

MINUTES OF THE 349TH MEETING OF THE OHIO TURNPIKE COMMISSION

September 5, 1985

Pursuant to the bylaws the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 3:55 p.m. on September 5, 1985, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; two members of the press, Pauline Thoma, The (Cleveland) Plain Dealer, and Steve Fogarty, The (Elyria) Chronicle-Telegram; 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: Robert C. Brown, William H. Schneider,
Saundra Dombey Cooke, Charles R. Pinzone,
Clarence D. Rogers, Jr.

Not Present: Warren J Smith

A motion was made by Mr. Schneider, seconded by Mrs. Cooke, that the minutes of the meeting of June 7, 1985, which had been examined by the Members be approved without reading.

The Chairman reported that the meeting was the 349th of the Ohio Turnpike Commission, and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Warren Smith, the Director of Transportation, was unable to attend the meeting. He said that, however, Robert Clarke Brown, as Assistant Director of ODOT, was at the meeting as a representative of the department and he had been designated to serve in Mr. Smith's place, per section 121.05 of the Ohio Revised Code and could vote. He said he had a letter addressed to Charles R. Pinzone, the Commission's Secretary-Treasurer, from Mr. Smith which read:

"September 5, 1985

NOTICE OF PROXY

Ohio Turnpike Commission

Dear Mr. Pinzone:

In accordance with the provisions set forth in Section 121.05 of the Ohio Revised Code, I hereby designate Robert Clarke Brown, Assistant Director of Transportation, and/or Bernard B. Hurst, Assistant Director of Transportation, to serve in my place

at any time I am unavailable, to vote or participate in all proceedings and actions of the Commission.

Very truly yours,

Warren J. Smith
Director, Ohio Department
of Transportation"

The Chairman reported further that he wanted to mention that Mr. Pinzone had been reappointed by the Governor to a new, eight-year term as a Member. He said he had taken the required oath, arranged for the necessary bond and, therefore, was a qualified Member and could vote.

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

Ayes: Mr. Schneider, Mrs. Cooke, Mr. Brown, Mr. Pinzone,
Mr. Rogers

Nays: None

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

The Chairman reported further that he also wished to recognize the presence of Captain Ray Smith, the new Commander of District 10, Ohio State Highway Patrol. He said Captain Smith, who had been a District 10 Staff Lieutenant, replaced Captain Russ Miller as Commander. He said Captain Miller was promoted to the rank of Major and transferred to Columbus.

The Chairman reported further that he believed he also should mention that the Commission was nearing the 30th anniversary of the official opening of the entire Turnpike. He said that although the easternmost 22-mile section of the Turnpike opened on December 1, 1954, it was October 1, 1955, when the remaining 219 miles were opened.

The Chairman reported further that since the election of officers would be conducted at the meeting and the Members had to act on a number of resolutions, he would dispense with his customary report on the financial experience.

The Chairman reported further that, however, before the elections, he wanted to say that a resolution had been prepared expressing the Commission's condolences to its Executive Director, Allan V. Johnson, whose mother recently passed away. He said he would then read that resolution.

"WHEREAS, it has been with sorrow and regret that the Commission has learned of the death of Signie M. Johnson, the mother of Mr. Allan V. Johnson, the Commission's executive director;

NOW, THEREFORE, BE IT

RESOLVED that the Commission, by the adoption of this resolution, extends its sympathy to Allan V. Johnson and his family on the death of his mother; and

FURTHER RESOLVED that the secretary-treasurer be, and he hereby is, instructed to transmit a certified copy of this resolution to Mr. Johnson and the family."

A resolution extending sympathy to Allan V. Johnson was moved for adoption by Mrs. Cooke, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 10-1985

"WHEREAS, it has been with sorrow and regret that the Commission has learned of the death of Signie M. Johnson, the mother of Mr. Allan V. Johnson, the Commission's executive director;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, by the adoption of this resolution, extends its sympathy to Allan V. Johnson and his family on the death of his mother; and

"FURTHER RESOLVED that the secretary-treasurer be, and he hereby is, instructed to transmit a certified copy of this resolution to Mr. Johnson and the family."

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

Ayes: Mrs. Cooke, Mr. Pinzone, Mr. Brown, Mr. Schneider,
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. 10-1985.

The Chairman reported further that in accordance with the Turnpike Act and the Commission's Code of Bylaws, the Commission would hold an election of officers, conducted by nominations and voting, and confirmed by a resolution so that action would appear in the Journal. He said the elections would begin by accepting nominations for the office of Chairman.

A nomination of Clarence D. Rogers, Jr., for Chairman of the Commission was made by Mr. Brown, seconded by Mr. Schneider.

