

**MINUTES OF THE 617<sup>th</sup> MEETING OF THE  
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION  
APRIL 20, 2015**

**Chairman:** Good morning ladies and gentlemen. Would you please rise as we say our Pledge of Allegiance.

The meeting will come to order. We ask that all guests please sign the sign-in sheet in the Lobby, as we like to have a record of who has been in attendance at our meetings. Senator Manning will not be in attendance and sends her regrets. Jennifer Townley of ODOT is sitting in for ODOT's Chief of Staff, Matthew McAuliffe, who is unable to attend this morning's meeting.

Will the Assistant Secretary-Treasurer please call the roll?

**Assistant Secretary-Treasurer:** Chairman Hruby

**Chairman Hruby:** Here

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

**Vice Chairman Balog:** Here

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

**Secretary-Treasurer Barber:** Here

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

**Mr. Dixon:** Here

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

**Mr. Paradiso:** Here

**Assistant Secretary-Treasurer:** Ms. Townley

**Ms. Townley:** Here

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

**Mr. Kauffman:** Here

**Assistant Secretary-Treasurer:** We have a quorum, Mr. Chairman.

**Chairman:** Thank you. This is the 617<sup>th</sup> Meeting of the Ohio Turnpike and Infrastructure Commission. We are meeting here at the Commission's headquarters, as provided for in the Commission's Code of Bylaws. Various reports will be received, and we will act on

several resolutions. Draft copies have previously been sent to the Members and updated drafts are in the Members' folders. The Resolutions will be explained during the appropriate reports.

May I have a motion to adopt the Minutes of the March 16, 2015 Commission Meeting has been previously provided.

**MOTION:** A motion to approve the Minutes was made by Mr. Balog, and seconded by Mr. Dixon.

All Commission Members present voted to approve the Minutes.

**Chairman:** Before we proceed with our reports, I do have a resolution to present today, which is a *Resolution Honoring the Distinguished Service of General Counsel Kathleen G. Weiss, Esq.* It is a special occasion as I look out in the audience and we see her beloved husband, Lenny, is here, so we know that there is something important going on today at the Commission Meeting. Lenny, I commented that it seemed like you seem to be more happy than Kathy. I am not sure if that is true or not, but it is nice having you with us. For the past twelve years, which seems like a long time for this Commission, back in 2003, Kathleen came here and has pursued her illustrious career totaling thirty-two years of service with the Turnpike and other entities throughout the State of Ohio. I will tell you that, during the period to time that I have been associated with the Turnpike Commission, Kathy has been an integral part of the transition from the old Commission to the new Commission, which includes that infrastructure term. Kathy was not only instrumental in writing the language and working with the legislature, but kept everyone on their toes as it was a very unusual and difficult series of negotiations that led to the final outcome. I appreciate your counsel. I appreciate your friendship most of all. Kathy has been wonderful to work with. I really enjoyed, not only her friendship, but I have realized how very efficient she is and how knowledgeable she is in dealing with the matters that have been brought before us. You have a great record, one that will be very difficult to match. The things that you have done are rather remarkable in the recent years. So, Kathy on behalf of the Commission, I wish you the very best. We are going to sincerely miss you. We wish you well. I hope that you relax and enjoy life and don't go for forty years of continuation of this, just go home and enjoy your husband and your family and enjoy life. So, thank you on behalf of the Commission.

**General Counsel:** Thank you.

**Chairman:** Mr. Cole would you please read the Resolved.

**Director Cole:** WHEREAS, Kathleen G. Weiss, has been employed by the Ohio Turnpike and Infrastructure Commission since 2003, and most recently as its General Counsel; and

WHEREAS, during her twelve year tenure with the Commission, Mrs. Weiss served as its Director of Contracts Administration and Governmental Affairs from 2003 through December 2011, and on January 17, 2012, was appointed and confirmed as the Commission's General Counsel; and

WHEREAS, prior to her employment with the Commission, Mrs. Weiss served for twelve years as the Chief Legal Counsel for the Ohio Lottery Commission, and prior to that, she practiced law at the Cleveland law firm of Arter & Hadden; and

WHEREAS, while attending law school, Mrs. Weiss worked full-time in the Office of Governmental Relations at Cleveland State University, and in the late 1970s and early 1980s, she served as a legislative aide in the Ohio State Senate, in addition to participating in the Ohio Legislative Services Internship Program, and several other legislative positions in Washington, D.C.; and

WHEREAS, Mrs. Weiss has informed the Commission of her intention to retire beginning May 2, 2015, and the Commission wishes to formally acknowledge her thirty-two years of distinguished public service, the last twelve of which she vigilantly dedicated to protecting and advancing the Commission's interests; and

WHEREAS, during Mrs. Weiss's tenure, and in addition to managing the day-to-day operations of the contracting, legislative and legal affairs of the Commission, she shepherded major projects such as introducing electronic tolling to the Ohio Turnpike and closing a billion dollar bond transaction under new authority she helped craft, as well as favorably resolving significant disputes, including a general trade contractor's default-termination on a thirty-two million dollar, multi-prime service plaza reconstruction project; and

WHEREAS, the members and staff of the Commission wish to give formal and public recognition for the highly honorable, exceptionally dedicated, and most effective service of Kathleen G. Weiss as General Counsel for the Commission.

NOW, THEREFORE, BE IT

RESOLVED that the Ohio Turnpike and Infrastructure Commission hereby acknowledges and expresses its gratitude to Kathleen G. Weiss for her thirty-two years of dedicated public service, and the sound advice and good counsel that she provided the Commission, its officers and its staff, and the people of the State of Ohio have been fortunate in receiving the unselfish services that she rendered; and

FURTHER RESOLVED that the Commission extends its best wishes and gratitude to Kathleen G. Weiss, her husband, Lenny, and Mazel, and expresses its desire that Kathleen and her family correspondingly enjoy as much success and well-being as her services have bestowed on the Commission in all matters and activities that she shall undertake in the future; and

FURTHER RESOLVED that the Secretary-Treasurer be, and hereby she is, directed to send a certified copy of this Resolution to Mrs. Kathleen Weiss.

