

MINUTES OF THE NINETY-FIRST MEETING  
NOVEMBER 4, 1954

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in regular open session in its offices at 139 East Gay Street in Columbus, Ohio, at 12:10 o'clock P. M. on November 4, 1954, with the key members of its staff, representatives of the Consulting Engineer, of the Trustee, members of the press, and others in attendance.

The meeting was called to order by the Chairman, the roll was called, and the attendance was reported to be as follows:

Present: Teagarden, McKay, Allen, Linzell, Shocknessy.

Absent: None.

The Chairman declared that a quorum was present.

The Chairman reported that the opening ceremonies at the Eastgate Section were well in hand as to preparation and that the construction of the section was so far advanced that only an act of God could prevent the Commission from being ready to open it on the first of December as planned. He said also that the Commission was advertising for bids for the operation of restaurant concessions to be received on December 3, 1954 and for bids for construction of maintenance buildings to be received on November 30, 1954.

The Assistant Secretary-Treasurer, reporting for the Secretary-Treasurer, said that on November 3, 1954, he had mailed to each of the members of the Commission a report detailing the investment transactions which took place in October, 1954. He said that income from investments for the period ending October 31, 1954 had been \$14,005,000 compared to the original forecast for that period of \$6,275,000, or a gain of \$7,730,000. He said also that investment income

for the month of October, 1954 had been \$286,000. He said that the proposed preliminary budget was being reviewed carefully by the Executive Director and would be submitted to the Commission as soon as possible.

The Chairman thanked the Assistant Secretary-Treasurer and said that his report was received as offered.

Mr. Linzell, speaking as the Director of the Ohio Department of Highways, reported that a small portion of his committee for the study of the preliminary engineering reports on proposed Ohio Turnpike Project No. 2 was at that time in New York going over the work sheets and the background behind the report of a preliminary survey of feasibility made by Coverdale & Colpitts. He said that there was one representative of the Commission with that group. He said further that he would have nothing to report until he had studied the findings.

The Executive Director reported that the architect, the Consulting Engineer, the Chief Engineer, and he recommended approval by the Commission of the contract documents for Maintenance Buildings 2, 3, and 4.

Resolution No. 161-1954, approving, adopting, and ratifying the contract documents for Contracts MB-2, MB-3, MB-4, and MB-2, 3 & 4, was moved for adoption by Mr. McKay, seconded by Mr. Allen, as follows:

Resolution No. 161-1954

"WHEREAS there are before this meeting plans and forms of other contract documents, to wit: Forms of notice to bidders, proposal, instructions to bidders, special provisions and contract for Contracts MB-2, MB-3, and MB-4, and contract for Contracts MB-2, MB-3, and MB-4, which, in general terms, are contracts for the construction of the maintenance buildings at the locations designated in said contract documents;

WHEREAS there are also before this meeting the proposal and forms of other contract documents for Contract MB-2, 3 & 4, which is a combination contract covering the work required by

Contracts MB-2, MB-3, and MB-4;

WHEREAS the Commission has heretofore, by and in its resolution No. 108-1954, approved, adopted, and ratified the Special Provisions for Maintenance-building Contracts in General, which are a part of the contract documents for each of the aforesaid contracts;

WHEREAS the Commission's consulting engineer, chief engineer, and executive director have recommended that the aforesaid forms of contract documents before this meeting be approved; and

WHEREAS the Commission has duly and fully considered said documents and said recommendations;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby approves, adopts, and ratifies the forms of contract documents before it at this meeting for each of the aforesaid contracts, being for and in connection with contracts for the construction of maintenance buildings in Portage County, Summit County, and Lorain County; provided, that any changes which are in the nature of adding or changing headings, captions and style of writing or printing, or correcting typographical, clerical, or arithmetical errors, may be made upon the authority of any one of the executive director, chief engineer, or general counsel; and

