



**OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION**

ADDENDUM NO. 1
ISSUED: OCTOBER 8, 2024

To

LOI NO. 21-2024

**REQUEST FOR LETTERS OF INTEREST (LOIs) FOR PROFESSIONAL
ENGINEERING SERVICES FOR
PROJECT NO. 71-24-11**

ISSUED: SEPTEMBER 23, 2024

LETTERS OF INTEREST DUE DATE: 5:00 P.M. (Eastern) OCTOBER 15, 2024

ATTENTION OF RESPONDENTS IS DIRECTED TO:

ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 PM ON OCTOBER 7, 2024:

INCLUDED WITH THIS ADDENDUM

2023-2024 Biennial Request for Qualifications RFQ No. 18-2022

Issued by the Ohio Turnpike and Infrastructure Commission through Aimee W. Lane, Esq., Director of Contracts Administration

Aimee W. Lane

Aimee W. Lane, Esq.,
Director of Contracts Administration

OCTOBER 8, 2024
Date

ANSWERS TO QUESTIONS RECEIVED THROUGH 5:00 P.M. ON OCTOBER 7, 2024:

Q#1 Are existing plans available?

A#1 As provided in Part I of the LOI (page 1): “Original Construction Plans and Rehabilitation Plans are available upon request to purchasing@ohioturnpike.org and will be sent by e-mail with a File Transfer Portal (FTP) link.”

Q#2 Are bridge inspection reports available?

A#2 Current 2024 Inspection Reports are available upon request to purchasing@ohioturnpike.org and will be sent by e-mail with a File Transfer Portal (FTP) link.”

Q#3 What are the current bridge vertical clearances and desired vertical clearances?

A#3 Current Vertical Clearance data: MP 2.1 (EB & WB) = 14.5 ft; MP 3.1 = 14.85 ft. The selected consultant shall verify existing vertical clearances. Desired minimum vertical clearance, per the LOI Project No. 71-24-11 Exhibit A – Draft Scope of Services, is 15.5 ft for bridges over the mainline.

Q#4 What is the intent for the mainline bridge widening?

A#4 The mainline widening of the MP 2.1 structure is to allow for the future interior third lane construction.

Q#5 Is ROW expected due to the widening or the bridge raising?

A#5 R/W is not expected for the mainline structure, MP 2.1. Any R/W or Easements necessary for construction of the overhead structure, MP 3.1, is to be investigated by the selected consultant.

Q#6 What prequalifications should the design team have?

A#6 Those firms interested in responding to the Request for Letters of Interest must have a completed “Request for Qualifications” (“RFQ”) package for calendar years 2023-2024 on file with the Commission to be considered as a potential Respondent. If a firm has not already responded to the RFQ, the RFQ package may be submitted simultaneously with LOI No. 21-2024. The 2023-2024 Biennial Request for Qualifications, RFQ No. 18-2022, has been provided with this addendum.

All ODOT Prequalification's necessary to complete the services requested in Appendix A – Draft Scope of Services for Project No. 71-24-11 shall be held by the Respondent or one of its subconsultants.

Additional services such as Geotechnical, Environmental, etc., will be provided by the Respondent and included in a Final Scope of Services document, if necessary. Additional services may also be determined after the Site Inspection and Engineering Investigation defined in Appendix A.

END OF ADDENDUM NO. 1



OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
682 Prospect Street
Berea, Ohio 44017
(440) 971-2081

2023-2024 BIENNIAL REQUEST FOR QUALIFICATIONS
RFQ NO. 18-2022
TO PERFORM ENGINEERING, ARCHITECTURAL AND SYSTEM DESIGN
SERVICES, SURVEYING, ENVIRONMENTAL SERVICES AND
CONSTRUCTION SUPPORT SERVICES

ISSUE DATE: November 8, 2022

INQUIRY END DATE: 5:00 PM (Eastern) on November 22, 2022

INITIAL ACCEPTANCE DATE: 5:00 P.M. (Eastern) December 13, 2022

SUBMITTED BY:

COMPANY NAME _____
CONTACT NAME _____
STREET ADDRESS _____
CITY AND STATE _____
ZIP CODE _____ TELEPHONE NUMBER _____
EMAIL ADDRESS _____

Please check (✓) item numbers responding to:

Item 1 () Item 2 () Item 3 () Item 4 () Item 5 ()

Item 6 () Item 7 () Item 8 () Item 9 () Item 10 () Item 11 ()

In lieu of taking exceptions to RFQ requirements, including but not limited to terms and conditions, scope of work statements, service levels requirements, etc., or providing assumptions that may be unacceptable to the Commission, Respondents are strongly encouraged to use the inquiry process in PART V of this RFQ.

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**REQUEST FOR QUALIFICATIONS NO. 18-2022 TO PERFORM ENGINEERING,
ARCHITECTURAL AND SYSTEM DESIGN SERVICES, SURVEYING,
ENVIRONMENTAL SERVICES AND CONSTRUCTION SUPPORT SERVICES**

PART I. BACKGROUND INFORMATION

The Ohio Turnpike and Infrastructure Commission (“Commission”), a body corporate and politic constituting an instrumentality of the State of Ohio, is responsible for operating and maintaining the Ohio Turnpike, a toll road officially known as the James W. Shocknessy Ohio Turnpike. The Ohio Turnpike is a limited access highway extending 241 miles across northern Ohio. Additional information regarding the Commission and the Ohio Turnpike can be found at <https://www.ohioturnpike.org/home>.