**Chairman:** Any questions or comments? Yes, Mrs. Barber.

**Mrs. Barber:** I have had the pleasure of working with Kathy when I served on the Ohio Lottery Commission. She was always ready for our Commission Meetings and kept us abreast of anything legally that we needed to do and to know about the games, etc. She left the Ohio Lottery Commission and came to the Ohio Turnpike Commission and, low and behold, when I was appointed to the Turnpike Commission, I had the pleasure of working with Kathy again. She is a woman of utmost character and integrity and one of the things I really love about Kathy

is that she shares a passion for tennis and so do I. I really have appreciated working with you. You are a first-class woman.

**Chairman:** Mr. Balog.

**Mr. Balog:** It has been a great run. I have been on the Commission with you for a dozen years and you have kept us on the straight and narrow. We really appreciate the work that you have done. It has been quite an enjoyment to work with you.

**Chairman:** Mr. Dixon.

**Mr. Dixon:** Being one of the dinosaurs on the Commission, I look around and none of you folks were on this panel when I started. The first thing I recognize about the Turnpike is that we were one of the best roads in the country, but we weren't the best organization in the country. This transition over the last few years that has taken place has just been remarkable. Kathy played a major part in that. As you all know, I had certain concerns and certain things that I wanted to accomplish. When I first talked with Kathy, I thought she was giving me lip service. Everyone gives you lip service, but when I started getting follow-up phone calls from Kathy and she asked me if we could meet here and do this, could you introduce me to this person, and asked what type of program you are using. She won me over and she made me realize that she was the real deal. I want to tell you how much I appreciate that, how much I respect that and how much I truly wish you a great future and I know you are going to have that. Congratulations to you. It has been a pleasure working with you.

**Chairman:** Mr. Kauffman.

**Mr. Kauffman:** I have had the pleasure of working with Kathy in the last couple of years as we move towards this Transportation and Infrastructure Commission. We did the billion dollar bond sale. We had a trip to the rating agencies that because of severe weather became more like the movie *Planes, Trains and Automobiles*, trying to get home and I will never forget that trip. Kathy, I wanted to say it really has been a pleasure. You have had a very distinguished career as we worked through this very hectic schedule, you had the gift of making it less stressful, more organized, and fun. I will miss you. We will all miss you and wish you the very best.

**Chairman:** Mr. Paradiso.

**Mr. Paradiso:** I am the newbie and it has not even been two years on the Commission, but I would echo what Mr. Dixon's says about the leadership at the Commission is phenomenal. I look out into the room and am impressed, but you have taken the cake here, you have done a nice job. I have noticed the energy, I have noticed the compassion. It is important to you to do a good job and I appreciate that, so I wish you the best as well. Thank you.

**Chairman:** Tony.

**Chief Engineer:** As a co-worker of Kathy's I can honestly say that she does everything that is right. She does keep us on the straight and narrow and, there are times where

she doesn't always tell us what we want to hear, she always tells us what is the right thing to do is, so I appreciate you keeping us out of trouble and doing the right thing.

**Chairman:** Ms. Townley.

**Ms. Townley:** I am a newbie here too, but the Ohio Department of Transportation has been working with you guys for a long time and it has been a pleasure working with you. I guess I echo a lot of what Kurt said about being organized, a leader, always out in front of all of the issues, so that we are making good decisions, but I just want you to go and have fun, don't work too hard and travel a little bit.

**Chairman:** Director Cole.

**Director Cole:** Mr. Chairman, you know that everything that was in the resolution was accurate. As a new Executive Director, from day one I recognized the great management team we have across the board, but the sound counsel that Kathy gave me from day one, as well as the latitude to start trying some new things here, and make sure I was doing those things the right way, and every step of the way, both as a Commissioner and now as Director, it was always sound counsel and her willingness to speak up and state an opinion and then respectfully recognize what everyone else brings to the table and that is a unique gift. It has been appreciated and I am confident that we will be able to transition well because everything is in good order. So, the next person will have big shoes to fill. Kathy has been great for the rest of the staff and especially for the new Executive Director. Thank you, Kathy.

**Chairman:** Again, Lenny we thank you for sharing her with us.

**Mr. Weiss:** I want to thank the Commission for all of the wonderful things you just said. I was under the impression, that when Kathy started here, and whenever we were on vacation or wherever we were, she stayed in contact with the office and that we owned the Turnpike.

**Chairman:** Thank you very much.

**MOTION:** A motion for adoption of the *Resolution Honoring the Distinguished Service of General Counsel Kathleen G. Weiss, Esq.* was made by Chairman Hruby, seconded by Mr. Balog, and unanimously approved by all Commission Members present.

**General Counsel:** First, I just want to thank my dear husband, Lenny, who is here today for putting up with all my late hours and time spent on weekends working. He knows best that I am sort of a perfectionist. Retirement will give us the opportunity to do some things that might otherwise be difficult to do while working full time.

Many people have given me opportunities in my public service career, too many to thank really, starting in the State Senate, at Cleveland State, at the Lottery Commission, and finally in coming to the Turnpike. In particular, I need to thank Rick Hodges, Chairman Hruby and the Members of this board who gave me the opportunity and assented to my serving as General Counsel. I counted up, and between the Lottery and the Turnpike I have worked for eleven Directors. I feel good about that. I have to say that the Turnpike is in really good hands with my

11<sup>th</sup> Director. And, if I have some regret it's that I know I would have really enjoyed working with Randy throughout his tenure here. I know great things will happen here moving forward under his leadership. I will also miss the incredibly capable and professional staff in the Legal Department and all the departments and divisions of the Turnpike. Everyone here from the roadway workers to the management staff are passionate about the Turnpike mission to keep our travelers safe, and that is what has made this a great place to work.

