent to Establish a QBS Policy for Hiring Consultants."

**Chairman:** First of all, I just want to make a statement that, we as a Commission, and if the Commission Members would like to comment, that we are and have been in compliance with the law in our policies and procedures and we have dedicated ourselves towards adherence to these laws and over the years the staff has demonstrated compliance with the law. The reason for this is a recommendation by the Legal Department to memorialize and mention the exact statute from the Ohio Revised Code and not because we have done something differently but because this will memorialize it and make reference to the Ohio Revised Code as I stated. Is that not correct, Mrs. Stueber?

**General Counsel:** That is correct, Mr. Chairman. Thank you for that articulation.

**Chairman:** Who will be doing this? Who will be putting this policy together?

**General Counsel:** Mr. Chairman, I have drafted a policy and have circulated it to the Executive Director, Chief Engineer, CFO/Comptroller and I will be looking for their input and guidance and following up to document, as you mentioned, each step as is required by the Ohio Revised Code.

**Chairman:** Okay. So, the staff will have an opportunity to weigh in on this and be part of the construction of this policy?

**General Counsel:** Yes, Mr. Chairman. Both the Chief Engineer and the CFO/Comptroller, as well as the Executive Director, have a current copy of the draft and I am guessing they will be talking with their staff, including Chris Matta. Once all of the comments have been received, we can discuss the different comments and then the Executive Director will sign it to put it into policy and I will index it with my Policy Memo Index that is posted on the Commission's extranet.

**Chairman:** Thank you. Does anyone on staff wish to make a comment?

**Director Ahmed:** Mr. Chairman, I would like to make a comment. First of all, what you described Mr. Chairman is completely accurate. The staff at the Ohio Turnpike has always been in compliance with the QBS. I come from that background and I have been here almost two years now, I have seen that they have done a very good job in following the law. Jennifer Stueber has done a very good job in researching and putting it together and that is the whole idea. Let's just journalize what we already do. As far as the adoption of a policy goes, we are going to look at it collaboratively. Most of the resolutions like this come out of the Engineering Department, but there are other departments as well that have a need for professional services, so what we are going to do as a group is look at the draft policy that Jennifer has prepared and comment on it and adopt something that is 100% in compliance with the law but also serves the Commission in terms of our history of being fast in the work that we do as well as having the ability to do different types of projects. I would be happy to answer any questions. I just wanted to make the comment, Mr. Chairman.

**Chairman:** Thank you, Director. Any other questions or comments from Commission Members or anyone on the staff. Hearing none, please call the roll.

**MOTION:** A motion to adopt a *Resolution Expressing Intent to Establish a QBS Policy for Hiring Consultants* was made by Chairman Hruby, seconded by Dr. Marchbanks, and approved by all Commission Members present. Resolution No. 85-2020.

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

**General Counsel:** No thank you, Mr. Chairman that completes my report.

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

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

The first item I will be reporting on today pertains to a very unusual incident. On December 11, 2020 at approximately 2:00 p.m., a Trooper from the Swanton Post was stationary on the Ohio Turnpike near Milepost 48 when he observed a small fixed-wing aircraft taxiing eastbound. When the Trooper arrived on scene with the pilot, Mr. Andrew Hosford, he advised that he had engine failure and was forced to conduct an emergency landing. We are very lucky that there were no injuries, no damage and it did not even back up traffic. The Toledo Express Airport was called. They sent someone out to dismantle the plane and remove it from the Ohio Turnpike.

The next incident occurred on December 12, 2020, occurred at approximately 7:30 p.m., wherein Troopers from the Swanton Post were alerted to a vehicle traveling eastbound on the Ohio Turnpike that involved a possible child abduction out of Colorado. Troopers located the vehicle matching the description of the suspect and initiated a traffic stop near Milepost 15 in Williams County. The abducted child was located inside the vehicle and the non-custodial mother who had

taken the child was taken into custody without further incident. The mother was only to have supervised visits with the child and after taking the child texted the father and said he would never see her again. The mother was charged with several felonies and was booked into the jail. She will be extradited back to Colorado. The child was comforted by our Troopers during the traumatic situation, keeping her warm, gave her a Teddy Trooper stuffed bear, and was released to Child Protective Services until being released back to her father.