The Commission issues this Biennial Request for Qualifications (“RFQ”) for Construction Administration and Inspection Services, Material Testing and Quality Control Services, Environmental Services, Geotechnical Services, Protective Coatings Inspection, Shop Inspection of Structural Steel, Surveying and/or Geographical Information System (GIS) Services, Engineering, Architectural and System Design Services, Program Management, Construction Management and Unmanned Aircraft Systems (UAS), as further described in Appendix A (Items of Services).

Any person responding (a “Respondent”) must clearly demonstrate depth of experience in planning and successfully executing tasks similar to those Items listed in Appendix A in which they claim qualified to perform. Specific prior experience for each Item the firm identifies is required, including familiarity with the various methodologies and industry best practices for performing the required tasks.

Respondents are encouraged to submit a Statement of Qualifications (“SOQs”) in response to this RFQ by the Initial Acceptance Date, but SOQs will be accepted throughout 2023 and 2024.

IMPORTANT! NEW FOR THE 2023-2024 BIENNIAL RFQ

Under Ohio law, to be considered for Commission contracts with an estimate fee of \$50,000 or more, SOQs must be updated at “regular intervals.” See ORC 153.66(A). To be considered for Commission contracts with an estimated fee of more than \$25,000 but less than \$50,000, SOQs must have been submitted “within the immediately preceding year.” See ORC 153.71(B)(2)(a). Due to these different standards, the Commission has adopted a Standard Operating Procedure to issue the Biennial RFQ every 2-years **but to require firms to update their SOQs annually**. It is the firm’s responsibility to update the SOQs annually by either (1) submitting a new SOQ or (2) submitting a letter indicating that the SOQ on file is up to date. **If the SOQ on file has not been updated at least every 12 months, the firm cannot be considered for a Commission contract.**

Approximately one-year from the initial acceptance date listed on the cover of this RFQ, the Commission will notify firms with an SOQ on file to either update their SOQ or to submit a letter indicating that the SOQ on file is up to date. However, again, the responsibility is on the firm to make sure the SOQ is updated annually.

Also, the Commission no longer utilizes a Miscellaneous Professional Services Agreement. Contracts for the services described in Appendix A (Items of Services) will only be awarded through a One-Step Request for Letters of Interest (“LOI”) or a Two-Step LOI and Request for Proposals (“RFP”) process on a project by project basis. Some projects will be specific in nature (i.e., bridge design work) and some projects will be for general services (i.e., construction administration and inspection; material testing and quality control; mechanical, electrical, plumbing services; general engineering services). Any firm desiring to provide the services described in Appendix A (Items of Services) to the Commission under an LOI or RFP must submit a response to this RFQ prior to submitting a response for a project. Notices of Requests for LOIs or RFPs will be posted on the Commission’s website www.ohioturnpike.org and sent by e-mail directly to those firms establishing the requisite qualifications through this RFQ.

PART II. STATEMENT OF QUALIFICATIONS REQUIREMENTS

All responses to this RFQ should clearly indicate the particular Item(s) of Services (Appendix A) within the response for which Statement of Qualifications are being submitted. All firms responding to this RFQ should provide the following information:

1. Organization: Indicate the type of organization and principal shareholders/partners therein. List the location of the principal office and any other offices. Also, please specify the number of professional personnel, by discipline, based in the Ohio office in which the bulk of the work will be performed. Provide any business inclusion program certifications the respondent might hold with other governmental entities (i.e., SBE, MBE, DBE, FBE, etc.). Professional credentials demonstrating experience in providing the services identified are required, including any and all prequalifications by the Ohio Department of Transportation (“ODOT”).
2. Project Manager(s): Designate the Project Manager(s) who will be *committed* to any Project along with a summary of his/her experience on similar Projects. If the Project Manager will be different for any of the Items listed above, then list all potential Project Managers by Item Number.
3. Key Staff Assignments: List the personnel who will be given key Project responsibilities such as Project Engineer, Design Engineer, Project Inspector, Coatings Inspector, Construction Engineer, etc., and summarize their experience on similar projects. Résumés may be used as an optional means to describe experience.
4. Quality Control: Describe your program for providing technical direction and administrative control to assure conformance to industry-accepted standards of quality.
5. Experience with Transportation Authorities or other Relevant Experience: List all work performed for the Ohio Turnpike and Infrastructure Commission over the last ten (10) years, and provide any additional relevant experiences working with ODOT or any other public authorities over the last five (5) years.
6. Audited Overhead Rate: The firm’s current audited overhead rate shall be approved by the Commission and utilized to determine compensation for professional services.

Compensation shall be based upon actual wage rates, the approved audited overhead rate and fixed fee. The fixed fee shall be determined upon assignment of a project. The firm's current audited overhead rate and actual wage rates shall be updated and submitted to the Commission for approval upon assignment of a project, hourly billing rate updates and when the firm's audited overhead rate changes. Hourly billing and overhead rates must be within established Commission guidelines. (see Appendix F) The Commission reserves the right to "CAP" hourly billing and overhead rates that exceed these guidelines. Non-labor direct costs (i.e., material testing, equipment rental, etc.) shall not be affected by the overhead rate. The approved overhead rate will be adjusted only after consent and mutual agreement by the parties. The Commission will allow a higher overtime rate only for those employees that are paid a premium rate for overtime. However, overtime billing rates based on 1.5 times the normal billing rate are not acceptable. The overtime billing rate should reflect the actual increase in costs for the premium rate. The Commission will also allow travel reimbursements.