Recently, I took a trip down the Turnpike's memory lane and reviewed the annual reports from the early fifties when the Turnpike was first constructed. Actually, it was late one evening when I swore that Mr. Shocknessy's spirit was roaming the west wing. The General Counsel in the late 50's was Lockwood Thompson. In reading his summary of legal matters, what struck me was that they were confronted with many of the same issues we are dealing with today in the Legal Department: the "Janus-like" or multi-headed hydra of complex construction claim litigation; defending the Turnpike's billboard deed restrictions; eminent domain matters and drainage issues to name just a few. Mr. Thompson's reports confirmed what I have always known. We who work in state government, particularly in appointed positions, are merely caretakers. Our job is to make sure that, while we are here, we do our best to carry out the mission and to learn from our predecessors. Just as I learned from reading the opinions of my predecessors like Ruth Wilkins (the first female General Counsel), Lockwood Thompson, and Jim McGrath, I am hopeful that my successors will find useful information in the work I am leaving behind. It truly has been a privilege to work for the Turnpike Commission. Thank you.

**Chairman:** Thank you. Okay back to work. Report of our Secretary-Treasurer, Mrs. Barber.

**Secretary-Treasurer:** The following items have been sent to the Members since the last scheduled meeting of the Commission on March 16, 2015:

1. Six Resolutions;
2. Draft Minutes of the March 16, 2015, 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, February and March 2015;
2. Traffic and Revenue Report, March 2015;
3. Total Revenue by Month and Year, March 2015;
4. Investment Report, March 2015;
5. Budget Report, First Three Months – 2015;

6. Financial Statements, March 2015; and
7. Various News Articles.

That concludes my report Mr. Chairman.

**Chairman:** Thank you. Any questions for Mrs. Barber? Hearing none. We will move on to the report of our Executive Director, Randy Cole.

**Director Cole:** Thank you, Mr. Chairman. My report today will be brief as many of the items will be discussed in more detail by others.

At the March Commission Meeting I discussed the Strategic Plan in our Management Retreat. We spent a significant amount of time discussing what it means to be a world class organization. As a whole team and in small groups, we discussed companies like Apple, Nike, Starbucks, Google and Disney. We evaluated characteristics of organizations like the Cleveland Clinic, The Ohio State University and the NFL. There was one common perception noted about those organizations, they are innovative. I think you will hear and see a little something different in our work in the coming years. There is a clear recognition by everyone at the retreat that, to be seen as a world class organization, we can't just improve what we have done in the past, but we have to explore new ways of doing things and new services for our travelers. I would like to give you just a couple of recent examples: 1) Our Marketing and Communications Department, Customer Service Center and Engineering Department are engaging in a new approach to public outreach and communication about the impacts of our construction projects on traffic on roads connecting and adjacent to the Turnpike; most specifically, our bridge repair and replacement projects. In the past, we have engaged media and informed local officials in each community, but this year we are going to directly communicate with the impacted residents and businesses. We are making it more personal, intentional and instructive. A big part of the initiative is providing specifics on schedules and directing citizens to sign up for social media and our website to get up to the minute updates when those schedules change and the impact has changed; 2) As part of our effort to remind motorists to move over and slow down as part of the National Work Zone Safety Awareness Week on March 27, 2015, the Ohio Turnpike recently hosted an innovative simulated work zone at the Vermilion Valley Service Plaza. Marketing and Communications led the effort that required significant participation and support from the Maintenance Department, the Ohio State Highway Patrol, Service Plaza Operations, and several vendors. The most notable element was clearly the life-sized video projection, complete with almost full scale sound of roadway workers captured using a Go Pro camera attached to Maintenance vehicles. The video is now on YouTube and we reused it this past Friday as part of our distracted driving event. It has received very positive public reaction and media attention. Why go to that level of effort? Well, because nine highway workers have been killed on the Ohio Turnpike since 1970. There were thirty-nine motorist injuries and two motorist fatalities due to crashes in Turnpike work zones in 2014. While I was at the event, I talked to a few parents and children. It hit me that I can't get into my car without one of my kids reminding me to buckle up or racing to see who buckles the fastest and as a family we always do. What if every parent heard a small voice from the backseat reminding them to move over and slow down when they see orange barrels? In this age of distractions and information overload, just issuing a press release and putting up a few signs is not enough to raise awareness. I think innovative,

attention getting efforts like this will put us on the right path to reach lofty aspirations of being world class. Mr. Chairman, that concludes my report.

**Chairman:** Thank you, Mr. Cole. Any questions or comments concerning the Director's report? Hearing none, we will move on to the report of our Deputy Executive Director/Director of Administration, Robin Carlin.

**DED/Director of Administration:** No report, Mr. Chairman. Thank you, Mr. Chairman.

**Chairman:** Thank you. Moving on to our Chief Engineer, Mr. Yacobucci.

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

The first Resolution for your consideration is to award Contract No. 43-15-05 for the Bridge Deck Replacement and Rehabilitation of three Turnpike overpass bridges between Milepost 34.9 and Milepost 60.8 in Fulton and Lucas Counties. This work is included in the 2015 Capital Improvement Budget. On March 10, 2015, two bids were received via Bid Express, and the apparent low bid was submitted by BECDIR Construction Company ("BECDIR"), of Berlin Center, Ohio, in the amount of \$2,394,498.29. The bid submitted by BECDIR is approximately 0.3 (0.3%) percent less than the Engineer's Estimate of \$2,400,000.00. Engineering staff and our design consultant reviewed the bid tabulations and concluded that BECDIR's bid is the lowest responsive and responsible bid. BECDIR has successfully performed similar work for the Commission in the past and, based on a review of their current projects under contract and previous year's work volume, it appears they have the sufficient capacity to perform the work for this project. I am pleased to report that BECDIR has committed to a 7.1% DBE participation on this project. It is recommended that Contract No. 43-15-05 be awarded to BECDIR Construction Company, of Berlin Center, Ohio, in the amount of \$2,394,498.29. This Resolution also contains provisions to assign Northwest Consultants, Inc., of Toledo, Ohio, a Commission certified DBE, to perform construction administration and inspection services and to assign TTL Associates, Inc., of Toledo, Ohio, to perform material testing services. With your permission, may the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid of **BECDIR Construction Company, of Berlin Center, Ohio**, in the amount of **\$2,394,498.29** for the performance of Contract No. 43-15-05 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the non-winning bidder of its bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign to Contract No. 43-15-05, **Northwest Consultants, Inc., of Toledo, Ohio**, for the purpose of performing construction administration and inspection services in accordance with the Agreement specific to the Project as previously authorized under