I would like to announce that we have four new Troopers on the Turnpike. The first one is Lieutenant Brent Meredith. Lieutenant Meredith is the Post Commander at the Swanton Post. His two new Sergeants are Sergeant Chris Fitzgerald and Sergeant Chris Seambos. The last picture is Sergeant Chris Brock. He took the place of Sergeant Bill Lee at Hiram Post.

That completes my report, Mr. Chairman.

**Chairman:** Thank you again for the service of yourself and the men and women of the Ohio State Highway Patrol. Any questions for Staff Lieutenant Haymaker?

The next meeting of the Ohio Turnpike and Infrastructure Commission will take place on January 25, 2021 via Microsoft Teams. If there is no further business, I will accept a motion to adjourn the 680<sup>th</sup> Commission Meeting.

**MOTION:** A motion to adjourn the 680<sup>th</sup> Commission Meeting is made by Secretary-Treasurer Barber, seconded by Chairman Hruby, and unanimously approved by all Commission Members present.

Time of adjournment: 11:27 a.m.

**Attendees for Record Keeping Purposes:**

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

Other Attendees: Michael Kline, GPI; Sarah Brown, HNTB; Bethany Pugh, PFM; Denise Gillespie, Legacy 5; Jon Lorincz, AECOM; John Rust, Alvarez and Marsal; Jeff Broadwater, M. Baker International; Sean Tihal, Stantec; Gary Denny, Woolpert; Steve Larcara, Stantec; Bryan Cope, Allied Machine; Vickie Wildeman, DLZ; Michael Avellano, Woolpert; Kevin Westover, Huntington; Maureen Shildwachter, Huntington; Edward Adamczyk, Arcadis-US; Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Myron Pakush, Ohio Department of Transportation; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Diana Anthony, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Debby Sideris, Ohio Turnpike;



Stacey Verespe, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; Lisa Zamiska, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

Approved as a correct record of the December 21, 2020  
Meeting of the Ohio Turnpike and Infrastructure  
Commission

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Sandra K. Barber, Secretary-Treasurer

# **EXHIBITS**

1. Resolution No. 74-2020 – Resolution Honoring the Distinguished Service of Representative Dave Greenspan.
2. Resolution No. 75-2020 – A Resolution Authorizing the Issuance of State of Ohio Turnpike Revenue Bonds, Authorizing Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds.
3. Resolution No. 76-2020 – A Resolution Authorizing the Issuance of State of Ohio Turnpike Junior Lien Revenue Refunding Bonds (Federally Taxable) (Infrastructure Projects), Authorizing Various Related Documents and Instruments, and Authorizing Other Actions in Connection with the Issuance of Such Bonds.
4. Resolution No. 77-2020 – Resolution Adopting Proposed 2021 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2021.
5. Resolution No. 78-2020 – Resolution Adopting Proposed 2021 Capital Budget Totaling \$205,022,965.
6. Resolution No. 79-2020 – Resolution Approving the Selection of APBN, Inc. for Project No. 40-20-01 for the Total Amount of \$2,859,109.00 and Approving Quality Control Services, LLC to Perform Professional Services on the Project.
7. Resolution No. 80-2020 – Resolution Authorizing Arcadis U.S. Inc. to Perform Task 3 Services Under Project No. 71-19-07 in the Aggregate Not-To-Exceed Amount of \$1,486,584.07.
8. Resolution No. 81-2020 – Resolution Awarding a Contract to Crafc0, Inc. for Joint Sealant in the Total Contract Price of \$199,273.50.
9. Resolution No. 82-2020 – Resolution Approving the Selection of Corrigan Propane, LLC to Supply the Commission’s Requirements for Propane-Liquefied Petroleum Gas Fuel in the Total Estimated Annual Amount of \$110,000.00, with Options to Renew for Two Additional One-Year Periods.
10. Resolution No. 83-2020 – Resolution Awarding a Contract to Perfect Sweep, Inc. for Pavement Sweeping Services in the Total Estimated Amount of \$150,000.00
11. Resolution No. 84-2020 – Resolution Approving the Selection of Elytus, Ltd. to Provide Trash, Recyclables and Tire Debris Removal and Disposal Services Under

the DAS Cooperative Purchasing Program in the Total Estimated Amount of \$500,000.00