PART III. PROFESSIONAL ENGINEERING SERVICES CONTRACTS

The Commission will award contracts for the services identified in Appendix A (Items of Services) with an estimated fee of \$50,000 or more by issuing a Request for LOIs or an RFP for project specific services or general services. Only firms that have filed a response to this RFQ will be considered for these professional engineering services contracts. Any Requests for LOIs or RFPs issued by the Commission will be published on the Commission's website at www.ohioturnpike.org under the "Business" heading in the "Doing Business With Us" and "Engineering Services" subheadings. Depending on the type of services, notices will also be sent to firms that have indicated an interest in providing such services when they submitted their RFQ response.

The Commission may award contracts for the services identified in Appendix A (Items of Service) with an estimated fee of more than \$25,000 but less than \$50,000 from the SOQs submitted within the immediately preceding year without issuing a separate Request for LOI or an RFP.

Contracts with an estimated fee of \$25,000 or less are exempt from qualifications-based selection per Section 153.71(B)(1) of the Ohio Revised Code.

PART IV. STATEMENT OF QUALIFICATIONS SUBMISSION REQUIREMENTS

A Respondent's Statement of Qualifications to be responsive must consists of the following:

1. The Respondent's Statement of Qualifications addressing the items described in Part II.
2. An explanation of any concerns, requested information or exceptions related to the RFQ or Items of Service

3. A completed, signed and notarized Non-interest/Non-collusion Affidavit (see Appendix B attached hereto; see also, Ethics Policy attached as Appendix C which is referenced in the affidavit).
4. Completed and Signed Affirmation and Disclosure Form (Executive Order 2019-12D) Governing the Expenditure of Public Funds on Offshore Services (see Appendix D attached hereto).
5. Completed and Signed Affirmation and Disclosure Form (Executive Order 2022-02D) State of Ohio's Response to Russia's Unjust War on the Country of Ukraine (see Appendix E).

PART V. INQUIRY SUBMISSION INSTRUCTIONS

All interested parties are welcome to submit specific questions or requests for clarifications of the RFQ requirements. Respondents are expected to raise any questions, exceptions or additions they have concerning the RFQ prior to the end of the Inquiry Period indicated on the cover page. These questions shall be addressed in writing and **emailed to purchasing@ohioturnpike.org**. **Do not contact the Commission by phone. Do not direct questions regarding the RFQ to anyone other than through the email address provided.** At the completion of the Inquiry Period, a summary of all questions and answers will be compiled, posted on the Commission's website (<https://www.ohioturnpike.org/business/doing-business-with-us/rfps>), and provided via email to the interested parties on file. In the event that it becomes necessary to provide additional clarifying data or information or to revise any part of this RFQ, addenda will be posted publicly (at the same link as answers) and provided directly to all recipients of this RFQ.

PART VI. STATEMENT OF QUALIFICATIONS SUBMISSION INSTRUCTIONS

Statements of Qualifications shall be organized, with an index, ordered in the same manner as the response items listed in PART II. Respondents must submit its Statement of Qualifications electronically to purchasing@ohioturnpike.org in pdf format in accordance with the deadline specified on the cover page of this RFQ. The Commission will continue to accept Statement of Qualifications beyond the Initial Acceptance Date and throughout 2023 and 2024. Paper copies received will be considered non-responsive.

PART VII. REVIEW OF STATEMENT OF QUALIFICATIONS

Personnel from the Commission's Engineering and Departments of Contracts Administration will review the Statement of Qualifications submitted and will advise a Respondent in the event a submission is inadequate or incomplete. Otherwise, there shall be no response from the Commission after submissions are received.

To be placed on the Commission's mailing list and considered for Commission projects, interested firms must submit a Statement of Qualifications that respond to all of the requirements set forth in this RFQ.

This RFQ is not a prequalification process. If necessary, the Commission utilizes the Ohio Department of Transportation's prequalification list. Therefore, Respondents should make sure they participate in ODOT's prequalification process.

PART VIII. OFFICE OF EQUITY AND INCLUSION

The Commission adopted its Small, Minority Business Inclusion Program in 2016 to ensure that businesses certified as a Small Business Enterprise (SBE), Minority Business Enterprise (MBE), and/or Disadvantaged Business Enterprise (LDBEs) have the fullest possible opportunity to participate in contracts involving the expenditure of Commission funds. The program is administered by the Commission's Office of Equity and Inclusion (OEI), which reviews each proposed contract and determines if opportunities exist and if so, applies a goal to the proposed contract. In some cases, no goal is applied to a proposed contract due to a lack of opportunity and availability of certified businesses.

When a goal is applied to a project, respondents must submit documentation provided by the Commission to show how the respondents will meet the goal. When the goal is waived, the respondents are strongly encouraged to use "good faith efforts" or necessary and reasonable actions that would reasonably be expected to attain SBE or MBE or LDBE participation in the respondent's performance of the scope of work.

Additionally, whether the Commission applies a goal to a proposed contract or not, the program standards provide that the Commission may apply an evaluation credit of five percent (5%) to the total points awarded for proposals received from SBEs, or MBEs and LDBEs consultants to perform the personal or professional services being sought by the Commission in a Request for Letters of Interest or Request for Proposals.

For more information, please visit the Commission's website at <https://www.ohioturnpike.org/business/oei>.

