

MINUTES OF THE THREE HUNDRED AND SIXTEENTH MEETING

February 13, 1979

Pursuant to bylaws the Ohio Turnpike Commission met in regular session in the 7th floor conference room of the Ohio Department of Transportation Building at 25 South Front Street in Columbus, Ohio at 11:00 a.m. on February 13, 1979 with key members of the staff; a representative, William R. Fleischman, of the Consulting Engineers; a representative, P. Joseph Sesler, of the Trustee, The Ohio National Bank; John W. Clark, Special Assistant to the Director of Transportation; a member of the press, Lee Stratton of the Columbus Dispatch, and others in attendance.

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

Present: Jo Ann Davidson, David L. Weir, Clarence D. Rogers, Jr.

Absent: Ralph H. Anderson

The Vice Chairman said that the meeting was the 316th of the Ohio Turnpike Commission and it was being held at the Ohio Department of Transportation Building for the convenience of the Columbus-area Members and participants. He said Mr. Anderson was out of the state and therefore he was unable to attend the day's meeting. He said that, however, a quorum was present and could conduct the official business of the Commission.

A motion was made by Mrs. Davidson, seconded by Mr. Weir, that the minutes of the meeting of December 19, 1978, which had been examined by the Members and on which the corrections suggested by Members had been made, be approved without reading.

A vote by ayes and nays was taken and all Members present responded to roll call.

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the minutes stood approved with all Members voting in the affirmative.

The Vice Chairman said that as was customary in the Chairman's report, he would give a brief summary of the Commission's financial experience since the last meeting and also total figures for the year 1978.

The Vice Chairman reported that Turnpike total revenue for 1978 amounted to \$53,724,086, exceeding the former record of \$50,431,696 established in 1977. He said the revenue included \$6,080,202 in rentals from the sixteen service plazas. He said bonds retired in 1978 amounted to \$19,037,000, reducing the outstanding debt to \$37,971,000.

The Vice Chairman reported further that total revenue for January, 1979 was \$3,490,000, or 19.2% greater than recorded in January, 1978. He said tolls collected from passenger car drivers were up 15.7% over the same month last year, while income from commercial vehicle tolls increased 22.5%. He said it should be remembered, however, that January, 1978 figures were seriously distorted by severe weather, especially the blizzard which closed the entire Turnpike for more than one day and the western half for more than three days.

The Vice Chairman reported further that also in January, the Commission's Trustee, The Ohio National Bank, purchased on the open market and thus retired outstanding Turnpike revenue bonds in the face amount of \$800,000. He said that with the latest purchases, bonds outstanding amounted to \$37,171,000 of the original \$326,000,000 issued. He said bond purchases on the open market were continuing from moneys still available in the Redemption Account and it was anticipated the debt would be reduced to under \$37 million before the end of the month.

The Vice Chairman reported also that on January 31, Mrs. Davidson, Mr. Weir, the Executive Director and he had delivered in person copies of the Commission's Annual Report for 1978 to Governor James A. Rhodes. He said Mrs. Davidson, Mr. Johnson and he also personally presented the report to Lieutenant Governor George V. Voinovich and to Speaker of the House Vernal G. Riffe, Jr. He said copies were delivered to the offices of President of the Senate Oliver Ocasek, Senate Minority Leader Paul E. Gillmore, Senator Harry Meshel, Senator Thomas E. Carney and the Senate and House Clerks.

The Vice Chairman reported also that there were seven resolutions to be considered by the Commission at the meeting. He said drafts of six resolutions to award resurfacing and restroom remodeling contracts had been furnished previously and they would be explained and presented during the course of the various committee and staff reports. He said a copy of the seventh resolution was in the Members' folders and would be explained by the Executive Director.

The Vice Chairman said the report of the Vice Chairman was accepted as offered. He said the report of the Secretary-Treasurer would be received.