Resolution No. 38-2014, and to assign **TTL Associates, Inc.**, of **Toledo, Ohio**, for the purpose of performing materials testing and inspection services, with such assignment in accordance with the 2015-2016 Miscellaneous Engineering Services Agreement between the Commission and said engineering firm; and

**FURTHER RESOLVED that Contract No. 43-15-05 is designated a System Project under the Commission's 2013 Master Trust Agreement.**

**Chairman:** Any questions or comments?

**MOTION:** A motion for adoption of the *Resolution Awarding Contract No. 43-15-05, Bridge Deck Replacement and Rehabilitation in Fulton and Lucas Counties* was made by Mr. Balog, seconded by Mrs. Barber, and unanimously approved by all Commission Members present.

**Chief Engineer:** The second Resolution for your consideration is to reject the bid received for Contract No. 43-15-07. This represented a contract for the bridge deck repair and rehabilitation of State Route 83 over the Ohio Turnpike at Milepost 150.5 and State Route 252 over the Ohio Turnpike at Milepost 156.9 in Lorain and Cuyahoga Counties. Procurement received one bid for this Project, with the sole bid being submitted by BECDIR Construction Company, of Berlin Center, Ohio. The lone bid is more than 10% above the Engineer's Estimate and therefore the bid cannot be considered for award, and must be rejected. After extensive discussions with potential bidders, the Commission could garner more interest in this project if the Commission were to bid the project in the late fall for 2016 construction season, before the contractors have established a backlog of work for 2016. This would also provide the bidders with significantly more lead time to have the deck joints and bearings fabricated, which was noted by a few of the potential bidders. Both of these items would very likely provide the Commission with better, more competitive, pricing, resulting in a more economical project. Therefore, it is recommended the bid submitted by BECDIR Construction Company for Project No. 43-15-07 be rejected, and the project re-advertised at a later date. With your permission, may the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid received from **BECDIR Construction Company**, of **Berlin Center, Ohio**, pursuant to the advertisement for bids upon Contract No. 43-15-07, is rejected, and the Director of Contracts Administration is authorized to notify **BECDIR Construction Company** in writing of said action, and to return to the bidder its bid security; and

FURTHER RESOLVED that the Chief Engineer and Director of Contracts Administration are authorized to take any and all action necessary, at the appropriate time, to re-advertise the Construction Invitation for Contract No. 43-15-07 in the near future.

**Chairman:** Any questions or comments? Mr. Paradiso.

**Mr. Paradiso:** Mr. Chairman, I have two comments. First the good news, which is that jobs are prevalent, construction is roaring in northern Ohio and it also seems to be putting a strain on getting competitive bids. Is this something we should continue to expect and what do we think the plan is for rebidding this?

**Chief Engineer:** Mr. Chairman and Commission Member Paradiso, unfortunately, I believe that is occurring in the current industry and will continue to occur with the number of projects that are being put on the street and the amount of money that is being put out there for construction. I do believe that, if we put this out in September, October, November for 2016 construction the backlog of the contractors will be less and therefore, will allow us to procure more competitive bids.

**Mr. Paradiso:** Thank you.

**Mr. Kauffman:** Tony, can you speak a little bit about if there was anything that you learned in this process with respect to the Engineer's Estimate? Would you expect in the fall we are going to put it out at about that same level or was there anything that you learned through this process that may change that aspect?

**Chief Engineer:** Mr. Chairman and Commission Member Kauffman, there are a few things that we did realize, and one of them was the bearings and the joints are something that needs to be fabricated. When you put them out this late, all of those fabricators already have full plates. They would get put at the end of the line for fabrication, which means these decks would not be installed until October or November when the weather starts to change and it creates more havoc for the contractor, which means the bid prices go up. Also, Type K concrete has been somewhat problematic for us. It has been very good for the Commission in the past, but we are finding there is a limited number of suppliers, so that's something else that we are looking to potentially change.

**Chairman:** Any other questions or comments. Yes, Jennifer.

**Ms. Townley:** Will there be additional work that needs to be completed this summer by other forces to keep the bridge and the structure in a condition until this work can go on next year?

**Chief Engineer:** Mr. Chairman and Commission Member Townley, we have done some patching on the bridge decks. We anticipate there may be a little bit more to be done in order to keep them in decent shape, but it won't be that extensive.

**Director Cole:** Mr. Chairman, so a comment on this project specifically, but also our capital planning, our construction bidding itself, Kathy and I, Marty, Tommie Jo and Tony, have started discussions about our schedule itself. So, not just this project in getting the right fabrication and everything, but our schedule for the year, our capital budgeting, and when we go out to the street with bids. We are looking at the legality and the possibilities of how we can phase in our entire schedule differently. We will always have a spring construction bid program, but if we could move some of this to the winter, or fall before, this would help. There is a limited period of time contractors are willing to hold a bid open, but that is just until the contract gets signed. They can still estimate next year's construction costs, fabrication costs and work through their vendors. So, if we stagger our schedule a little bit more, maybe get a little bit creative and innovative with how we map out these projects, it is going to do a lot to encourage bids and reduce these prices. You will be hearing more from us in staff reports and communications with the Commission Members between now and this fall about our entire 2016

schedule. If anyone has any questions about that Tony, Kathy, Marty, Tommie Jo, Robin and myself would happy to answer them. It is a team effort.