PART IX. DEVIATIONS, EXCEPTIONS AND ADDENDA TO THE RFQ

Respondents should raise any questions, exceptions or requested changes they have concerning the RFQ, including Items of Services (Appendix A) during the Inquiry Period. If a Respondent discovers any ambiguity, error, conflict, discrepancy, omission or other deficiency in this RFQ, that Respondent should immediately notify the Commission of such error and request modification or clarification of the RFQ in accordance with the procedures outlined in PART V. In the event that it becomes necessary to provide additional clarifying data or information or to revise any part of this RFQ, addenda will be issued and posted on the Commission's website (<https://www.ohioturnpike.org/business/doing-business-with-us/rfps>) to modify the necessary provisions of the RFQ.

The Commission reserves the right to make changes to the scope of this RFQ and to clarify any of the requirements, information and/or provisions of this RFQ as it deems necessary. Any changes to the RFQ will be made via addenda issued prior to the submission deadline. The Commission further reserves the right, if necessary, to extend the submission deadline.

PART X. ONLINE NOTARY PUBLIC SERVICES

The Commission has the capability to provide online notary public services which are available to any bidder without access to a notary public for documents that must be notarized and submitted with a bid. Please allow at least 3 business days to process any request for online notary public services. Requesting party must have computer internet access and a webcam. Please contact the Commission at purchasing@ohioturnpike.org for online notary public information and services.

APPENDIX A

ITEMS OF SERVICES

The following describes the eleven (11) items of services for potential contracts that each Respondent should submit its qualifications to perform:

ITEM 1: Construction Administration and Inspection Services: The service generally involves administering and inspecting construction operations and for executing duties and responsibilities on various turnpike projects, including, but not limited to, pavement replacement and/or resurfacing of mainline roadway and interchanges; third lane construction; toll plaza construction and/or renovation; bridge rehabilitation; service plaza reconstruction; emergency bridge repair; slope and drainage type projects; miscellaneous facility upgrade projects, etc. Administration also includes plan review, schedule review, cost analysis, etc.

ITEM 2: Material Testing and Quality Control Services: These services will generally be required on all construction projects performed by outside contractors and/or Commission Maintenance personnel. Projects performed by outside contractors may include but are not limited to: pavement replacement and/or resurfacing of mainline roadway and interchanges; third lane construction; toll plaza construction and/or renovation; bridge rehabilitation; service plaza reconstruction; and emergency bridge repair. Projects performed by Commission Maintenance personnel primarily include sampling and testing of concrete and asphalt used on Turnpike maintenance projects.

ITEM 3: Environmental Services: This service may include, but is not limited to, preliminary engineering and environmental services for the planning and construction of projects, as well as services required in connection with fuel spills, leaks, underground tank removal and other hazardous waste occurrences, noise analysis and design, stormwater management related activities, and other items that have the potential to impact soil, water and air. Such services may include ESA Screening, Phase I ESA, Phase II ESA, cultural resources, ecological resources, waterway permits, and stormwater management related program activities and/or documentation. These services may include the necessary site testing, inspection, analyses and recommendations, development of remedial action plans and compiling documentation and reporting to comply with current OEPA, BUSTR and other regulatory requirements.

ITEM 4: Geotechnical Services: These services are anticipated to be required for, but not limited to, roadway construction, facility construction, bridge construction, bridge removal, and slope failures. The work will generally follow the latest edition of ODOT Specifications for Subsurface Investigations.

ITEM 5: Protective Coatings Inspection: The Commission anticipates a continuing effort to paint its bridge structures under painting contracts or as part of other construction contracts. This typically requires removal of the existing lead based paint and repainting with a new paint system. The work may involve updating of worker, environmental and painting specifications, and inspection of the contract work including the specific duties assigned to ODOT Certified Coatings Inspector as well as environmental site monitoring and work crew oversight and monitoring.

APPENDIX A

ITEM 6: Shop Inspection of Structural Steel: This service shall include shop inspection of structural steel, primarily for bridges, throughout the fabrication and shop painting process.

ITEM 7: Surveying and/or Geographical Information System (GIS) Services: This service generally involves, but is not limited to, re-establishing right-of-way lines, identifying encroachments and miscellaneous property surveys including preparation of survey drawings and legal descriptions, and air speed marking layout. Also includes GIS system and application development and related work.

ITEM 8: Engineering/Architectural/System Design Services: This service requires various items such as site investigations, traffic studies, analysis, preparation of plans, specifications, studies, or professional consultation for projects that may occur within any of the Turnpike's highway, bridge, building, or communication facilities.

ITEM 9: Program Management: These services are anticipated for, but not limited to, investigation, design, and oversight of construction administration and inspection of construction and/or reconstruction projects at turnpike facilities, mainline pavement rehabilitation, and major bridges. Firms selected for these services will be required to provide a Program Management Staff to oversee all design and/or construction activities, including preliminary investigation, geotechnical services, design services, and/or providing the supervision of those providing construction related services identified in Item 1 and/or 8 and 9 of this RFQ.

ITEM 10: Construction Management: These services are anticipated for, but not limited to, construction and/or reconstruction projects at turnpike facilities, mainline pavement rehabilitation, and major bridges. Firms selected for these services will be required to provide a Construction Management Staff to oversee all construction activities, including providing the supervision of those providing construction related services identified in Item 1 of this RFQ.

ITEM 11: Unmanned Aircraft Systems (UAS): These services are anticipated for, but not limited to, bridge inspection, tower inspection, routine construction inspection, confined space inspection, asset management and surveying. Firms selected for these services will be required to provide a Part 107 licensed pilot and a UAS that includes sense and avoid, infrared imaging, autonomous flights, collision-tolerant features and the ability to fly between beams and through diaphragms.