In the absence of the Secretary-Treasurer, Mr. Anderson, the Assistant Secretary-Treasurer, Allan V. Johnson, reported that since the last meeting the following had been sent to all Members:

1. Weekly Traffic Statistics
2. Month-End Statement for December, 1978

3. Year-End Statement for 1978
4. Litigation Report - Quarter Ending December 31, 1978
5. Expense and Budget Report - Fourth Quarter 1978
6. Report on Concessionaires, 1978
7. Summary of Bond Purchases in 1978
8. Details of Investment transactions which took place in December 1978 and January 1979
9. Draft of Minutes of December 19, 1978 Meeting
10. Traffic Accident Analysis Report - December 1978
11. Financial Statement - December 31, 1978
12. Traffic and Revenue Report - December 1978 and Summary for the Year 1978
13. Accountants' Report - Financial Statements - December 31, 1978

The Vice Chairman said the report of the Assistant Secretary-Treasurer was accepted as offered. He said the report of the Committee on Budget and Finance would be received.

In the absence of the chairman of the Committee on Budget and Finance, Mr. Anderson, the vice chairman of the Committee, Mr. Johnson, reported that he was pleased to state that the Commission finished 1978 \$263,801 or 1.2% under the \$21,745,494 amount budgeted for the year for operating expenses charged against the Revenue Fund.

Mr. Johnson reported further that as required by law the Commission's proposed budget for 1979, which had been adopted in preliminary form at the October 11, 1978 meeting of the Commission and in final form at the December 19, 1978 meeting of the Commission, had been sent to the members of both the 112th and the 113th General Assemblies, to the Office of Budget and Management, and to the Legislative Budget Office of the Legislative Service Commission. He said that in the cover letter which he wrote on behalf of the Commission to make the distribution, he indicated that additional financial statistics about the Commission were available to anyone interested. He said he thought it was pertinent to note that of the more than 150 persons to whom the distribution was made, only House Speaker Riffe acknowledged the submission with his thanks and only Senator Carney asked to be furnished with any of the additional information he offered.

The Vice Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Johnson, reported that, as the Commission Members were aware from having received copies of the letters in which the action was taken, certain price increases in the restaurants at the service plazas have been approved by the Committee on Service Plazas on behalf of the Commission. He said the Committee considered that the price increases were warranted in the face of continuing inflation, specifically a 9.4% increase in the Federal Minimum Wage at the beginning of this year. He said the increases had been granted with the understanding that, barring extraordinary conditions, the prices would remain in effect for the remainder of the year and also with the assurances of the operators that the increases were either within or exempt from the President's guidelines.

Mr. Johnson reported further that the Commission had been advised previously that plans and specifications were being prepared on which to take bids to expand and remodel restrooms at seven of the Commission's service plazas. He said the projects were advertised and bids were opened on February 9. He said a tabulation of the lump sum bids had been distributed to the Commission Members. He said the bids had been thoroughly examined by the Commission's design architect for the projects, by the Commission's consulting engineers, by the Commission's engineering department staff, by him and by the general counsel and each recommended that the contracts be awarded to the low bidders in the combination which produced the lowest total cost for the projects. He said that the combination allowed for the awarding of Group I to Rudolph/Libbe/ Inc. in the lump sum amount of \$386,000; Group II to Joseph Lach Construction Company, Inc. in the lump sum amount of \$762,000; and Group III to R. C. Organ Construction Company in the lump sum amount of \$297,000. He said that in each case the amounts previously mentioned were the lowest bids received and the bids for the individual groups and for the total were under the estimates prepared both by the Commission's engineering department and by the Commission's design architect. He said each of the three low bidders previously performed work for the Commission in a satisfactory manner. He said resolutions to award the three projects had been prepared and he recommended that the resolutions be adopted.

A resolution awarding Contract RMP 53-78-05, Group I, was moved for adoption by Mrs. Davidson, seconded by Mr. Weir, as follows:

RESOLUTION NO. 1-1979

"WHEREAS pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published according to law, for bids upon a contract for the furnishing or labor, equipment and material, tools and services for restroom addition and remodeling at Blue Heron Service Plaza and remodeling at Wyandot Service Plaza in Sandusky County, Ohio, which contract is designated

Contract RMP 53-78-05, Group I, and proof of said advertisement is before the Commission;

"WHEREAS there are before this meeting the plans and forms of other contract documents for said contract, to wit: forms of notice to bidders, instructions to bidders, proposal, contract, bond and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS bids for the performance of said contract 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 consulting engineer, by its deputy executive director-chief engineer, and by Dalton·Dalton·Newport, Inc., the architect engaged by the Commission for this project, and they have reported thereon to the Commission with respect to said analysis and they, and also the Commission's executive director, have made their recommendations predicated thereon;