FURTHER RESOLVED that the Commission's executive director or chief engineer shall take and open bids for the same and report the results thereof to the Commission."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Allen, Linzell, Teagarden, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that, following the Commission's approval of contract documents for disabled-vehicle services on the Eastgate Section, the garages along the Turnpike had been asked to complete certain questionnaires and applications and to submit them to the Commission. He said that the Commission had received only lukewarm response from a number of the garages that were qualified to furnish the services. He said also that only three applications had been received and that one of them was considered as qualified to render the necessary services. The Executive Director said that that garage owner had come to the Commission headquarters and had conferred with the staff of the Commission and had asked for certain modifications of the contract, such as increasing the maximum charges which the Commission had proposed to permit and shortening the term of the contract. He said that the Ohio State Automobile Association had informed the Chief Engineer that the maximum rates set forth in the contract should be retained, although representatives of the Association had admitted that in the Youngstown area a higher rate prevailed than that which the Commission was permitting in its contracts. He recommended that the disabled-vehicle services contract be used as a pilot contract for a period not to exceed one year on the Eastgate Section and that modifications be permitted from time to time as the Commission should determine that they were justifiable and were in the interest of the Commission and of the patron. He recommended further that a final form of contract should be developed based on the experience on the Eastgate Section. He said that the prospective contractor had been agreeable to those recommendations.

Resolution No. 162-1954, authorizing the making of changes in the form of contract documents for the furnishing of services to disabled vehicles, was moved for adoption by Mr. Teagarden, seconded by Mr. Linzell, as follows:

Resolution No. 162-1954

"WHEREAS the Commission has heretofore, to wit, by and in its resolution No. 142-1954, approved, adopted, and

ratified the forms of contract documents for and in connection with the rendition of services to turnpike patrons whose vehicles become disabled on Ohio Turnpike Project No. 1;

WHEREAS it has become evident that it is necessary and desirable that there be certain changes in said documents and the Commission desires to authorize the making of such changes on its behalf in the contract documents to be used in contracting for such services for the Eastgate Section; and

WHEREAS the Commission also desires to grant authority to agree to modifications of the contract for disabled-vehicle services for the Eastgate Section from time to time after the execution of said contract, so that said contract may be used as an experimental and pilot contract in the development of a final form of contract documents for all disabled-vehicle-services zones of Ohio Turnpike Project No. 1;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes its executive director and chief engineer, or either of them, to make changes in the form of contract documents heretofore approved by it as aforesaid for and in connection with the rendition of services to patrons whose vehicles become disabled on Ohio Turnpike Project No. 1, which changes may include changes affecting the rates to be paid for services, the kinds of services required, the records to be kept by the garage, and other matters contained in or affecting said contract; provided, however, that the documents to be executed as changed shall be used only in contracting for services for the Eastgate Section and shall be approved by the Commission's general counsel; and

FURTHER RESOLVED that the Commission's executive director and chief engineer, or either of them, are hereby authorized and directed to enter into a contract for a period not to exceed one year for disabled-vehicle services for the Eastgate Section of Ohio Turnpike Project No. 1, which contract shall contain a provision or provisions whereby it may be

modified on behalf of the Commission by the executive director or chief engineer, or either of them, from time to time with the agreement of the contracting garage."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that the Consulting Engineer had been authorized to furnish certain engineering services in connection with the traffic signs for Ohio Turnpike Project No. 1, those services to include the checking of the shop drawings and the supervision of the installation in the field. He said that it had been arranged for the Contracting Engineers to furnish certain survey services such as staking out. He said further that it had been arranged for the Contracting Engineers to supervise construction of service plazas at their regular fees on all plaza work that they should design. He said that supervision of construction of service plazas that would normally be handled by the architect would be handled by the several contracting engineers on an extra work basis of salary and cost plus a certain percentage. He said further that the architect would check the shop drawings as had been planned.

The Executive Director reported that the Eastgate Section was 87.66 percent completed as of November 3, 1954 as compared to an estimated percentage of completion of 97.6. He said that the concrete paving was completed in its entirety. He reported further that construction on the remainder of Project No. 1 was practically on schedule and that it was 57.2 percent completed as of November 11, 1954. He pointed out, however, that about a half dozen contractors had work that could develop into critical jobs insofar as

completion in time to open on the first of October, 1955 was concerned because those contractors had had to forego a lot of paving that had been planned for the fall of 1954.

The Executive Director then discussed the question of who should pay for ambulance services and fire protection services on Project No. 1. He said that the New Jersey Turnpike Authority had made arrangements with first-aid squads to take care of emergency calls and that each such squad was compensated to a maximum of \$350.00 per one-half year for ten calls. He said that the New York Thruway Authority had no contracts whatsoever for such emergency services and handled them just the same as on other public highways, i. e., the individual involved had to stand the cost. He said that for fire protection service the Pennsylvania Turnpike Commission paid fifty dollars for the first call and twenty-five dollars for subsequent calls, with a maximum of two hundred dollars per year to any fire department, that the New Jersey Turnpike Authority paid fifty dollars for the first call and a maximum of one hundred dollars for a half year. The Chairman directed the Executive Director to make whatever arrangements were necessary for provision of such services for the Eastgate Section.