APPENDIX B
NON-COLLUSION AFFIDAVIT

**OHIO TURNPIKE AND
INFRASTRUCTURE COMMISSION**

State of _____ }
 } **SS:**
County of _____ }

The undersigned, being first duly sworn as provided by law, deposes and says:

1. Their name is _____,
and their office is located at _____.

2. They make this Affidavit with the knowledge and intent that it is to be filed with the Ohio Turnpike and Infrastructure Commission and with the expectation that it will be relied upon by said Commission as consideration and any action which it may take with respect to the bid or proposal accompanying this Affidavit.

3. The undersigned serves in the capacity of _____.
(Sole Owner, Partner, President, etc.)

and in that capacity makes and authorized to make representations and this Affidavit on behalf of:

Name of Corporation, Partnership, Limited Liability Company, etc...)

a _____
(Sole Proprietorship, Partnership, Corporation, Limited Liability Company, etc...)

organized under the laws of _____, and registered to do business in Ohio.
(Name of State)

4a. **Sole Proprietorship Only:** The undersigned states that the following is a complete and accurate list of the names and addresses of all individuals having an interest in the contract contemplated under the bid or proposal accompanying this Affidavit: _____

4b. **Partnership Only:** The undersigned states that the following is a complete and accurate list of the names of the general partners of the partnership and all other individuals having an interest in the contract contemplated under the bid or proposal accompanying this Affidavit, including any partners with a five percent (5%) or more equity interest in the partnership (attach additional pages if necessary): _____

AFFIDAVIT

4c. Corporation or Limited Liability Company Only: The undersigned states that the following is a complete and accurate list of the chief executive officer and all individuals that are expected to have an interest in the contract contemplated under the bid or proposal accompanying this Affidavit, including anyone owning five percent (5%) or more equity interests in the entity submitting the bid or proposal (attach additional pages as necessary):

President (or similar chief executive): _____

Owners with 5% or more equity interest: _____

Additional individuals with an expected interest in the contemplated contract: _____

5. The undersigned represents that no person, firm, agent or employee of the entity identified in paragraph 3, nor anyone else to the knowledge of the undersigned, has retained anyone to solicit or secure affirmative or favorable action by the Commission with respect to the bid or proposal accompanying this Affidavit (except a regularly employed salesman paid for services on a regular schedule of commissions and serving in the usual course of business in soliciting such consideration or action by the Commission without promise or expectation of receiving consideration other than the standard and normal fee, commission, or percentage) under any agreement providing for a bonus, fee, commission, percentage, or other form of payment whatsoever which is in any way contingent upon the action to be taken by the Commission with respect to the bid or proposal.

6. The undersigned represents that no person or firm associated with the entity identified in paragraph 3 has any interest, direct or indirect, in any other proposal or bid submitted with respect to the contract contemplated in the bid or proposal accompanying this Affidavit, except the subcontractors, material suppliers, truckers/haulers disclosed in the SBE Utilization Plan.

7. The undersigned states that the bid or proposal accompanying this Affidavit is a genuine and earnest attempt to contract with the Commission, and is not made in the interest or on behalf of any undisclosed individual, person, partnership, company, association, organization or corporation; that the bid or proposal is not collusive or a sham; that the entity identified in paragraph 3 has not, directly or indirectly, induced or solicited any other entity to submit a false or sham bid or proposal, and has not directly or indirectly, colluded, conspired, connived or agreed with any other respondent to submit a collusive or sham bid or proposal, or to refrain from submitting a bid or proposal; and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the prices of any other responding entity, or to secure any advantage against the Commission or any person, firm or corporation interested in the proposed contract;

AFFIDAVIT

8. The undersigned states that the entity identified in paragraph 3 has received the Commission's Ethics Policy; the Ethics Policy has been reviewed by its managerial staff; the terms and conditions of the Policy are understood; and the entity agrees to comply and assist the Commission in complying with the Policy. Insofar as undersigned knows, no member of the Commission and no employee or agent of the Commission has or will have any interest, either direct or indirect, in the prospective contract contemplated under the bid or proposal accompanying this Affidavit.

(Affiant)

(Printed)

Sworn to before me and subscribed in my presence this ____ day of _____, 20____.

(Notary Public)

APPENDIX C



OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION ETHICS POLICY

A. POLICY STATEMENT

It is the policy of the Ohio Turnpike and Infrastructure Commission (“Commission”) to carry out its mission in accordance with the strictest ethical guidelines and to ensure that Commission members and employees conduct themselves in a manner that fosters public confidence in the integrity of the Commission, its processes, and its accomplishments.

B. GENERAL STANDARDS OF ETHICAL CONDUCT

Commission members and employees must, at all times, abide by protections to the public embodied in Ohio’s ethics laws, as found in Chapters 102 and 2921, of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. Members and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

A general summary of the restraints upon the conduct of all members and employees include, but are not limited to, those listed below. Members and employees shall not:

- Solicit anything of value from anyone doing business with the Commission;
- Accept anything of value from anyone doing business with the Commission;
- Solicit or accept employment from anyone doing business with the Commission, unless able to completely withdraw from Commission activity regarding the party offering employment, and the Commission approves the withdrawal;
- Use public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
- Accept any form of compensation for personal services rendered on a matter before any state agency, or sell goods or services to any state agency, unless the official or employee qualifies for the exception, and files the statement, described in the Ethics Law;
- Hold or benefit from a contract with, authorized by, or approved by, the Commission, unless one of the exceptions in the Ethics Law and related statutes applies;
- Vote, authorize, recommend, or in any other way use his or her position to secure approval of a Commission contract (including employment or personal services) in which the

APPENDIX C

official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;

- Use, or authorize the use of, his or her title, the name “Ohio Turnpike and Infrastructure Commission,” or “Commission,” or “OTIC,” or the Commission’s logo in a manner that suggests impropriety, favoritism, or bias by the Commission or the official or employee;
- Solicit or accept honoraria prohibited by the Ethics Law;
- Use or disclose confidential information protected by law, unless appropriately authorized; and
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the Commission.