"WHEREAS all of the aforesaid bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications, with respect to all bidders and potential bidders, and the bid of Rudolph/Libbe/Inc., of Walbridge, Ohio, in the amount of \$386,000.00, for the performance of Contract RMP 53-78-05, Group I, is, and is by the Commission determined to be, the lowest of all said bids, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid addition and remodeling; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for and in connection with the addition and remodeling of the restroom facilities at Blue Heron Service Plaza and the remodeling of the restroom facilities at Wyandot Service Plaza, and that all action heretofore taken by the executive director, deputy executive director-chief engineer and general counsel, or any of them, with reference to said contract be, and the same hereby is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of Rudolph/Libbe/Inc., a corporation formed under the laws of the State of Ohio, in the amount of \$386,000.00, for the performance of Contract RMP 53-78-05, Group I, be, and hereby it is, determined to be the lowest and best of all said bids for the aforesaid contract, and is accepted, and that the vice chairman and executive director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to return to the other bidders the bid security furnished, (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 1-1979.

A resolution awarding Contract RMP 53-78-05, Group II, was moved for adoption by Mrs. Davidson, seconded by Mr. Weir, as follows:

#### RESOLUTION NO. 2-1979

"WHEREAS pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the furnishing of labor, equipment and material, tools and services for restroom addition and remodeling at Towpath and Brady's Leap Service Plazas and remodeling at Great Lakes and Portage Service Plazas in Cuyahoga and Portage Counties, Ohio, which contract is designated Contract RMP 53-78-05, Group II, and proof of said advertisement is before the Commission;

"WHEREAS there are before this meeting the plans and forms of other contract documents for said contract, to wit: forms of notice to bidders, instructions to bidders, proposal, contract, bond and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS bids for the performance of said contract 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 consulting engineer, by its deputy executive director-chief engineer, and by the architect engaged by the Commission for this project, Dalton·Dalton·Newport, Inc., and they have reported thereon to the Commission with respect to said analysis and they, and also the Commission's executive director, have made their recommendations predicated thereon;

"WHEREAS all of the aforesaid bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Joseph Lach Construction Company, Inc. of Avon, Ohio, in the amount of \$762,000.00 for the performance of Contract RMP 53-78-05, Group II, is, and is by the Commission determined to be, the lowest of all said bids, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid addition and remodeling; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves, adopts, and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for and in connection with the addition and remodeling of the restroom facilities at Towpath and Brady's Leap Service Plazas and the remodeling of the restroom facilities at Great Lakes and Portage Service Plazas, and that all action heretofore taken by the executive director, deputy executive director-chief engineer and general counsel, or any of them, with reference to said contract be, and the same hereby is, ratified, approved, and confirmed; and

"FURTHER RESOLVED that the bid of Joseph Lach Construction Company, Inc., a corporation formed under the laws of the State of Ohio, in the amount of \$762,000.00, for the performance of Contract RMP 53-78-05, Group II, be, and hereby it is, determined to be the lowest and best of all said bids for the aforesaid contract, and is accepted, and that the vice chairman and executive director, or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to return to the other bidders the bid security furnished, (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 2-1979.

A resolution awarding Contract RMP 53-78-05, Group III, was moved for adoption by Mrs. Davidson, seconded by Mr. Weir, as follows:

RESOLUTION NO. 3-1979

"WHEREAS pursuant to authority heretofore granted, the executive director and general counsel have caused an advertisement to be published, according to law, for bids upon a contract for the furnishing of labor, equipment and material, tools and services for restroom addition and remodeling at Mahoning Valley Service Plaza in Mahoning County, Ohio, which contract is designated Contract RMP 53-78-05, Group III, and proof of said advertisement is before the Commission;

"WHEREAS there are before this meeting the plans and forms of other contract documents for said contract, to wit: forms of notice to bidders, instructions to bidders, proposal, contract, bond, and general conditions and special provisions for said contract, which comprise the contract documents therefor;

"WHEREAS bids for the performance of said contract 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 consulting engineer, by its deputy executive director-chief engineer, and by Dalton-Dalton-Newport, Inc., the architect engaged by the Commission for this project, and they have reported thereon to the Commission with respect to said analysis and they, and also the Commission's executive director, have made their recommendations predicated thereon;