12. Resolution No. 85-2020 – Resolution Expressing Intent to Establish a QBS Policy for Hiring Consultants

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Honoring the Distinguished Service of Representative Dave Greenspan**

WHEREAS, pursuant to Section 5537.02 of the Ohio Revised Code, on March 13, 2019, the Speaker of the Ohio House of Representatives appointed Representative Dave Greenspan to the Ohio Turnpike and Infrastructure Commission; and

WHEREAS, prior to his membership on the Commission, Representative Greenspan served two terms on the Cuyahoga County Council and during his tenure, Representative Greenspan was the chairman of the Cuyahoga County Finance and Budget Committee; and

WHEREAS, during his tenure in the Ohio House of Representatives, Representative Greenspan sponsored legislation, inter alia, to assist the finances of the State subdivisions and local government credit cards; and

WHEREAS, also during his tenure in the Ohio House of Representatives, Representative Greenspan has been instrumental in setting statewide transportation policy and funding as Chairman of the House Finance Transportation Subcommittee and also served as Chairman of the Road to Our Future Joint Legislative Study Committee; and

WHEREAS, during his tenure with the Commission, Representative Greenspan has been a proponent of the Commission's mission to be the industry leader in providing safe and efficient transportation services to our customers, communities and partner; and

WHEREAS, Representative Greenspan worked to amend the Commission's authorizing statutes related to short form advertising of bids and value-based and emergency contracting in the State's Operating Budget in 2019, thereby creating efficiencies in our administration and operations; and

WHEREAS, the Commission wishes to formally acknowledge Representative Greenspan's distinguished service to the Commission and 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 Representative Dave Greenspan.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Ohio Turnpike and Infrastructure Commission hereby acknowledges and expresses its gratitude to Representative Dave Greenspan for his two years 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 Representative Dave Greenspan, his wife, and their children, and desires that Representative Greenspan 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 Representative Dave Greenspan.

**(Resolution No. 74-2020 adopted December 21, 2020)**

# **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

## **Resolution Honoring the Distinguished Service of Representative Dave Greenspan**

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WHEREAS, during his tenure in the Ohio House of Representatives, Representative Greenspan sponsored legislation, inter alia, to assist the finances of the State subdivisions and local government credit cards; and

WHEREAS, also during his tenure in the Ohio House of Representatives, Representative Greenspan has been instrumental in setting statewide transportation policy and funding as Chairman of the House Finance Transportation Subcommittee and also served as Chairman of the Road to Our Future Joint Legislative Study Committee; and

WHEREAS, during his tenure with the Commission, Representative Greenspan has been a proponent of the Commission's mission to be the industry leader in providing safe and efficient transportation services to our customers, communities and partner; and

WHEREAS, Representative Greenspan worked to amend the Commission's authorizing statutes related to short form advertising of bids and value-based and emergency contracting in the State's Operating Budget in 2019, thereby creating efficiencies in our administration and operations; and

WHEREAS, the Commission wishes to formally acknowledge Representative Greenspan's distinguished service to the Commission and 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 Representative Dave Greenspan.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Ohio Turnpike and Infrastructure Commission hereby acknowledges and expresses its gratitude to Representative Dave Greenspan for his two years 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 Representative Dave Greenspan, his wife, and their children, and desires that Representative Greenspan 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 Representative Dave Greenspan.