For purposes of this policy:

- “Anything of value” includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. “Value” means worth greater than de minimis or nominal.
- “Anyone doing business with the Commission” includes, but is not limited to, any person, corporation, or other party that is doing or seeking to do business with, regulated by, or has interests before the Commission.

C. FINANCIAL DISCLOSURE STATEMENTS

Every Commission member or employee required to file a financial disclosure statement by law, or Ethics Commission rule, must file a complete and accurate statement with the Ethics Commission by April 15 of each year. Any member or employee appointed or employed after February 15 shall file a statement within ninety days of appointment or employment.

D. ETHICS EDUCATION

All Commission members and employees subject to the financial disclosure requirement must participate in the annual ethics education required pursuant to Executive Order 2019-11D, and some form of annual ethics instruction shall be provided to all Commission employees. In addition to participating in Executive Order training, the Ethics Commission sponsors educational sessions throughout Ohio.

E. PUBLICATION OF THE COMMISSION’S ETHICS POLICY

The Commission’s Ethics Policy shall be published on the Commission’s website, www.ohioturnpike.org. Persons, corporations or other parties seeking to conduct business with

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the Commission in amounts in excess of \$10,000 shall be provided with a copy of the policy and shall be required to acknowledge receipt of the policy in writing in a form to be prescribed by the Commission's General Counsel.

F. ASSISTANCE

The Ethics Commission is available to provide advice and assistance regarding the Ethics Law and related statutes. The Ethics Commission can be contacted at (614) 466-7090. The Ethics Commission's web site address is: <https://www.ethics.ohio.gov>. The Commission's General Counsel and counsel for the Governor's Office are available to answer questions involving this policy.

G. PENALTIES

Failure of any Commission official or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

AFFIRMATION AND DISCLOSURE FORM
EXECUTIVE ORDER 2019-12D
Governing the Expenditure of Public Funds on Offshore Services

By the signature affixed to this response, the Respondent affirms, understands and will abide by the requirements of Executive Order 2019-12D issued by Ohio Governor Mike DeWine. If awarded a contract, the Respondent affirms on behalf of itself and any of its Subcontractors to perform no services under the Contract outside of the United States. The Executive Order is attached and is available at the following website: (<https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-12d>).

The Respondent shall provide all the name(s) and location(s) where services under this Contract will be performed in the spaces provided below or by attachment. Failure to provide this information may subject the Contractor to sanctions. If the Respondent will not be using subcontractors, indicate “Not Applicable” in the appropriate spaces. Attach any additional pages as necessary

1. Principal location of business of Contractor:

(Address)

(City, State, Zip)

2. Location where services will be performed by the Respondent:

(Address)

(City, State, Zip)

3. Name/Principal location of business of subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

4. Name/Location where services will be performed by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

5. Location(s) where Commission data will be stored, accessed, tested, maintained or backed-up, by Respondent:

(Address, City, State, Zip)

(Address, City, State, Zip)

Name/Location(s) where Commission data will be stored, accessed, tested, maintained or backed-up by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

The undersigned Respondent also affirms, understands and agrees that the Respondent and its subcontractors are under a duty to disclose to the Commission any change or shift in location of services performed by the Respondent or its subcontractors before, during and after execution of any Contract with the Commission. Respondent agrees it shall so notify the Commission immediately of any such change or shift in location of its services.

The Commission has the right to immediately terminate the contract for material breach if any services are performed overseas unless the Commission has issued the Respondent a waiver to perform the specific services outside the United States. The Commission has the sole and unlimited discretion to determine waiving some or all of the requirements of the Executive Order is necessary based on the (1) nature of and risk arising from the services being performed overseas; (2) the porportion of off-shore services compared to those performed domestically; (3) the cost savings resulting from granting the waiver; (4) the justification to perform the services overseas; and (5) the need to procure the services from the Respondent.

The undersigned represents and warrants to be authorized to execute this Affirmation and Disclosure Form on behalf of the Respondent and agree that this form is a part of any Contract that Respondent may enter into with the Commission and is incorporated therein.

Respondent: _____

By: _____
(Signature)

Printed: _____
(Name) (Title)

Date: _____

APPENDIX E

ATTACHMENT A

DEPARTMENT OF ADMINISTRATIVE SERVICES

STANDARD TERMS AND CONDITIONS

EXECUTIVE ORDER 2022-02D

State of Ohio's Response to Russia's Unjust War on the Country of Ukraine

March 2022

PROHIBITION OF THE EXPENDITURE OF PUBLIC FUNDS FOR OFFSHORE SERVICES.

No State Cabinet Agency, Board or Commission will enter into any contract to purchase services provided outside of the United States or that allows State data to be sent, taken, accessed, tested, maintained, backed-up, stored, or made available remotely outside (located) of the United States, unless a duly signed waiver from the State has been attained. Notwithstanding any other terms of this Contract, the State reserves the right to recover any funds paid for services the Contractor performs outside of the United States for which it did not receive a waiver. The State does not waive any other rights and remedies provided to the State in the Contract.