"WHEREAS all of the aforesaid bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications, with respect to all bidders and potential bidders, and the bid of R. C. Organ Construction Co. of Youngstown, Ohio, in the amount of \$297,000.00, for the performance of Contract RMP 53-78-05, Group III, is, and is by the Commission determined to be, the lowest of all said bids, and the Commission has been advised by its general counsel that said bid conforms to the requirements of



Section 5537.04 of the Revised Code of Ohio and to the terms, conditions and specifications in the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid addition and remodeling; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby approves, adopts and ratifies the plans and forms of other contract documents before it at this meeting for the aforesaid contract, being for and in connection with the addition and remodeling of the restroom facilities at Mahoning Valley Service Plaza, and that all action heretofore taken by the executive director, deputy executive director-chief engineer and general counsel, or any of them, with reference to said contract be, and the same hereby is, ratified, approved and confirmed; and

"FURTHER RESOLVED that the bid of R. C. Organ Construction Co., a corporation formed under the laws of the State of Ohio, in the amount of \$297,000.00 for the performance of Contract RMP 53-78-05, Group III, be, and hereby it is, determined to be the lowest and best of all said bids for the aforesaid contract, and is accepted, and that the vice chairman and executive director or either of them be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to return to the other bidders the bid security furnished, (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 3-1979.

Mr. Johnson reported further that since the Turnpike's 16 service plazas were to remain in accordance with the provision in the Surface Transportation Assistance Act of 1978 sponsored by the Commission, he had requested verbally and in writing that the Commission's consulting engineer, J. E. Greiner Co. - Ohio, make a detailed review of the geometrics of the ramps leading into

and out of the plazas to see whether or not the entrance and exit fully conformed to the current standards for the Interstate Highway System, one of the conditions for their being permitted to remain in operation. He said he had also asked the consulting engineers, during their annual inspection of Turnpike facilities in 1979, to give special attention to the overall condition of service plazas since they were to have a longer life expectancy in order to determine what additional improvements, if any, might have to be accomplished before they became the property of the state.

The Vice Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

The vice chairman of the Committee on Employee Relations, G. Alan Plain, reported that, as he had reported at the last Commission meeting, the Committee on Employee Relations had concluded its meetings with the various employee groups. He said that, since that time, all of the recommendations developed by the Committee had been implemented by the Executive Director and all employee manual changes had been distributed to the employees.

Mr. Plain reported also that Teamsters Union Local 20 had been recently informed by the Executive Director that its authorized Commission employee membership had fallen below 20% of the employees in the designated unit and consequently checkoff of dues was revoked, as well as certain other privileges as outlined in the employee manual.

The Vice Chairman asked what percentage of employees were represented by the Teamsters at the time their checkoff privilege had been revoked and what the union would have to accomplish to be reinstated as an authorized employee representative.

The Executive Director responded by saying that as of the end of 1978 the Teamsters represented slightly more than 15 percent of the employees. He said the employee manual specified that initial dues checkoff will be granted in favor of any organization presenting authorization cards signed by 30 percent of the employees in a unit determined by the Commission to be appropriate.

The Vice Chairman said the report of the Committee on Employee Relations was accepted as offered. He said the report of the Committee on Safety would be received.

The chairman of the Committee on Safety, Mr. Johnson, reported that, in general, the overall traffic safety record on the Turnpike in 1978 was quite satisfactory. He said that with regard to fatalities the total recorded for the year was 19, the fewest since 1963, except for the all-time low year of 1974 in which only ten were reported. He said that the 11 fatal accidents posted in 1978 were less than half the number which occurred on the road in 1977.

Mr. Johnson reported further that, unfortunately, five fatalities were recorded in January and hoped that the fatality rate for that month was not indicative of a trend for the remaining months of the year.

The Vice Chairman said the report of the Committee on Safety was accepted as offered. He said the report of the Director of Transportation would be received.

The Director of Transportation, Mr. Weir, reported that a proxy statement had been processed and forwarded to the Commission's Secretary-Treasurer, as required by law, authorizing the recently named Assistant Director of Transportation, Arthur Haddad, to represent the Director of Transportation at Commission meetings in the event Mr. Weir could not attend them.