**(Resolution No. 74-2020 adopted December 21, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Honoring the Distinguished Service of Representative Dave Greenspan**

WHEREAS, pursuant to Section 5537.02 of the Ohio Revised Code, on March 13, 2019, the Speaker of the Ohio House of Representatives appointed Representative Dave Greenspan to the Ohio Turnpike and Infrastructure Commission; and

WHEREAS, prior to his membership on the Commission, Representative Greenspan served two terms on the Cuyahoga County Council and during his tenure, Representative Greenspan was the chairman of the Cuyahoga County Finance and Budget Committee; and

WHEREAS, during his tenure in the Ohio House of Representatives, Representative Greenspan sponsored legislation, inter alia, to assist the finances of the State subdivisions and local government credit cards; and

WHEREAS, also during his tenure in the Ohio House of Representatives, Representative Greenspan has been instrumental in setting statewide transportation policy and funding as Chairman of the House Finance Transportation Subcommittee and also served as Chairman of the Road to Our Future Joint Legislative Study Committee; and

WHEREAS, during his tenure with the Commission, Representative Greenspan has been a proponent of the Commission's mission to be the industry leader in providing safe and efficient transportation services to our customers, communities and partner; and

WHEREAS, Representative Greenspan worked to amend the Commission's authorizing statutes related to short form advertising of bids and value-based and emergency contracting in the State's Operating Budget in 2019, thereby creating efficiencies in our administration and operations; and

WHEREAS, the Commission wishes to formally acknowledge Representative Greenspan's distinguished service to the Commission and 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 Representative Dave Greenspan.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Ohio Turnpike and Infrastructure Commission hereby acknowledges and expresses its gratitude to Representative Dave Greenspan for his two years 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 Representative Dave Greenspan, his wife, and their children, and desires that Representative Greenspan 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 Representative Dave Greenspan.

**(Resolution No. 74-2020 adopted December 21, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Adopting Proposed 2021 Annual Operating Budget and Providing for Deposits Required Under the Master Trust Agreement During 2021**

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 Deputy Executive Director/CFO/Comptroller and the Executive Director have recommended that the Commission adopt the attached proposed 2021 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 2021 Annual Operating Budget, and the Executive Director, his successor or the Deputy Executive Director/CFO/Comptroller 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 2021 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. 77-2020 adopted December 21, 2020)**



**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
2021 ANNUAL OPERATING BUDGET**

	PLEGGED	NON-PLEGGED	TOTAL
<b>REVENUES:</b>			
TOLL	\$ 302,779,000	\$ -	\$ 302,779,000
CONCESSION	13,327,700	525,600	13,853,300
INVESTMENT	1,224,600	78,300	1,302,900
FUEL TAX	-	3,000,000	3,000,000
OTHER	7,340,700	-	7,340,700
<b>TOTAL REVENUES</b>	<b>\$ 324,672,000</b>	<b>\$ 3,603,900</b>	<b>\$ 328,275,900</b>
 <b>EXPENDITURES:</b>			
<b>OPERATION, MAINTENANCE &amp; ADMINISTRATION:</b>			
ADMINISTRATION & INSURANCE	\$ 15,542,800	\$ -	\$ 15,542,800
MAINTENANCE OF ROADWAY & STRUCTURES	46,146,800	-	46,146,800
SERVICES & TOLL OPERATIONS	55,900,300	-	55,900,300
TRAFFIC CONTROL, SAFETY, PATROL & COMM.	15,554,700	-	15,554,700
<b>TOTAL OPERATION, MAINTENANCE &amp; ADMIN.</b>	133,144,600	-	133,144,600
 <b>DEBT SERVICE PAYMENTS</b>	 118,588,500	 -	 118,588,500
<b>TOTAL EXPENDITURES</b>	<b>251,733,100</b>	<b>-</b>	<b>251,733,100</b>
 <b>TRANSFERS TO / (FROM):</b>			
EXPENSE RESERVE	(44,700)	-	(44,700)
NON-TRUST FUND	-	73,500	73,500
FUEL TAX FUND	-	3,003,000	3,003,000
SERVICE PLAZAS CAPITAL IMPROVEMENT FUND	-	527,400	527,400
RENEWAL & REPLACEMENT FUND	5,000,000	-	5,000,000
SYSTEM PROJECTS FUND	67,893,600	-	67,893,600
CONSTRUCTION FUND	90,000	-	90,000
<b>TOTAL TRANSFERS</b>	72,938,900	3,603,900	76,542,800
 <b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>\$ 324,672,000</b>	<b>\$ 3,603,900</b>	<b>\$ 328,275,900</b>

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## **Resolution Adopting Proposed 2021 Capital Budget Totaling \$205,022,965**