**Chairman:** Any questions or comments?

**MOTION:** A motion for adoption of the *Resolution Rejecting the Bid Received for Contract No. 43-15-07, Bridge Deck Repair and Rehabilitation of State Route 83 over the Ohio Turnpike and State Route 252 over the Ohio Turnpike in Lorain and Cuyahoga Counties, Ohio*, was made by Chairman Hruby, seconded by Mr. Balog, and unanimously approved by all Commission Members present.

**Chief Engineer:** The third Resolution for your consideration is to award Contract No. 53-15-05 for the Pavement Repairs and Resurfacing of the Portage and Brady's Leap Service Plazas Truck Parking Areas at Milepost 197.0 in Portage County, Ohio. This work is included in the 2015 Capital Improvement Budget. Procurement received five bids for this Project, with the apparent low bid being submitted by Shelly & Sands, Inc., of Akron, Ohio, in the amount of \$1,305,856.00. This bid was about 27% below the Engineer's Estimate of \$1,800,000.00. A review of the bid concluded that Shelly & Sands bid is the lowest responsive and responsible bid and they have the capacity to perform this work. They have previously performed similar projects for the Commission in the past with favorable results. I am pleased to report that the Shelly & Sands has committed to a 12% DBE participation on this project. This resolution also contains provisions to assign ms consultants, inc., of Youngstown, Ohio, to perform construction administration and inspection services and ACA Engineering, Inc., of Boardman, Ohio, to perform materials testing. With your permission, may the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid of **Shelly & Sands, Inc., of Akron, Ohio**, in the total bid amount of **\$1,305,856.00** for the performance of Contract No. 53-15-05 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the non-winning bidders of their bid security when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bid and of said Contract; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign to Contract No. 53-15-05, **ms consultants, inc., of Youngstown, Ohio**, for the purpose of performing construction administration and inspection services, and **ACA Engineering, Inc., of Boardman, Ohio**, for the purpose of performing materials testing and inspection services, with such assignments in accordance with the 2015-2016 Miscellaneous Engineering Services Agreements between the Commission and said engineering firms; and

**FURTHER RESOLVED that Contract No. 53-15-05 is designated a System Project under the Commission's 2013 Master Trust Agreement.**

**Chairman:** Any questions or comments?

**Mrs. Barber:** I noticed in some of the information that all of these Resolutions or Proof of Publication have been in *The Daily Reporter*, is that a local newspaper or a trade publication?

**General Counsel:** Mr. Chairman and Commission Member Barber, the statute 5537.07, requires that we advertise in a newspaper of general circulation in Franklin County. *The Daily Reporter* is the one that is watched and monitored by all of the contractors. Director Cole has some ideas about how we can improve upon that. We have worked on that, but we haven't quite gotten there as far as being more efficient with spending our dollars in that regard.

**Mrs. Barber:** Thank you.

**Director Cole:** We are a recognized political subdivision and entity of the State under O.R.C. Section 2744.01 and all local government entities have been afforded the opportunity to publish in the public notice website maintained by the Ohio Newspaper Association at no cost. So you do an initial publication, then you publish on the web for free and it is saving lots of local governments and schools and all of the other state agencies a significant amount of money. The problem is that reference in O.R.C. Section 7.16, it says "unless another section of code doesn't allow for it," so we do need our statute amended. Hopefully, through the budget or some other place, we can get that change made, so that we may be afforded that same opportunity to innovate a little bit and save some money.

**General Counsel:** Mr. Chairman, if I might add, I wanted to make a comment and I noticed that Mr. Dixon seemed pleased by that 12% and since this is my last Commission Meeting, I really do want to compliment the Contracts Administration staff and Tommie Jo who have worked hard with the contractors on our new DBE policy. Frankly, what has had to happen was an education process and, each time that we get a bid in, we are giving the contractors a little bit of time to get back to us with their numbers and percentages and whenever we run into a new, apparent low bidder that process has to start all over again. That number or figure arose last week because of the due diligence. We are making a lot of progress there along with the Disparity Study.

**Chairman:** Any other comments?

**MOTION:** A motion for adoption of the *Resolution Awarding Contract No. 53-15-05, Pavement Repairs and Resurfacing at the Portage and Brady's Leap Service Plazas* was made by Mr. Balog, seconded by Mr. Paradiso, and unanimously approved by all Commission Members present.

**Chief Engineer:** My next Resolution for your consideration is for the award of Contract No. 4243 to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike mainline roadway and interchange ramps from Milepost 0.0 to Milepost 241.2 located in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull and Mahoning counties. This work is included our 2015 Operating Budget. On March 12, 2015, Procurement received three bids in response to Invitation No. 4243. Following a thorough review of the bids submitted, it was determined that A&A Safety, Inc., of Amelia, Ohio, has submitted the lowest responsive and responsible bid in the amount of \$623,327.60. A&A Safety's bid is approximately nine percent (9%) below the Engineer's Estimate of \$686,000.00, and A&A Safety has satisfactorily performed projects of a similar size and scope

for the Commission in the past. Based upon this information, it is recommended to award Contract No. 4243 to A&A Safety, Inc., of Amelia, Ohio, in the amount of \$623,327.60. With your permission, may the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the bid of **A & A Safety, Inc., of Amelia, Ohio**, in the amount of **\$623,327.60**, for the performance of Contract No. 4243 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the Chairperson and the Executive Director, or either of them, hereby is authorized to: 1) execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, 2) direct the return to the non-winning bidders of their bid security, when appropriate, and 3) take any and all action necessary or proper to carry out the terms of said bid and of said Contract.

**Chairman:** Any questions or comments?

**MOTION:** A motion for adoption of the *Resolution Awarding Contract No. 4243 to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike Mainline Roadway and Interchange Ramps from Milepost 0.0 to 241.2* was made by Chairman Hruby, seconded by Mr. Balog, and unanimously approved by all Commission Members present.