The Executive Director said the proxy had been received and was on file at the Commission's Administration Building in Berea.

Mr. Weir reported also that he and others from O. D. O. T. were scheduled to appear before the General Subcommittee of the Ohio House of Representatives' Finance Appropriations Committee the evening of the Commission meeting day for the purpose of reviewing the department's fiscal 1979 budget. He said that since the subcommittee chairman, Frederick H. Deering, represented a district bisected by the Turnpike he anticipated being questioned about the future of the road and he would do his best to respond with the appropriate answers.

The Vice Chairman said the report of the Director of Transportation was accepted as offered. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, reported that in addition to the personal distribution of the Commission's 1978 annual report, which the Vice Chairman had previously mentioned in his report, a general distribution of reports had been made to all members of the Ohio General Assembly, the majority of newspapers and radio and television stations located throughout the state and various individuals, who have expressed a continued interest in the Commission. He said he wished to thank the Information and Research Department staff, Robert P. Barnett, Jean M. Floasin and Sally A. Connelley, all of whom were in attendance at the meeting, for their successful efforts, under pressure, in producing the report in the short span of one month to comply with the statutory requirement of presenting the report by February 1.

The Executive Director reported also that bids on three resurfacing contracts were opened on February 6. He said bids on the projects, which totalled 25.9 miles of mainline pavement, had been analyzed by the Commission's engineering staff, the consulting engineers, General Counsel and him. He said that even though there was only one bid on two of the projects and two bids on the

third all the bids were below estimated costs and he recommended the awards be made.

The Executive Director reported further that the two bidding contractors, S. E. Johnson Company of Maumee, low bidder on Contract RMP 59-79-1 and sole bidder on Contract RMP 59-79-2, and the City Asphalt and Paving Company of Youngstown, the only bidder on Contract RMP 59-79-3, had both performed contracts a number of times on the Turnpike and their work had been satisfactory. He said he wished to note that he had reviewed the contract bids and unit prices with Mr. Anderson, who was not at the meeting, and Mr. Anderson concurred with his recommendations that the contracts be awarded.

The Vice Chairman asked General Counsel if he had reviewed the resolutions and contract documents.

General Counsel, Francis K. Cole, said he had and they met the standards as required by law.

A resolution awarding Contract RMP 59-79-1 was moved for adoption by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 4-1979

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repairs, resurfacing and guardrail improvement of original construction Sections C-41, C-42, C-43, and C-44 between Milepost 71.1 and Milepost 80.8 in Wood, Ottawa and Sandusky Counties, Ohio, which contract is designated Contract RMP 59-79-1, and proof of said advertising, together with the bids received, is before this meeting;

"WHEREAS two bids for the performance of said contract were received and were duly opened and read as provided in the published notice for said bids;

"WHEREAS said bids have been analyzed by the Commission's consulting engineer and by its deputy executive director-chief engineer and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,508,237.28 for the performance of Contract RMP 59-79-1 has been determined by the Commission to be the lowest and best of all bids received, and the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications

and to the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid as the lowest and best of all bids for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,508,237.28 for the performance of Contract RMP 59-79-1, is, and is by the Commission, determined to be the lowest and best of all bids received for the performance of said contract, and is accepted, and that the vice chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the other bidder of its bid security, (3) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mrs. Davidson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 4-1979.

A resolution awarding Contract RMP 59-79-2 was moved for adoption by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 5-1979

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repairs and resurfacing and guardrail improvement of original construction Sections C-31 and C-32, from Milepost 111.7 to Milepost 118.8 in Erie County, Ohio, which contract is designated Contract RMP 59-79-2, and proof of said advertising is before this meeting.

"WHEREAS only one bid was received for the performance of the contract, and said bid was duly opened and read as provided in the published notice for bids;

"WHEREAS said bid has been analyzed by the Commission's consulting engineer and by its deputy executive director-chief engineer and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS bids for the performance of said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,296,810.40 for the performance of Contract RMP 59-79-2 has been determined by the Commission to be satisfactory for the performance of said contract.

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications and to the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of S. E. Johnson Company of Maumee, Ohio, in the amount of \$1,296,810.40 for the performance of Contract RMP 59-79-2 be, and hereby it is, determined to be satisfactory, and is accepted, and that the vice chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly executed, and the performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mrs. Davidson, Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 5-1979.