WHEREAS, under Article V, Section 5.03(b)(i) of the Amended and Restated Master Trust Agreement (Eighteenth Supplemental 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 2021 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 2021 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 Deputy Executive Director/CFO/Comptroller have prepared the attached Capital Budget that includes a recommended preliminary list of 2021 capital projects totaling up to \$183,618,249, which list is subject to change, and \$21,404,716 in uncommitted funds, which may be used for currently unidentified capital projects that may be needed during 2021; and

WHEREAS, the Executive Director has reviewed and concurs with the recommendations of the Chief Engineer and Deputy Executive Director/CFO/Comptroller; 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 2021 capital projects, which shall constitute System projects, with such expenditures not-to-exceed a combined total of up to \$205,022,965, and which projects shall be awarded in accordance with the requirements of Article V of the Commission’s Code of Bylaws dated July 1, 2013.

FURTHER RESOLVED that the Executive Director or General Counsel 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. 78-2020 adopted December 21, 2020)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of APBN, Inc. for Project No. 40-20-01 for the Total Amount of \$2,859,109.00 and Approving Quality Control Services, LLC to Perform Professional Services on the Project**

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

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

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

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

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

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

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

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for bridge repainting work at the Ohio Turnpike over the Black River at M.P. 145.9, the Ohio Turnpike over the Norfolk Southern Railroad at M.P. 147.9 and the Ohio Turnpike over Cleveland Street (U.S. 20/S.R. 113) at M.P. 148.0, in Lorain County, Ohio (“Project No. 40-20-01”); and

WHEREAS, the Commission received six bids to perform the Contractor’s obligations on Project No. 40-20-01 and the report of the Commission’s Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that APBN, Inc. (“APBN”), of Campbell, Ohio, submitted the apparent low bid on Project No. 40-20-01 in the total bid amount of \$2,859,109.00, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

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

WHEREAS, the Office of Equity and Inclusion Manager has found that APBN has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 5.07% which meets the SBE participation goal of 5% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the bids received will require expenditures under Project No. 40-20-01 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select APBN as the lowest responsive and responsible bidder for Project No. 40-20-01; and

WHEREAS, the Commission’s Executive Director concurs with the recommendation of the Chief Engineer and Deputy Chief Engineer/Director of Field Operations that the Commission approve the award of the Project to APBN as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of APBN, Inc. for Project No. 40-20-01 in the amount of \$2,859,109.00 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer assigning Quality Control Services, LLC of Cleveland, Ohio, to perform all necessary construction administration and inspection services for the Project in accordance with the 2019-2020 Miscellaneous Engineering Services Agreement; and

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



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

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

**(Resolution No. 79-2020 adopted December 21, 2020)**

## **TCS MODERNIZATION PROJECT**

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

#### **Resolution Authorizing Arcadis U.S. Inc. to Perform Task 3 Services Under Project No. 71-19-07 in the Aggregate Not-To-Exceed Amount of \$1,486,584.07**

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

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

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

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

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

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

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

WHEREAS, the Commission selected Arcadis U.S. Inc. ("Arcadis") to perform professional services for the Toll Collection System Modernization (the "TCS Project") pursuant to the adopted resolution (as applicable), on the date noted and for the scope of work identified below:

<b>RESOLUTION</b>	<b>DATE ADOPTED</b>	<b>SCOPE OF SERVICES</b>	<b>AMOUNT AUTHORIZED</b>
Approved by Deputy Executive Director	August 13, 2019	Task 1 services under Project No. 71-19-07, including plan review, field verification and as-built drawing plan development for 20 toll plazas.	\$119,232.74
58-2019	November 18, 2019	Task 2 services under Project No. 71-19-07, including environmental support and permitting, field survey, geotechnical investigation, design, and plan preparation for the addition of a lane at Toll Plaza 64 and Toll Plaza 152.	\$441,727.15
66-2020	October 19, 2020	Additional Task 2 services under Project No. 71-19-07, including adding to the plans the process for draining down an adjacent borrow-pit pond at Toll Plaza 64, and upgrades at Toll Plaza 64 and Toll Plaza 152 consistent with the Commission's contract with a Toll Collection System integrator	\$170,256.00
<b>TOTAL:</b>			<b>\$731,215.89</b>