The Executive Director reported that maintenance workers had been employed and maintenance equipment purchased for the Eastgate Section.

The Executive Director reported that the Commission was having some difficulty with the decks of twin bridges on Contract C-36 & 37. He said that the decks were unsatisfactory and it had been the recommendation of the Consulting Engineer and the Chief Engineer that they would have to be removed by the contractor and replaced. He said further that the bridges were over Raccoon Creek and were being constructed by Bates and Rogers as a subcontractor for W. L. Johnson. He said that the contractor had been notified and that the subcontractor had stated that the defective construction was not their fault and that they would not replace it without a change order and payment. He said also that the Chief Engineer had written to the bonding company directing that action be taken immediately to replace the two structures and stating that the bonding company was responsible for the performance of the work and that it must

take whatever steps were necessary to replace the two decks.

The Director of Information and Research reported that the plans for the opening of the Eastgate Section were prepared and that they called for opening the section on the morning of December 1, 1954 and included a caravan which would start at the Route 18 interchange and proceed east to the Ohio-Pennsylvania line where there would be a ribbon-cutting. He said that the official caravan then would proceed to the Youngstown Country Club where the Youngstown Chamber of Commerce would be host to the Commission and its guests at a luncheon. He said further that at a program following the luncheon the Eastgate Section would be officially opened to traffic. The Chairman said that the barrier between Ohio and Pennsylvania would be cut in the morning and that traffic would be allowed to flow through early in the afternoon after the Turnpike should be cleared of all those persons who were there for the ceremonies.

Mr. Allen read the report of the committee on service facilities concerning the award of Contracts SS-1 to SS-8 upon bids received October 21, 1954, as follows:

"Report of Committee on Service Facilities  
Re Award of Contracts SS-1 to SS-8 Upon  
Bids Received October 31, 1954

November 4, 1954

This committee was appointed by the chairman on December 2, 1952. The original members were Messrs. A. J. Allen, who was designated chairman, S. O. Linzell, Frank C. Dunbar, Jr., T. J. Kauer, and E. J. Donnelly. On August 4, 1953, Robert S. Beightler was added as a member. It was appointed for the purpose of studying in behalf of the commission the problem of service facilities to be incorporated in Ohio Turnpike Project No. 1, including the consideration of some rather novel concepts of petroleum-service facilities which had been advanced to the commission by a committee of the petroleum industry in Ohio.

The committee has, over the nearly two-year period of its existence, held numerous meetings, the latest of which



was concluded this morning. It has held several conferences with various committees and representatives of organizations and segments of the petroleum industry and of individual oil companies which have made representations to the committee and whose representatives have asked to confer with the committee. The committee has had the benefit of the advice and counsel of the commission's consulting engineer and of a firm of architects employed by the commission upon the recommendation of the committee to develop plans for service plazas and service station and restaurant buildings. The committee has been served by the commission's general counsel and his staff, who have drafted the legal documents required in connection with the solicitation of bids and have advised the committee with respect to numerous legal problems and questions which have arisen during the course of the committee's studies, investigations, and deliberations. Various members of the committee have, aside from the formal meetings of the committee, conferred numerous times, at length, with each other and their various advisers. Each of the members of the commission who is not a member of this committee has consulted extensively upon various of the problems which the committee has considered, and numerous reports and memoranda have been placed in the hands of the members of the commission from time to time, and the committee has had the benefit of their individual comments.

It would unnecessarily lengthen this report if we were hereinto review and discuss the multitude of problems which have from time to time engaged the committee's attention; it would be unnecessary because the members of the commission are already, through the means aforesaid, well advised with respect to them. It would serve no useful purpose here, for example, to discuss the matter of number and location of service plazas, and the placing of dual facilities on opposite sides of the turnpike, for those matters were well covered in the joint report, dated January 8, 1954, by the consulting engineer and chief engineer on the location of service areas, which report, and the recommendations and studies of this committee, served as a basis for the commission's actions, heretofore taken, fixing the number, location, and general character of the service plazas. Similarly, the commission has given great and detailed consideration to the matter of the buildings and other facilities, such as utilities, to be constructed upon the service plazas, and

has taken formal action upon those matters.