A resolution awarding Contract RMP 59-79-3 was moved for adoption

by Mr. Weir, seconded by Mrs. Davidson, as follows:

RESOLUTION NO. 6-1979

"WHEREAS the Commission has duly advertised according to law for bids upon a contract for the repairs and resurfacing of original construction Sections C-4, C-5 and C-6, between Milepost 214.2 and Milepost 223.3 in Trumbull and Mahoning Counties, Ohio, which contract is designated Contract RMP 59-79-3, and proof of said advertising is before this meeting;

"WHEREAS only one bid was received for the performance of the contract, and said bid was duly opened and read as provided in the published notice for bids;

"WHEREAS said bid has been analyzed by the Commission's consulting engineer and by its deputy executive director-chief engineer and they have reported thereon with respect to said analyses, and they, and also the Commission's executive director, have made their recommendations predicated upon such analyses;

"WHEREAS bids for the performance of said contract were solicited on the basis of the same terms and conditions and the same specifications with respect to all bidders and potential bidders, and the bid of City Asphalt & Paving Company of Youngstown, Ohio, in the amount of \$2,199,652.16 for the performance of Contract RMP 59-79-3 has been determined by the Commission to be satisfactory for the performance of said contract.

"WHEREAS the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.04 of the Revised Code of Ohio, and to the terms, conditions and specifications and to the legal notice applicable thereto, and accordingly, the Commission may legally accept said bid for the performance of the work required under said contract, and of the incidental obligations thereof; and

"WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of City Asphalt & Paving Company of Youngstown, Ohio, in the amount of \$2,199,652.16 for the performance of Contract RMP 59-79-3 be, and hereby it is, determined to be satisfactory, and is accepted, and that the vice chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission, (2) to direct the return to the successful bidder of its bid security when the aforesaid contract has been duly

executed, and the performance bond furnished, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

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

Ayes: Mr. Weir, Mrs. Davidson, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 6-1979.

Mrs. Davidson asked the Executive Director if the Commission received only single bids on two of the resurfacing contracts because of the nature of the work to be done or because of the time of year when bids were solicited.

The Executive Director responded that the two factors mentioned by Mrs. Davidson were probably involved. He said the work was very demanding in that the contractors could not begin preparations for resurfacing until springtime and they have assigned completion dates of before the first of July. He said a concerted effort was necessary to complete the projects on time and it took a special contractor to do it. He said he wished that there were more contractors available to bid on the contracts, which would probably result in lower prices, but there were not a great number of qualified contractors in the immediate area of the projects, Toledo and Youngstown,

The Executive Director reported further that one of the requirements of the contracts was that the contractors must have their supplier asphalt plants within a relatively short distance of the project site in order for it to be delivered and still meet outlined temperature and other specifications. He said not every contractor could perform work on the Turnpike and he certainly did not want someone out on the road who could not do the job properly.

Mrs. Davidson requested that, in the future, particularly with regard to contracts which receive a single bid, the engineers estimate would be part of the bid tabulation.

The Executive Director said that such estimates would be included on future tabulations.

The Vice Chairman said that if the contract bids had been higher than the Commission's estimates, assuming that the estimates were reasonable, then he would also be concerned. He said that since the bids were lower than the estimates he felt assured that the Commission was not being controlled by some companies or was at their mercy.



The Executive Director reported also that plans had been completed on two, new major projects, correction of a slope failure at milepost 99 and construction of a toll plaza at the intersection of Interstate Route 480 with the Turnpike near the Lorain County boundary. He said advertisements for bids on the projects had been delayed because acquisition of right-of-way in the milepost 99 area was not complete and, due to cold weather, a major embankment near where the toll plaza was to stand had not been finished by the private contractor employed by the Ohio Department of Transportation.

The Executive Director reported further that, because of the delays, there was some uncertainty about when the advertisements would be placed. He said that, once the ads appeared and bids were received, the contracts would have to be awarded at the earliest possible date so as to not interfere with the overall construction timetables. He said, therefore, he was asking the Commission for the authority to award the two contracts in the event it was not possible for the Commission to convene for a meeting to do so. He said that although he was requesting such authority through the adoption of a resolution he also suggested the date for the next meeting remain flexible, either on April 10 or 17, in the hope the Commission might still make the contract awards.