WHEREAS, Arcadis submitted a fee proposal dated December 3, 2020 for Task 3 services which include the preparation of construction plans, specifications, and construction estimates for bidding purposes for Toll Plazas 52 through Toll Plaza 209 (excluding Toll Plaza 64 and Toll Plaza 152), as part of the TCS Project, in the not-to-exceed amount of \$755,368.18 which amount the Chief Engineer has deemed to be reasonable and necessary; and

WHEREAS, the amount set forth in the fee proposal from Arcadis, dated December 3, 2020, to perform the Task 3 services will increase the contract by an amount that exceeds the Executive Director's contracting authority under Article V, Section 1.00 of the Commission's Code of Bylaws, and Commission approval is necessary to authorize the amendment of the Agreement incorporating the fee proposal; and

WHEREAS, the Executive Director has reviewed the recommendation submitted by the Chief Engineer and approves the recommendation to authorize Arcadis to perform the Task 3 services under Project No. 71-19-07; and

WHEREAS, the Commission has duly considered such recommendation.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the proposal from Arcadis dated December 3, 2020 to perform Task 3 services, specifically described in the recitals,

under Project No. 71-19-07 in the not-to-exceed amount of \$755,368.18 is approved, and the Executive Director is authorized to amend the Agreement with Arcadis to perform such additional work in accordance with the terms and conditions of the existing Agreement and Arcadis's fee proposal dated December 3, 2020, in the aggregate not-to-exceed amount of \$1,486,584.07; and

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

**(Resolution No. 80-2020 adopted December 21, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Awarding a Contract to Crafc0, Inc. for Joint Sealant in the Total Contract Price of \$199,273.50**

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

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

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

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

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

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

WHEREAS, the Commission advertised an Invitation for Bids to furnish the approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant under Invitation No. 4379; and

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

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that Crafcoc, Inc. ("Crafcoc"), of Chandler, Arizona, submitted the apparent low bid at a unit price of \$0.33 per pound; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the bid of Crafcoc conforms with the bid specifications in all material respects, observed that Crafcoc has satisfactorily furnished similar material previously to the Commission, and recommends that the Commission select the bid of Crafcoc as the lowest responsible and responsive bid received under Invitation No. 4379, in the amount of \$0.33 per pound, which may result in a total contract price of \$199,273.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached; and

WHEREAS, the Commission's Staff Attorney has determined that the bids for Invitation No. 4379 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Crafcoc for Invitation to Bid No. 4379 conforms to the requirements of Ohio Revised Code Section 5537.07 and 9.312; and

WHEREAS, the Office of Equity and Inclusion (OEI) Manager determined to waive the program requirements due to lack of opportunity and availability of certified firms; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer/Director of Field Operations and concurs with the recommendation to award the contract for Invitation to Bid No. 4379 to Crafcoc as the lowest responsive and responsible bidder; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws because the amount of the bid received will require an expenditure that exceeds \$150,000.00 to furnish the joint sealant material; and

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Crafcoc, Inc. under Invitation No. 4379, to deliver an approximate quantity of 575,000 pounds of hot-pour, ready-mixed joint sealant for its bid price of \$0.33 per pound, which will result in a total contract price of \$199,273.50 if the maximum delivery variance of five percent from the approximate quantity of 575,000 pounds is reached, is approved as the lowest responsive and responsible bid received, and that the Executive Director is authorized to execute a contract on the basis of said bid; and

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

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

**(Resolution No. 81-2020 adopted December 21, 2020)**



## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of Corrigan Propane, LLC to Supply the Commission's Requirements for Propane-Liquefied Petroleum Gas Fuel in the Total Estimated Annual Amount of \$110,000.00, with Options to Renew for Two Additional One-Year Periods**

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

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

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

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

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

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

Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission advertised an Invitation to Bid No. 4377 to provide its requirements for propane-liquefied petroleum gas fuel in the estimated amount of 108,500 gallons at nine Commission locations for a one-year period, with two available one-year options to renew; and