**Chief Engineer:** My final Resolution is seeking authorization for the Executive Director to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the procurement of Sodium Chloride (rock salt) for the 2015/2016 Snow and Ice Season. In years past, the Commission solicited bids for the furnishing and delivery of sodium chloride at various locations along the Ohio Turnpike. Over the past several years, Commission staff has observed that the pricing for rock salt has been significantly higher than the pricing bid by these same salt providers to ODOT and, for the 2013/2014 and 2014/2015 Snow and Ice Seasons, the Commission authorized the purchase of rock salt through the ODOT Cooperative Purchasing Program. We are once again recommending that all of the Commission's rock salt should be purchased through the ODOT Cooperative Purchasing Program for the 2015/2016 Snow and Ice Season because we believe the best pricing will be available under that program due to consolidated quantities. We are requesting Commission approval for an estimated 20,200 tons of rock salt for summer fill and 53,800 tons of rock salt for winter use, at fifteen delivery locations across the Turnpike, for submittal to ODOT and inclusion in that agency's bid invitation for the 2015/2016 Snow and Ice Season. The Cooperative Purchase Program requires 100% commitment for the summer fill quantities, but allows for the purchase of between 90% and 110% of the winter use quantities. Based on the 2014/2015 average unit price, expenditures under the ODOT Cooperative Purchasing contracts for sodium chloride at the fifteen delivery locations could potentially exceed \$5,832,000.00 and, since they will exceed \$150,000.00, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, we are requesting the Commission to authorize the Executive Director to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the procurement of Sodium Chloride (rock salt) for the 2015/2016 Snow and Ice Season. With your permission, may the General Counsel please read the Resolved?

**General Counsel:** RESOLVED that the Executive Director and the Director of Contracts Administration, or either of them, are authorized to forward a certified copy of this Resolution to the Director of Transportation indicating the Commission's assent and

commitment to participate in the ODOT Cooperative Purchasing contracts for the purchase of sodium chloride in the counties where the following delivery sites are located, and in the following quantities for the 2015 Summer Fill and quantities not to exceed 110% of the estimated 2015/2016 Winter Use:

<u>Delivery Location</u>	<u>Summer Fill</u>	<u>Estimated Winter Use</u>
Kunkle MB (Williams Cty.)	1,500 Tons	3,000 Tons
Interchange 34 (Fulton Cty.)	0 Tons	700 Tons
Swanton MB (Fulton Cty.)	2,000 Tons	1,900 Tons
TP 59 (Lucas Cty.)	0 Tons	400 Tons
Elmore MB (Ottawa Cty.)	2,000 Tons	4,200 Tons
River Road (Sandusky Cty.)	1,000 Tons	1,100 Tons
Castalia MB (Erie Cty.)	1,200 Tons	4,200 Tons
Humm Road (Erie Cty.)	0 Tons	2,400 Tons
Amherst MB (Lorain Cty.)	2,000 Tons	8,500 Tons
TP 161 (Cuyahoga Cty.)	1,000 Tons	4,400 Tons
Boston MB (Summit Cty.)	1,000 Tons	8,500 Tons
TP 187 (Portage Cty.)	1,000 Tons	2,500 Tons
Hiram MB (Portage Cty.)	3,000 Tons	4,600 Tons
TP 218 (Mahoning Cty.)	2,000 Tons	3,500 Tons
Canfield MB (Mahoning Cty.)	2,500 Tons	3,900 Tons
<b>TOTAL</b>	<b>20,200 Tons</b>	<b>53,800 Tons</b>

FURTHER RESOLVED, that the Executive Director and the Director of Contracts Administration, or either of them, are authorized to agree, in the name of the Ohio Turnpike and Infrastructure Commission, to purchase the minimum quantities prescribed by the Director of Transportation, to be responsible for direct payments to any selected vendor for the quantities purchased under the contract(s), and to otherwise agree to be bound by all terms and conditions of the contract(s) as prescribed by the Director of Transportation; and

FURTHER RESOLVED, that the Ohio Turnpike and Infrastructure Commission agrees to be responsible for resolving all claims or disputes arising out of its participation in the ODOT Cooperative Purchasing Program under Section 5513.01(B) of the Ohio Revised Code, and agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the Cooperative Purchasing Program that the Commission may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees; and

FURTHER RESOLVED, that the Maintenance Engineer, shall issue a report back to the Commission indicating the results of the ODOT bidding process.

**Chairman:** Any questions or comments?

**Mr. Dixon:** I am not totally clear on this. Is there a not-to-exceed on the contract?

**Chief Engineer:** Mr. Chairman and Commission Member Dixon, what do you mean by that?

**Mr. Dixon:** I see that we are going to participate in the program, but I do not see any parameters as to the amounts of money that we will spend. Are we not-to-exceed \$1 million? I am just throwing out a number.

**Chief Engineer:** Mr. Chairman and Commission Member Dixon, the way the contract is set up is that we are required to buy 100% of the Summer Fill quantity, which is 20,200 tons. We estimated the cost of that and then added the Winter Fill. For the Winter Fill, we are permitted to buy between 90% and 110% of the estimated quantity that we provide to ODOT, which is 53,800 tons. Based on the estimated cost of what we paid last year at the 90% quantity, we anticipate that the cost of the salt could be approximately \$5.83 million. This includes the Summer Fill quantity plus 90% of the Winter Fill quantities.

**Chairman:** That is based on how much per ton?

**Chief Engineer:** \$85.00 per ton from this past season's dollar amount and we don't know what that number is going to be this year.

**General Counsel:** Mr. Chairman and Commission Member Dixon, I think there was some reluctance to place a dollar figure into the resolution itself because we are actually hoping that, as ODOT goes out to bid, these prices that skyrocketed last year will go back down. So, broadcasting to them what we are willing to pay, we think, is probably not the wise thing to do. On the other hand, what we are directing the staff to do with the Resolution is to report back to you what that pricing is as soon as we receive it. We have, in the past, received the best possible pricing by joining in the ODOT Cooperative Purchasing Program because of the quantities that ODOT is putting on the street, so we are very confident that we are going to be able to secure the best pricing that we can through the Program. It's just that we do not know how much it is going to be at this time.