The Executive Director reported further that the slope failure project would have to be done in a bidirectional traffic zone and he would prefer that it be finished before heavy summer traffic. He said the state had scheduled the I-480 project for completion in November and hoped the new toll plaza would be opened at the same time.

A resolution authorizing the Executive Director to take immediate action in specific cases was moved for adoption by Mrs. Davidson, seconded by Mr. Weir, as follows:

RESOLUTION NO. 7-1979

"WHEREAS the Commission has heretofore been advised by the executive director of the need for stabilization of the Turnpike embankment in the area of Milepost 99 in Sandusky County, Ohio, and the consulting engineer has prepared plans for said work, which plans have been approved by the deputy executive director-chief engineer and are before this meeting;

"WHEREAS it will be necessary to advertise for bids for a contract for the performance of said work which contract is estimated to exceed the \$250,000 authorization heretofore made by the Commission to the executive director with respect to the award of such contracts;

"WHEREAS the timing of this award may be critical due to delays incurred in the acquisition of right-of-way for this project and the desirability of commencing the work soon enough to permit substantial completion in the short construction period available prior to the onset of heavy summer traffic;

"WHEREAS the Commission has entered into an agreement with the

Department of Transportation of the State of Ohio which provides for the state to construct an interchange between the Ohio Turnpike and Interstate Route 480 in Lorain County, Ohio, and for the Commission to construct a new toll plaza as part of the interchange;

"WHEREAS the time when the Commission's project (estimated to exceed \$250,000) is performed must be coordinated with that of the state project already underway and the timing thereof is therefore critical but such timing cannot be fully scheduled in advance due to uncertainties affecting the progress of the state project; and

"WHEREAS the Commission desires to delegate to the executive director authority to make awards of these contracts in the event they exceed \$250,000 for the performance of the work of each of these projects so that such awards may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of any contracts for either the stabilization of the Turnpike in the area of Milepost 99 or the construction of the Commission's share of the facilities pertaining to the interchange with Interstate Route 480, if in the opinion of the executive director and of the consulting engineer it is in the best interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted."

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

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1979.

The Vice Chairman ascertained there would be no reports from General Counsel, the consulting engineers or the Director of Information and Research. He said the report of the Trustee would be received.

The representative of the Trustee, Mr. Sesler, reported that \$726,000 face amount of bonds had been purchased on the open market on

February 8. He said that the latest bond purchases reduced the outstanding bonds to \$36,445,500 of the original \$326,000,000 issued.

The Executive Director asked Mr. Sesler if the latest bond purchases utilized the remaining funds in the redemption account. Mr. Sesler said the amount of money in the account was very small and well under \$50,000 and, as specified in the Trust Agreement, there would be no necessity for a call in June.

Mrs. Davidson asked if she was correct in her belief that no additional monies would be transferred to the bond redemption account until such time as other certain financial commitments were made.

The Executive Director said that beginning January 1 all monies over and above 20 percent of the operating budget would be transferred from the Revenue Fund into the Reserve Maintenance Fund account until that account was fully funded, which amounted to \$13.5 million for 1979. He said the money used by the Trustee to purchase bonds in January and February was actually carried over in the account from 1978. He said he did not anticipate any additional money being deposited into the redemption account until some time after July, 1979.

The Vice Chairman said the report of the Trustee was accepted as offered.

The Vice Chairman said the next meeting would be held on either April 10 or 17. He said the exact date would be determined after further consultation with the Members to accommodate the request of the Executive Director. He said the meeting place would also be determined after further consultation.

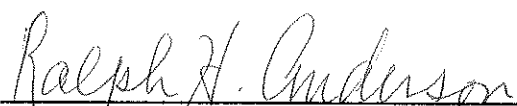
There being no further business to come before the Commission, a motion was made by Mrs. Davidson, seconded by Mr. Weir, that the meeting adjourn until either April 10 or 17, subject to call of the Vice Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mrs. Davidson, Mr. Weir, Mr. Rogers

Nays: None

The Vice Chairman declared the meeting adjourned. The time of adjournment was 11:47 a. m.

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

  
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Ralph H. Anderson, Secretary-Treasurer