Therefore, comment appears warranted herein only with respect to some of the major considerations and decisions which have guided and controlled the committee's recommendations heretofore made and the commission's actions heretofore taken.

At the first conference of the committee with representatives of the petroleum industry which was held on February 10, 1953, notice was served upon the committee that the industry would not furnish the capital required to construct service-station or service-station-and-restaurant buildings upon the service plazas. The strong representations then made to the committee by the industry representatives, and subsequently reiterated, together with a fairly recent experience of the Pennsylvania Turnpike Commission in obtaining no bids whatsoever when it sought to have service-station facilities constructed at the cost of the prospective operator thereof, required the committee to consider whether the commission might construct these facilities. It ultimately came to the conclusion that the commission would be able to do so, and that it would probably be profitable financially, through the receipt of higher bids from service-station operators. Such construction at the expense of the commission was made possible because of the commission's favorable experience in awarding construction contracts generally within the limits of the estimates of construction costs upon which the financing of Ohio Turnpike Project No. 1 had been based.

Various representatives of the petroleum industry in Ohio urged that there should be competition between operators of service-station facilities upon the turnpike, and that the commission should not grant a monopoly to a single operator. Your committee was wholeheartedly in accord with this recommendation of the industry representatives. Some of these representatives urged upon the commission the adoption of what was denominated an "Indian village" makeup of each of the several service plazas, with several or numerous competing service-station operators at each location. Your committee, after extended consideration, rejected this suggestion as impracticable and uneconomical, but sought to secure, by other

means, as much as possible of the benefits to the public of competition between operators without sacrificing the benefits of greater efficiency and economy in operation through larger units. Such benefits would be realized by the commission, we concluded and still believe, in the form of higher rental or royalty payments to the commission. The forms of contract documents which the commission approved, upon the basis of the committee's recommendation, provided that award would not be made upon the basis of bids received by the commission on October 21, 1954, of contracts for the operation of more than two, out of the total of eight, of the dual service-station facilities to any one operator, and that no one operator would be awarded contracts for the operation of adjacent dual stations.

Representatives of major oil companies now conducting large-scale businesses in Ohio urged upon the committee that bidding upon these contracts be restricted to service-station operators already doing a substantial volume of business in Ohio. This suggestion is not without some appeal and validity, and the committee -- and for that matter the commission itself -- gave consideration to it. However, upon net balance, it appeared to the committee not to be in the public interest that the commission should impose such a limitation. For one reason, any limitation upon bidders, except such as are designed to assure that competent, satisfactory operators will be secured, would tend to lessen the competition in bidding, and therefore might result in the commission's receiving lower bids, and less money through the operation of these facilities. The commission has never, as a matter of policy in the solicitation of bids for other types of contracts, put any such restriction upon the eligibility of bidders, although it has, when all other things have been equal, preferred and sought to do business with Ohio businessmen, Ohio citizens, Ohio taxpayers, and employers of Ohio labor. There has been at least one instance, in the case of a major turnpike facility in another state, in which a contract for the operation of the service stations was awarded to an operator who had not previously done any business, or at least any substantial amount of business, in that state. That was a case, however, of a monopoly of the service-station concession on the entire turnpike facility, and it appeared to your committee to be far less

likely that such a thing would happen in the case of the recent bidding, since the commission not only did not promise a monopoly to any one bidder, but absolutely precluded such a result by the terms of bidding which it prescribed.

On October 21, 1954, the commission opened bids for contracts for the lease and operation of the eight initial pairs of service stations on Ohio Turnpike Project No. 1. Seventeen oil companies submitted bids, the total number of bids received for the contracts for the eight pairs of stations being 97.

During the period of two weeks since the bids were received, they have been subjected to intensive scrutiny and analysis by members of the committee, staff officers and other personnel of the commission, and the commission's consulting engineer. They have sought to develop the information requisite to enable the committee to formulate recommendations upon the basis of which the commission may be enabled to comply with its statutory mandate to award these contracts to those bidders whose bids, in consideration of the public interest, are determined by the commission to be the best bids received.

All other things being equal, a higher bid is a better bid, in consideration of the public interest, than a lower one, for the greater the amount of revenue which the commission shall derive from the operation of the service stations, the better may the credit of the commission be maintained and enhanced, the sooner may the outstanding bonds be retired, the less will be the ultimate amount of tolls to be paid by the travelling public, and the sooner may Ohio Turnpike Project No. 1 be turned over to the director of highways for operation as a toll-free highway.