WHEREAS, bidders were asked to state the price differential per gallon that they would charge from the Oil Price Information Service ("OPIS") Coshocton, Ohio, for delivery at each of the Commission's specified locations and for providing the required onsite storage facilities; and

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

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the lowest responsive and responsible bid received for both Group I and Group II under Invitation No. 4377 was submitted by Corrigan Propane, LLC, of Brighton, Michigan; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that Corrigan Propane, LLC proposes to furnish materials and services in accordance with the Specifications and based on information provided by its references, Corrigan Propane, LLC has satisfactorily furnished similar material to other entities and is ISO 9001:2015 certified, and recommends that the Commission award a Contract to Corrigan Propane, LLC on the basis of its bid to furnish the Commission's requirements for the materials throughout the duration of the contract; and

WHEREAS, the Staff Attorney has determined that the bids for Invitation No. 4377 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Corrigan Propane, LLC for Invitation No. 4377 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Office of Equity and Inclusion (OEI) Manager determined to waive the program requirements due to lack of opportunity and availability of certified firms; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer/Director of Field Operations and concurs with the recommendation to award Corrigan Propane, LLC the contract for Invitation No. 4377 as the lowest responsive and responsible bidder for both Group I and Group II; 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 will require expenditures that will exceed \$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 bid of Corrigan Propane, LLC for both Group I and Group II under Invitation No. 4377 to supply the Commission's requirements for commercial propane-liquefied petroleum gas fuel and storage equipment for nine (9) locations for a period of one year in the total estimated amount of \$110,000.00 is approved as the lowest responsive and responsible bid received, and the Executive Director is authorized to execute a contract on the basis of said bid and to exercise up to two, one-year options to renew the contract; and

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

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

**(Resolution No. 82- 2020 adopted December 21, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Awarding a Contract to Perfect Sweep, Inc. for Pavement Sweeping Services in the Total Estimated Amount of \$150,000.00**

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

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

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

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

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

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

WHEREAS, the Commission advertised an Invitation for Bids to perform its requirements for pavement sweeping services during a period commencing upon contract execution and continuing through the 2021 pavement sweeping season; and

WHEREAS, Invitation No. 4380 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 two bids for Groups I and II in response to the Invitation, and the Commission's Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the bids timely submitted, whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the lowest responsive and responsible bid for the performance of Group I and Group II under Invitation No. 4380 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 Deputy Chief Engineer/Director of Field Operations reports that Perfect Sweep, Inc. has performed the Commission's pavement sweeping services in the past and has performed satisfactorily; and, therefore, the Deputy Chief 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 Staff Attorney determined that the bids for Invitation No. 4380 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. 4380 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Office of Equity and Inclusion (OEI) Manager determined to waive the program requirements due to lack of opportunity 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 Executive Director recommends that the Commission award Perfect Sweep, Inc. the contract for Invitation No. 4356 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 for one (1) year 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; and

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

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

**(Resolution No. 83-2020 adopted December 21, 2020)**

## OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

### **Resolution Approving the Selection of Elytus, Ltd. to Provide Trash, Recyclables and Tire Debris Removal and Disposal Services Under the DAS Cooperative Purchasing Program in the Maximum Total Estimated Amount of \$500,000.00**

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

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

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

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

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

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

Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

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

WHEREAS, the Commission maintains facilities across northern Ohio that produce trash, recyclable, and tire debris requiring removal and disposal, and prior to 2017, the Commission packaged its trash, recyclable, and tire debris removal and disposal services for competitive bidding, selected multiple contractors to service its facilities, coordinated the various contractors' pickup and removal activities and verified and reconciled numerous invoices from each contractor for its designated facilities; and

WHEREAS, in 2017, the Engineering Department identified a service available under the DAS Cooperative Purchasing Program from Elytus, Ltd., of Columbus, Ohio ("Elytus"), to provide comprehensive enterprise-wide refuse and recyclable material disposal services through a single contractor that would assume responsibility, as the third-party administrator, for competitively bidding, recommending, coordinating, managing and compensating the companies that provide removal and disposal service at the facilities; and