Further, no State agency, board, commission, State educational institution, or pension fund will make any purchase from or investment in any Russian institution or company. Notwithstanding any other terms of this Contract, the State reserves the right to recover any funds paid to Contractor for purchases or investments in a Russian institution or company in violation of this paragraph. The provisions of this paragraph will expire when the applicable Executive Order is no longer effective.

The Contractor must complete the Contractor/Subcontractor Affirmation and Disclosure Form affirming the Contractor understands and will meet the requirements of the above prohibition. During the performance of this Contract, if the Contractor changes the location(s) disclosed on the Affirmation and Disclosure Form, Contractor must complete and submit a revised Affirmation and Disclosure Form reflecting such changes.

APPENDIX E

ATTACHMENT B

DEPARTMENT OF ADMINISTRATIVE SERVICES
STANDARD AFFIRMATION AND DISCLOSURE FORM
EXECUTIVE ORDER 2022-02D

State of Ohio's Response to Russia's Unjust War on the Country of Ukraine

March 2022

All of the following provisions must be included in all invitations to bid, requests for proposals, state term schedules, multiple award contracts, requests for quotations, informal quotations, and statements of work. This information is to be submitted as part of the response to any of the procurement methods listed.

AFFIRMATION AND DISCLOSURE FORM

Contractor affirms that Contractor has read and understands the applicable Executive Orders regarding the prohibitions of performance of offshore services, locating State data offshore in any way, or purchasing from Russian institutions or companies.

The Contractor shall provide all the name(s) and location(s) where services under this Contract will be performed and where data is located in the spaces provided below or by attachment. Failure to provide this information may result in no award. If the Contractor will not be using subcontractors, indicate "Not Applicable" in the appropriate spaces.

1. Principal location of business of Contractor:

(Address)

(City, State, Zip)

Name/Principal location of business of subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

2. Location where services will be performed by Contractor:

(Address)

(City, State, Zip)

Name/Location where services will be performed by subcontractor(s):

APPENDIX E

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

3. Location where state data will be located, by Contractor:

(Address)

(City, State, Zip)

Name/Location(s) where state data will be located by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

Contractor also affirms, understands and agrees that Contractor and its subcontractors are under a duty to disclose to the State any change or shift in location of services performed by Contractor or its subcontractors before, during and after execution of any contract with the State. Contractor agrees it shall so notify the State immediately of any such change or shift in location of its services. The State has the right to immediately terminate the contract, unless a duly signed waiver from the State has been attained by the Contractor to perform the services outside the United States.

On behalf of the Contractor, I acknowledge that I am duly authorized to execute this Affirmation and Disclosure Form and have read and understand that this form is a part of any Contract that Contractor may enter into with the State and is incorporated therein.

By: _____
Contractor

APPENDIX E

Print Name: _____

Title: _____

Date: _____

APPENDIX F

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION (OTIC)
PROFESSIONAL SERVICES
METHOD OF COMPENSATION – HOURLY BILLING
FY 2022 SUMMARY

The Basis of Compensation shall be as follows:

- The amount invoiced shall be based upon actual hours worked times an approved hourly billing rate plus approved expenses.
- The individual staff regular hourly billing rate will be based upon actual direct labor cost, on an hourly basis, times a single multiplier.
- The single multiplier will be based upon the firm's most recent ODOT approved overhead rate (subject to review, possible negotiations and approval by the OTIC) plus fee/profit not-to-exceed ten (10%) percent. Should an ODOT approved overhead rate not be available, the firm shall submit documentation to the OTIC for review and approval. The overhead rate shall not exceed 160%. Additional markup for "Cost of Money" is not permitted.
- For overtime hourly billings for staff who are compensated at a premium rate for work in excess of 40 hours in a week and work on OTIC projects in excess of 40 hours in a week, the overtime hourly billing rate will be based upon the regular hourly billing rate plus 50% of the actual direct labor cost, on an hourly basis, plus the associated FICA, Medicare, FUTA, SUI, and Workers Compensation costs. The associated costs shall be itemized and clearly noted on the Billing Rate Submittal and backup provided for such costs.
- Expenses shall be billed at actual costs, including pass through expenses such as subconsultants, with no allowance for markups associated with administrative and/or handling charges. Computer time charges and/or equipment shall not be considered for reimbursement.
- The Mileage Rate and any Per Diem items must be approved by the OTIC prior to incurring such costs. The Certified Mileage submittal shall be prepared and submitted on the attached "Certified Mileage Submittal" form. An electronic MS Excel version is available upon request. **"Certified Mileage Logs" shall be completed and maintained daily by all staff working on an OTIC project, and such logs shall be submitted with all invoices as supporting documentation for mileage reimbursement. If mileage logs are not completed daily or submitted with invoices, no reimbursement will be made. Please reference the respective Contract terms for specific mileage reimbursement information. Effective January 1, 2022, the approved mileage reimbursement charges shall not exceed \$49.00 per day per vehicle.**

Form of Billing Rate Submittal:

Prior to working on any project, the Firm shall submit the actual hourly rate and job classification for each individual expected to work on the project, including resumes. A single staff list may NOT be utilized for multiple project assignments. The Billing Rate Submittal shall be in the following format:

| Employee Name | Title/Job Description | OTIC Classification | OTIC Billing Rate CAP | Actual Hourly Rate | Calculated Billing Rate RT | Approved Billing Rate RT | Calculated Billing Rate OT | Approved Billing Rate OT |
|---------------|-----------------------|---------------------|-----------------------|--------------------|----------------------------|--------------------------|----------------------------|--------------------------|
|---------------|-----------------------|---------------------|-----------------------|--------------------|----------------------------|--------------------------|----------------------------|--------------------------|

APPENDIX F

**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION (OTIC)
PROFESSIONAL SERVICES
METHOD OF COMPENSATION – HOURLY BILLING
FY 2022 SUMMARY**

The submittal shall include the project number, effective date, overhead rate, and formulas used for each rate calculation, including the associated overtime premiums for FICA, Medicare, FUTA, SUI, and Workers Compensation as well as backup documentation justifying such costs. Prior to the assignment of new personnel to a project, their actual hourly rates and resumes shall be submitted for approval by the OTIC.