However, since a high grade of service to the public is a paramount consideration, your committee believes and advises the commission that it should not make its award totally upon the basis of prices bid. One essential of a high grade of service by service-station operators is that they shall furnish to the public travelling upon the turnpike goods and services which that public needs and wants.

Another requirement, of course, is that the bidder must be qualified financially and from the standpoint of experience, personnel, and physical resources to discharge all its obligations under the contract upon which it has bid.

With these requirements in mind, the committee has appraised the various bids received, special scrutiny having been given to the highest of them for the several dual service plazas, respectively.

The highest bid for Contract SS-1 is that Shell Oil Co., which bid 6.26¢. This figure, incidentally, is the lowest of the respective highest bids for the several contracts. The committee considers Shell Oil Co. to be qualified to perform any of the contracts which might be awarded to it.

The highest bid for Contract SS-2 was also submitted by Shell Oil Co., being in the amount of 6.44¢ per gallon.

The highest bid for Contract SS-3 was submitted by Pure Oil Company, in the amount of 6.63¢ per gallon, and the committee has determined that Pure Oil Company is qualified.

The Texas Company and Shell Oil Co. submitted identical high bids for Contract SS-4, these bids being in the amount of 6.57¢ per gallon. Both companies are deemed by your committee to be qualified.

The highest bid for Contract SS-5 was submitted by The Texas Company, in the amount of 6.90¢ per gallon, and it also submitted the highest bid for Contract SS-6, in the amount of 7.08¢ per gallon. This, incidentally, was the highest of all bids received for any of the contracts.

Speedway Petroleum Corp. submitted the highest bids, each in the amount of 6.8¢ per gallon, for Contracts SS-7 and SS-8, although its bid for SS-7 was only .04 of a cent higher than that of The Texas Company. In view of the subsequently stated recommendations, it is unnecessary that the committee make a determination with respect to Speedway's qualifications.

The terms and conditions prescribed by the commission, pursuant to which the bids were received, permit the commission to award all, none, or any of the contracts. For reasons more fully stated hereinafter, your committee is of the belief, and recommends, that the commission should award four of the contracts, namely, those for SS-2, SS-3, SS-4, and SS-6, to the respective highest bidders therefor, and SS-5 to the second-high bidder (because the highest bidder would be ineligible), and that it should reject all of the bids for the other three contracts. This would result in the award of SS-2 to Shell Oil Co. at 6.44¢, SS-3 to Pure Oil Company at 6.63¢, SS-4 to The Texas Company at 6.57¢, SS-5 to Shell Oil Co. at 6.52¢, and SS-6 to The Texas Company at 7.08¢.

If the award be made of SS-2 to Shell Oil Co. upon its highest bid as above recommended, then, even though it be the highest bidder for SS-1, award SS-1 may not be made to it, for the commission has prescribed that no award will be made to a single bidder of contracts for the operation of adjacent pairs of stations. Rather than accept the lower bid of the second-high bidder for Contract SS-1 -- at a price which is substantially lower than any of those which your committee recommends accepting -- your committee believes that all bids for SS-1 should be rejected and new bids solicited.

Contract SS-5 may not be awarded to the highest bidder, The Texas Company at its bid of 6.9¢, if the commission makes the award of SS-6 to The Texas Company, which was the highest bidder at 7.08¢, for these contracts are for the operation of adjacent pairs of stations. Therefore, we recommend award to Shell Oil Co., the second-high bidder for SS-5. This requires that the award of SS-4, if made, be to The Texas Company rather than to Shell Oil Co., on their identical high bids, because Shell will have the adjacent pair of stations under SS-5.

The highest bidder for both Contracts SS-7 and SS-8 offered in its bid to furnish only one grade -- an ethyl or "premium" grade -- of gasoline. In this it was unlike all the others of the high bidders for the other contracts, who in each case bid upon the furnishing of both "regular" and "premium" grades or brands of gasoline. Your committee is of the opinion

that the public will not be well served unless each of the service stations shall offer to all motorists both the regular and premium grades of gasoline, such as are offered at the great majority of the better service stations all over the country. This commission cannot, we believe, afford to offer the travelers upon the world's finest highway a service so deficient. Hence, your committee recommends that no award be made to this bidder. This leaves the alternative of accepting in each case the next best eligible bid, or of rejecting all bids for these or either of these contracts, and seeking new bids for them. We recommend the latter alternative. In the case of SS-8, the second bid is substantially lower than the highest bid, and we advise against its acceptance for that reason. There is only a slight difference between the highest and the second-high bids for SS-7, but award may not be made to the second-high bidder, The Texas Company, if Contract SS-6 be awarded to it, as the committee has recommended. The third-high bid for this contract is substantially lower than the high bid and should not, the committee believes, be accepted.