**Mr. Dixon:** I understand everything you just said, but in my history of voting on resolutions anywhere, I have a problem with blank checks and this is a blank check. There is nothing in here that says that you have to report back to the Commission if we exceed a certain amount. I understand that you said the control is going to be that we are in the ODOT Purchasing Program, but at the same time, in my mind, and maybe I am being too cautious, seems like there has to be some parameters as to how much we are allowed to spend. It is a blank check and I don't vote on blank checks.

**Ms. Townley:** Just to add to that Mr. Dixon and Chairman Hruby, one thing that is hard in this situation is that we don't know what that cost is, but we do know historically what has been needed as far as tonnage to keep the system safe. So, I would ask, are we fairly confident in the amount of tonnage that you are listing here as far as the needs to make sure that the system is safe?

If so, ODOT's approach on procuring that salt is the best opportunity we have and then I am comfortable with it from that standpoint in order to keep the traveling public safe.

**Chief Engineer:** Mr. Chairman and Commission Member Dixon, we are very comfortable with the numbers that we have here. We analyze this year after year and we look at the actual tonnage that we use, and the tonnage we have here is based on our maximum historic usage over the course of the last twenty years. We are purchasing as if we have the worst winter ever, so we should be covered.

**Mr. Dixon:** What I think is being missed is that I do not have a problem with the tonnage. I am just throwing numbers out, say we paid \$10.00 a ton last year, and this year it is \$20.00 a ton, as a Commission Member I am not approving that, I am giving you a blank check that is now \$20.00 a ton and you can go out and spend that money. Do you see what I am saying?

**Chairman:** The crux of this, and I just checked with Kathy to make sure I was correct on this, is that this really is authorizing our participation in the ODOT Program. If the numbers come in out of line with these numbers, I would certainly think that ODOT would reject the bid(s), or perhaps go back out for second bids and we would be notified of that fact, is that not correct?

**Ms. Townley:** Yes, that is correct. There would definitely be conversations on those bids that came in. You actually saw a lot of those conversations happening last year as we were getting those prices, and we also rejected one of the contracts last year.

**Chairman:** Knowing the sensitivity of that Mr. Director, I think that we need to keep on top of this and, if there is any type of deviation that it would come back to the Commission.

**Director Cole:** Mr. Chairman, if I may make a brief comment on this. Marty, the Engineering team, Chris Matta, our Maintenance Engineer, and our Legal staff have talked through this. We modeled what we have used in the past, what we currently have in inventory and what everyone's best guess at pricing is. There are times when people refer to this as gambling with what the market is going to be. But, we are making an investment in a commodity and, unless we go to something where we are really looking at hedging future prices or something else, must continue to look at the cost of the inventory we have, and the expected cost of what we are going to acquire. ODOT's responsibility, Commissioner Dixon, is to come back with the best possible price for their use and what fits in their budget, our budget and dozens of local governments that are also participating. If they are out of line with all of our budgets, you are going to see everyone ask them to reject those bids.

**General Counsel:** Mr. Chairman, the two most important points of all of the discussion we just had are: 1) in order for ODOT to conduct a bid that is reasonable, they need to have the quantities. We are a pretty big customer, so if we were to commit to a quantity and suddenly pull out because we thought the price was too high, that would certainly cause a lot of problems for them in the pricing that they obtained, so that is why they ask us to make that commitment upfront; and 2) the conversation that you heard concerning the bids and if they are too high, we saw that happen last year where ODOT did reject bids because they were simply way out of line. In fact, we accepted some of them, but not all of them because they were so out of line and ODOT would do that again. They will not just accept any kind of outrageous bid from the salt companies.



**Mr. Dixon:** I get it. I know and hope that there will be communications with the Commission as far as the pricing and make sure the Board is in the loop.

**Chairman:** I am sure the staff will do that.

**Mr. Dixon:** I understand.

**Chairman:** Thank you for your concern.

**MOTION:** A motion for adoption of the *Resolution Authorizing Participation in the ODOT Cooperative Purchasing Program for Sodium Chloride 2015 Summer Fill and 2015/2016 Winter Use* was made by Mr. Balog, seconded by Mrs. Barber, and unanimously approved by all Commission Members present.

**Chairman:** Thank you, Mr. Yacobucci. Anything else.

**Chief Engineer:** That concludes my report, Mr. Chairman.

**Chairman:** Thank you very much. We will move on to the report of our CFO/Comptroller, Marty Seekely.

**CFO/Comptroller:** Thank you, Mr. Chairman. I have an update on our traffic and revenue for the month of March and a review of our financial results for the first quarter of this year.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years.

Passenger car vehicle miles traveled in March were 6.5% higher than March of last year. On March 12<sup>th</sup> last year there was a snow storm and a large accident that closed part of the Turnpike for most the day. This accounts for approximately 2% of the increase from last year. The remaining increase is due to the improving economy and lower gas prices this year.

Commercial traffic also benefited from the comparison against the snow last year and the improving economy this year and was 6.7% higher than March of last year. The increase in traffic combined with the toll rate increase on January 1 of this year caused passenger car toll revenue to increase 7.9% from March of last year.

The increase in Commercial traffic combined with the toll rate increase this year resulted in an 8.7% increase in Commercial vehicle toll revenues from March of last year.

This chart shows year-to-date toll revenues through the month of March during each year over the past decade. Toll revenues through March were \$3.8 million or 7.1% above the amount from last year.

This report shows the actual and budgeted revenues, expenditures and transfers for the General Fund for the first three months of the year.

Total revenues for the first quarter of the year are \$1.3 million or 2.2% higher than budget and \$4.3 million or 7.3% above last year.