Position Billing Rate Caps:

Utilizing past years' hourly billing rate data, the OTIC has established a policy of placing a maximum cap on compensation for each respective position. The goal of this policy is to encourage firms to utilize less senior staff that has the level of experience required for the type of services being provided.

The Position Billing Rate Caps are as follows:

| <u>Position/OTIC Classification</u> | <u>Hourly Billing Rate Cap</u> | <u>Remarks</u> |
|---|------------------------------------|--|
| Principal | \$192 | No more than one Principal per Project |
| Project Manager | 170 | No more than one PM per Project |
| Sr. Structural Engineer | 151 | Sr. Geotech Eng, Sr. Environ. Scientist/Eng. |
| Staff Structural Engineer | 115 | Geotech Eng, Environ. Scientist/Eng. |
| Sr. Roadway Engineer/Sr. Architect | 139 | |
| Staff Roadway Engineer/Staff Architect | 109 | GIS Analyst/Developer |
| Sr. Roadway/Sr. Structural Designer | 105 | |
| Roadway/Structural Designer | 85 | |
| Sr. Cadd Designer/Sr. Tech. Support | 87 | |
| Cadd Designer/Tech. Support | 70 | |
| Construction Manager/Lab Manager | 140 | CM Projects only |
| Assistant Construction Manager | 102 | CM Projects only |
| Estimator/Scheduler | 126 | |
| Resident Engineer | 109 | No more than one Resident Eng. per Project |
| Assistant Resident Engineer | 95 | |
| Sr. Inspector | 92 | No more than one Sr. Inspector per Project |
| Staff Inspector/Sr. Field Testing Tech. | 79 | No more than one Sr. Field Tech. per Project |
| Materials/Doc. Clerk | 66 | CM Projects only |
| Lab/Field Testing Technician | 64 | |
| Licensed Surveyor | 152 | Rate updated 6/1/22. |
| Surveyor | 83 | |
| Driller | 77 | |
| Field Support Staff | 64 | Survey and Drilling Support Staff |
| Project Analyst/Project Administrator | 87 | |
| Clerical/Administrative | 58 | |

Should specialized personnel be required for specific projects and/or extenuating circumstances exist, limited exceptions from "hourly billing rate caps" may be permitted with proper justification and prior approval from the OTIC.

**OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION (OTIC)
PROFESSIONAL SERVICES
METHOD OF COMPENSATION – HOURLY BILLING
FY 2022 SUMMARY**

Project Invoicing:

It is required that all staff proposed to work on OTIC projects receive approval of the OTIC prior to initiating work on the project. The OTIC will not approve for payment any invoices, which include staff not authorized to work on the project. Invoices shall be provided in a format acceptable to the OTIC and include supporting documentation for hours billed and expenses being charged. The cover sheet of all invoices shall include the **authorized contract amount, the amount billed to date, and the authorized contract amount remaining**. In addition, the cover sheet of the invoice shall tabulate the amount billed for each subconsultant, including all OTIC certified SBE, MBE, DBE and/or EDGE subconsultants. All OTIC certified SBE, MBE, DBE and/or EDGE firms shall be clearly designated in the tabulation, including the Prime Consultant.

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION CERTIFIED MILEAGE SUBMITTAL

| |
|--------------------------|
| ABC Consulting Engineers |
| 71-19-01/43-19-05 |

[illegible]

* Mileage Reimbursement Rate shall be the rate the Engineer reimburses its employees, up to the current IRS allowable rate. Mileage logs shall be completed and maintained daily by all staff working on an OTIC project, and such logs shall be submitted with all invoices as supporting documentation for mileage reimbursement. If mileage logs are not completed daily or submitted with invoices, no reimbursement will be made.

ATTACHMENT "A"

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION CERTIFIED MILEAGE LOG

| | |
|-----------------------------|----------|
| EMPLOYEE'S NAME: | Joe |
| MILEAGE REIMBURSEMENT RATE: | \$0.625* |

* Mileage Reimbursement Rate shall be the rate the Engineer reimburses its employees, up to the current IRS allowable rate. Mileage logs shall be completed and maintained daily by all staff working on an OTIC project, and such logs shall be submitted with all invoices as supporting documentation for mileage reimbursement. If mileage logs are not completed daily or submitted with invoices, no reimbursement will be made.

** From Certified Mileage Submittal

SUPERVISOR SIGNATURE _____ DATE _____

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION CERTIFIED MILEAGE LOG

| | |
|-----------------------------|----------|
| EMPLOYEE'S NAME: | Mary |
| MILEAGE REIMBURSEMENT RATE: | \$0.625* |

* Mileage Reimbursement Rate shall be the rate the Engineer reimburses its employees, up to the current IRS allowable rate. Mileage logs shall be completed and maintained daily by all staff working on an OTIC project, and such logs shall be submitted with all invoices as supporting documentation for mileage reimbursement. If mileage logs are not completed daily or submitted with invoices, no reimbursement will be made.

** From Certified Mileage Submittal

SUPERVISOR SIGNATURE _____ DATE _____