If the commission shall adopt the foregoing recommendations, with the result that new bids will have to be sought for Contracts SS-1, SS-7, and SS-8, then the committee believes and recommends that the bidders should be required to tender their bids upon the basis of furnishing both regular and premium grades of gasoline at all stations.

The members of the committee concur unanimously in this report.

Respectfully submitted,  
A. J. Allen, Chairman"

Mr. Allen said that he wanted to offer a resolution putting the report into effect and that the General Counsel would outline a recommendation that would accomplish that result.

The General Counsel submitted to the Commission proof of publication of the notice for the receipt of the bids for Contracts SS-1 to SS-8 inclusive. He said further that theretofore he had, upon the occasion of the Commission's consideration of awards of contracts, handed it in writing his report of his examination of the bids with respect to the legal sufficiency. He said further that because the Allen committee had had its meeting at which its recommendations had been arrived at only that morning it had not been possible for him to draft a letter of such report and advice. He said that, however, he then told the Commission orally that he had examined all of the bids which the Allen committee recommended that the Commission accept, that they complied with all requirements of statute and all requirements specified by the Commission, that the publication of the notice for bids had been properly made and was in conformity to law, and that the Commission might lawfully under the law and the terms of bidding which the Commission had prescribed reject any or all of the bids, and that the Commission might, if it saw fit on the basis of other-than-legal considerations, make awards of Contracts SS-2, SS-3, SS-4, SS-5, and SS-6, as the Allen committee had recommended.

Resolution No. 163-1954, awarding Contracts SS-2, SS-3, SS-4, SS-5, and SS-6, and rejecting Contracts SS-1, SS-7, and SS-8, was moved for adoption by Mr. Allen, seconded by Mr. McKay and Mr. Teagarden, as follows:

"WHEREAS the Commission has duly advertised according to law for bids for contracts SS-1, SS-2, SS-3, SS-4, SS-5, SS-6, SS-7, and SS-8, which are contracts for the operation of service stations in the dual service plazas which have been designated, respectively, numbers 1 to 8, inclusive, on Ohio Turnpike Project No. 1, and proof of said advertising is before the Commission;

WHEREAS bids for the performance of each of said contracts have been received and were duly opened and read as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and



consulting engineer and as well by the commission's special committee on service facilities, and the committee on service facilities has tendered its recommendations in the form of a written report with respect to said analyses and said committee has therein made its recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts, respectively, were solicited on the basis of the same terms and conditions with respect to all bidders and prospective bidders;

WHEREAS the Commission has determined, upon the basis of the aforesaid recommendations, that all bids received for contracts SS-1, SS-7, and SS-8 should be rejected;

WHEREAS the bids of Shell Oil Company for contract SS-2 at the bid price of 6.44 cents per gallon, of Pure Oil Company for contract SS-3 at the bid price of 6.63 cents per gallon, of The Texas Company for contract SS-4 at the bid price of 6.57 cents per gallon, of Shell Oil Company for contract SS-5 at the bid price of 6.52 cents per gallon, and of The Texas Company for contract SS-6 at the bid price of 7.08 cents per gallon have been by the Commission determined to be, in consideration of the public interest, the best of all the bids received for said contracts, respectively, and the Commission has been advised by its general counsel that each of said bids conforms to the requirements of all applicable statutes and to the terms and conditions in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bids, respectively, as the best bids for the performance of said contracts; and

WHEREAS the Commission is satisfied with the capacity and ability of the aforesaid bidders to perform their respective obligations pursuant to their respective bids;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Shell Oil Company, offering to pay the Commission the sum of 6.44 cents per gallon on all motor fuel sold at service plaza No. 2; the bid of Pure Oil Company, offering to pay the Commission the sum of 6.63 cents per gallon on all motor fuel sold at service plaza No. 3; the bid of The Texas Company, offering to pay the Commission the sum of 6.57 cents per gallon on all motor fuel sold at service plaza No. 4; the bid of Shell Oil Company, offering to pay the Commission the sum of 6.52 cents per gallon on all motor fuel sold at service plaza No. 5; and the bid of The Texas Company, offering to pay the Commission the sum of 7.08 cents per gallon on all motor fuel sold at service plaza No. 6 be, and they hereby are, determined to be, respectively, the best of all of said bids and are accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized to execute a contract with each of the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and to take any and all action necessary or proper to carry out the terms of each of said bids and each of said contracts;