WHEREAS, pursuant to Resolution No. 76-2018, adopted December 17, 2018, Elytus has provided this service to the Commission, under the DAS Cooperative Purchasing Program through Contract No. CSP909114, Index No. GDC138 which was extended through December 31, 2020, which has resulted in cost savings and freeing staff from performing ancillary administrative tasks that allow them to focus their worktime on performing core aspects of their jobs; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends that the Commission approve authorization for Elytus to continue to perform the Commission's requirements for trash, recyclable, and tire debris removal and disposal services under new DAS Contract No. CSP902221, Index No. GDC138, for a two-year period, at an estimated cost to the Commission of \$250,000.00, with an option to extend for an additional two-year period; and

WHEREAS, the Chief Engineer and Executive Director reviewed and approved the request of the Deputy Chief Engineer/Director of Field Operations and concur with the recommendation for the Commission to authorize the agreement with Elytus to perform the services necessary to fulfill the Commission's requirements for trash, recyclable, and tire debris removal and disposal services; and

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

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the Executive Director is authorized to enter into a contract with Elytus, Ltd., of Columbus, Ohio, to provide the



third-party administrator services necessary to fulfill the Commission's requirements for trash, recyclable, and tire debris removal and disposal services during a two-year period, commencing on January 1, 2021, through the DAS Cooperative Purchasing Program under DAS Contract No. CSP902221, Index No. GDC138 in the total estimated amount of \$250,000 for each 2-year period, for a total budgeted cost of \$500,000.00, is approved.

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

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contract that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

**(Resolution No. 84-2020 adopted December 21, 2020)**

## **OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION**

### **Resolution Expressing Intent to Establish a QBS Policy for Hiring Consultants**

WHEREAS, it has been the policy of the Ohio Turnpike and Infrastructure Commission (the “Commission”) to attempt to ensure the fullest possible opportunity for participation by all firms or businesses; and

WHEREAS, the Commission adopted Resolution 18-2014 on March 24, 2014 wherein the Commission expressed an interest in establishing a Program Abiding by the State of Ohio’s Policies Concerning the Administration of a Turnpike EDGE Program for Construction, Personal Service and Professional Service Contracts, and the Award of Turnpike Contracts to MBE’s for Other Goods and Services; and

WHEREAS, the Commission adopted Resolution 43-2016 on June 20, 2016, wherein the Commission authorized a Small, Minority and Disadvantaged Business Inclusion Program to Implement the Recommendations from the Disparity Study; and

WHEREAS, the Commission has established the Office of Equity and Inclusion to work towards ensuring that there are equal opportunities for all businesses, especially including small, minority and otherwise disadvantaged businesses (“SBEs”) to participate in the Commission’s business transactions, preventing its contracting dollars from disparately affecting disadvantaged businesses, and eliminating the effects of discrimination on competition for its contracting opportunities; and

WHEREAS, Sections 153.65 through 153.73 of the Ohio Revised Code require the Commission to follow a qualifications-based selection (“QBS”) process for procuring the services of professional engineers, surveyors, architects and/or landscape architects to perform engineering, architectural and system design services, surveying, environmental services, and construction support services; and

WHEREAS, in an effort to continuously improve its contracting processes and procedures, and to bring the Commission’s policies in alignment with applicable statutory requirements, the Commission desires to establish a QBS contracting policy.

**NOW THEREFORE, BE IT**

**RESOLVED** that the Commission hereby reaffirms its policy to encourage diversity in contracting, and to provide the fullest possible opportunity for participation in Commission contracts by firms or businesses that are owned and controlled by minorities, females, or that are otherwise socially or economically disadvantaged; and

**FURTHER RESOLVED** that the Commission hereby instructs the Executive Director and General Counsel to adopt a written contracts policy which sets forth the requirements in Chapter 153 of the Ohio Revised Code as applicable to Turnpike operations; and

FURTHER RESOLVED that it is hereby determined that all formal actions of the Commission relating to the adoption of this Resolution were taken in an open meeting, and that all deliberations of the Commission and of its committees, if any, which resulted in formal action were in meetings open to the public, in full compliance with Section 121.22 of the Revised Code; and

FURTHER RESOLVED that this Resolution shall be effective immediately.

**(Resolution No. 85-2020 adopted December 21, 2020)**