The revenue increase from budget is primarily due to higher toll and concession revenues due to the increase in traffic. Other revenues are higher than budgeted primarily due to higher than expected gains on the disposal of fixed assets. Most of the revenue increase from last year is due to higher toll and concession revenue.

Expenditures for the first three months of the year for Operations, Maintenance and Administration were \$1.6 million or 4.8% lower than budgeted and just about equal to last year.

Most of the decrease in costs from the budget were related to lower compensated absence expense, lower workers' compensation expense, lower toll collector wages and lower charges from the Ohio State Highway Patrol.

When comparing against last year, increases in the cost of salt this year were offset by lower wages this year. Last year included the payment of the one-time union employees' bonus in February.

Debt service payments are slightly lower than budget and last year due to higher interest income received on infrastructure funds.

After paying our operating expenses and debt service, the balance of the revenue is used to fund our 2015 capital expenditures.

\$9.3 million was transferred to our capital and expense reserve funds in the first three months of the year which is \$3.2 million higher than budget and \$4.5 million higher than last year.

That completes my report Mr. Chairman and I will be happy to respond to any questions.

**Chairman:** Thank you. We will move on to reports of our various advisors. Financial Advisor, Bethany Pugh?

**Financial Advisor:** No report, Mr. Chairman.

**Chairman:** General Consultant, Mr. Buchanan?

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

**Chairman:** Trustee from Huntington, Mr. Lamb?

**Trustee:** No report, Mr. Chairman.

**Chairman:** Ohio State Highway Patrol, S/Lt. Weirtz?

**S/Lt. Weirtz:** Good afternoon, Mr. Chairman and Members of the Commission. I have a brief report today. Unfortunately, I have one fatal crash to report that occurred on March 13,

2015, at approximately 3:11 a.m. in Portage County at Milepost 187. That accident involved a tractor trailer, that was eastbound, drove off the right side of the roadway, struck a guardrail, overturned onto its left side in the roadway. The vehicle became fully engulfed and, unfortunately, a 22-year old male from Michigan, who was the driver of that vehicle, lost his life that day.

Moving on to our criminal patrol activity over the last month. I added a few pictures to my presentation this month to give a more visual depiction of what these actual drug amounts were. Seven pounds in your head doesn't sound like much, but when you see a photo of it, I think it says a lot more. On March 17, 2015, Trooper Trader stopped a 2015 Buick Regal for a marked lane violation. The vehicle was registered from Missouri. His canine, Argo, alerted to that vehicle and he was able to seize seven pounds of marijuana, five grams of hashish and miscellaneous drug paraphernalia. A 34-year old male from Michigan was charged with felony possession that day. On March 18, 2015, Sergeant Laughlin and Trooper Trader stopped a vehicle at Milepost 133. It was a 2010 Subaru and a consent search was done and they confiscated two pounds of marijuana and four pounds of hashish. A 28-year old male was charged with felony possession that day. The third incident took place on March 17, 2015. A 2002 GMC Yukon was stopped for a speeding violation at Milepost 151 westbound. A probable cause search was conducted, which revealed two loaded handguns and \$5,000 in currency. What is interesting in this incident is that one of the guns that was recovered was entered stolen and is suspected in a double homicide in Stark County. That investigation was turned over to the Stark Metro Task Force and a 29-year old male from Canton was charged with felony possession of drugs, carrying a concealed weapon and receiving stolen property. That concludes my report.

**Chairman:** Excellent work. Please pass along our congratulations to your staff. Any other business? Hearing none. The next meeting will be on May 18, 2015, at 10:00 a.m.

**General Counsel:** Members have the Quarterly Litigation Report in their folders and as we are going to be going into Executive Session, if there are questions about the Litigation Report, please feel free to ask them then. Commissioner Barber has a motion.

**Mrs. Barber:** I move that we hold an Executive Session to discuss litigation matters under the provisions of Ohio Revised Code Section 121.22(G)(3). At the end of such Executive Session, the Commission shall resume its open meeting.

**MOTION:** A motion to move into Executive Session was made by Mrs. Barber, seconded by Mr. Balog, and unanimously approved by all Commission Members present. Time: 12:08 p.m.

**Mrs. Barber:** I move that we conclude the Executive Session pursuant to the provisions of Ohio Revised Code Sections 121.22(G)(3) and resume the open meeting of the Commission.

**MOTION:** A motion to adjourn the Executive Session was made by Mrs. Barber, seconded by Mr. Balog, and unanimously approved by all Commission Members present. Time: 12:46 p.m.

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

Time of adjournment: 12:47 p.m.

**Attendees for Record Keeping Purposes:**

Scott Buchanan, AECOM; Sarah Brown, HNTB; Bethany Pugh, PFM; Jim Gates, ODOT; Tim McDonald, ODOT; Dan Castrigano, GPI; Frank Snyder, Jr., Thomas Fok & Assoc.; Stephen Lettier, Thomas Fok & Assoc.; Frank Lamb, Huntington Bank; Dennis Golem, Wells Fargo; Gene Baxendale, Hill International; Rick Boylan, RLB Group; Doug Talbott, RLB Group; Hamid Homae, TranSystems; Toby Fritz, Hill International; Ron Stranger, Hill International; Michael Russell, Hatch Mott MacDonald; Michael McCarthy, Hatch Mott MacDonald; Kathleen Weiss, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Robin Carlin, Ohio Turnpike; Martin Seekely, Ohio Turnpike; David Miller, Ohio Turnpike; Sharon Isaac, Ohio Turnpike; Helen Guggenbiller, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; Dennis Albrecht, Ohio Turnpike; Mark Musson, Ohio Turnpike; Chris Matta, Ohio Turnpike; Adam Greenslade, Ohio Turnpike; Tommie Jo Marsilio, Ohio Turnpike; Joseph Disantis, Ohio Turnpike; Joe Mannion, Ohio Turnpike; Debra Klooz, Ohio Turnpike; and Donna Fritz, Ohio Turnpike.

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

---

Sandra K. Barber, Secretary-Treasurer