FURTHER RESOLVED that all bids received for contracts SS-1, SS-7, and SS-8 be rejected;

FURTHER RESOLVED that the executive director and general counsel be, and they hereby are, directed forthwith to take all action necessary to seek new bids for the performance of contracts SS-1, SS-7, and SS-8 in accordance with the recommendation of the Commission's committee aforesaid submitted to this meeting, and to make any changes in the contract documents which are, in their opinion, necessary or desirable to accommodate and give effect to said recommendation or to fit the changed circumstance that the bids will be received at a different date than were the original bids; and they are authorized to issue any addenda to the contract documents; and

FURTHER RESOLVED that the aforesaid report this day submitted to the Commission is hereby incorporated in this resolution by reference."

The Chairman announced that the Commission would vote on the several branches of the resolution severally. He said that the Commission then would vote on the resolution in its entirety. The Chairman then called for a vote on the rejection of all bids received for the distribution of gasoline at Service Plaza #1 which would be incorporated in its contract which prospectively would be known as SS-1.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman announced that the Commission then would vote on the award to the Shell Oil Company on its bid of 6.44 cents per gallon upon gasoline distributed at Service Plaza No. 2 to be embodied in the Commission's contract prospectively known as SS-2.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman then announced that the Commission would vote on the award to Pure Oil Company on its bid of 6.63 cents per gallon upon gasoline distributed at Service Plaza No. 3 to be embodied in the Commission's contract to be prospectively known as SS-3.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman announced that the Commission would then vote on the award to The Texas Company upon its bid of 6.57 cents per gallon of gasoline to be distributed at Service Plaza No. 4 to be embodied in the Commission's contract prospectively known as SS-4.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman announced that the Commission would then vote on the award to The Shell Oil Company upon its bid of 6.52 cents per gallon of gasoline to be distributed at Service Plaza No. 5 to be embodied in the Commission's contract prospectively known as SS-5.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman then announced that the Commission would vote on the award to The Texas Company upon its bid of 7.08 cents per gallon of gasoline to be distributed at Service Plaza No. 6 to be embodied in the Commission's contract prospectively known as SS-6.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman announced that the Commission then would

vote on the rejection of all bids received for the distribution of gasoline services at Service Plaza No. 7 which would have been incorporated in the Commission's contract which would have been prospectively known as SS-7.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman then announced that the Commission would vote on the rejection of all bids received for the distribution of gasoline services at Service Plaza No. 8 which would have been incorporated in the Commission's contract which would have been prospectively known as SS-8.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman then announced that the Commission would vote on the resolution in its entirety which included all the provisions stated by the General Counsel for Mr. Allen, who moved the adoption of the resolution, which were in addition to those specific terms with respect to the amount to be paid.

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Teagarden, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chairman said that the bids received for the SS-1 were rejected. He said also that the bids received for SS-7 and SS-8 were rejected. He said further that the award was made to the Shell Company upon its bid of 6.44, to the Pure Oil Company upon its bid of 6.63, to The Texas Company upon its bid of 6.57, to the Shell Company upon its bid of 6.52, to The Texas Company upon its bid of 7.08, all respectively as to Contracts SS-2, 3, 4, 5, and 6. The Chairman said that the Executive Director would enter into the contracts in accordance with the authority granted in the resolution.

Resolution No. 164-1954, ratifying actions of administrative officers, was moved for adoption by Mr. Teagarden, seconded by Mr. Linzell, as follows:

Resolution No. 164-1954

"WHEREAS the executive director, deputy executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, chief of the right-of-way section, and director of information and research of the Commission have, by various written and oral communications, fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on October 22, 1954 are hereby ratified, approved, and confirmed."

A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: Teagarden, Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

There being no further business to come before the

Commission, a motion was made by Mr. McKay, seconded by Mr. Linzell, that the meeting adjourn subject to call of the Chairman.


A vote by ayes and nays was taken and all members responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Teagarden, Allen, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 1:19 o'clock P. M.

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

  
A. J. Allen, Secretary-Treasurer.