The Chairman said that inasmuch as he had been nominated, he would appoint Mrs. Cooke as Chairman pro tem to conduct the election of Chairman.

Mrs. Cooke asked if there were any other nominations, and, there being none, she declared the nominations closed. She asked the Assistant Secretary-Treasurer to call the roll.

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

Ayes: Mr. Brown, Mr. Schneider, Mr. Pinzone, Mr. Rogers,
Mrs. Cooke

Nays: None

Mrs. Cooke declared that Mr. Rogers was elected Chairman of the Commission. A Chairman having been elected, Mrs. Cooke said she would turn the meeting over to the Chairman to conduct the rest of the meeting.

The Chairman said he would accept nominations for the election to the office of Vice Chairman. A nomination of Sandra Dombey Cooke for Vice Chairman of the Commission was made by Mr. Brown, seconded by Mr. Pinzone. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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

Ayes: Mr. Brown, Mr. Pinzone, Mr. Schneider, Mrs. Cooke,
Mr. Rogers

Nays: None

The Chairman declared Mrs. Cooke was elected Vice Chairman of the Commission.

A nomination of Charles R. Pinzone for Secretary-Treasurer of the Commission was made by Mr. Brown, seconded by Mrs. Cooke. The Chairman asked if there were any other nominations, and, there being none, he declared the nominations closed.

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

Ayes: Mr. Brown, Mrs. Cooke, Mr. Schneider, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared Mr. Pinzone was elected Secretary-Treasurer of the Commission.

The Chairman said it was the duty of the Secretary-Treasurer to appoint an Assistant Secretary-Treasurer and ask for assent of the other Members to the appointment in accordance with the Bylaws.

Mr. Pinzone said he reappointed Allan V. Johnson as Assistant Secretary-Treasurer.

The Chairman asked if Mr. Johnson's reappointment as Assistant Secretary-Treasurer had the assent of the other Members and all indicated it did.

A resolution confirming election of officers was moved for adoption by Mr. Pinzone, seconded by Mr. Schneider as follows:

RESOLUTION NO. 11-1985

"RESOLVED that the election of Clarence D. Rogers, Jr., as chairman of the Ohio Turnpike Commission; Sandra Dombey Cooke, as vice-chairman of the Ohio Turnpike Commission; and Charles R. Pinzone as secretary-treasurer of the Ohio Turnpike Commission, all, pursuant to Ohio Revised Code Section 5537.02 and Article I of the Commission's Code of Bylaws, to serve until the first meeting after June 30, 1987 and until their respective successors are elected and qualified or until the aforesaid term is terminated by law, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, is hereby confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

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

Ayes: Mr. Pinzone, Mr. Schneider, Mr. Brown, Mrs. Cooke, 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. 11-1985.

The Chairman reported further that it was customary to designate the active committees of the Commission following the election of officers. He said that he would confer with the other Members before making those assignments at the next Commission meeting.

The Chairman said that there were quite a few resolutions remaining before the Commission and they would be explained and

introduced during the course of the various committee and staff reports. He said that in the absence of any questions, the report of the Chairman was accepted as offered. He said the report of the Secretary-Treasurer, Mr. Pinzone, would be received.

Mr. Pinzone said that since the last Commission meeting, the following had been sent to all Members:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during June and July, 1985
3. Draft of the Commission Meeting Minutes of June 7, 1985
4. Traffic Accident Analysis through July, 1985
5. Traffic and Revenue Report for May, June and July, 1985
6. Financial statements for May, June and July, 1985
7. Expense and Budget Report for First Six Months 1985
8. Litigation Report for Second Quarter 1985
9. S.E.R.B. Collectively bargained agreement
10. Bid Tabulations for Service Plaza Restaurant Bids, TR-6; CIP 53-85-02 (asbestos removal); Invitation No. 2663 (reflective sheeting)

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

The vice chairman of the Committee on Budget and Finance, Mr. Johnson, said that on behalf of the Committee chairman, Mr. Pinzone, he wanted to say that the heads of the various departments within the Commission had been asked to prepare their portions of the preliminary budget for 1986, and they currently were in the process of doing that. He said he expected to be able to present the completed preliminary budget to the Commission for action under the terms of the Trust Agreement at the November Commission meeting.

The Chairman said the report of the Committee on Budget and Finance 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, said that as the Members knew the State Employee Relations Board had recognized the Laborers International Union

of North America, Local 1283, as exclusive bargaining agent for the defined unit. He said that in accordance with the applicable laws, rules and regulations, negotiation sessions were held and a collectively bargained agreement between the Commission and the union was entered into on June 13, 1985, to carry to the end of 1985. He said the State Employee Relations Board was notified of the agreement on June 14, 1985. He said copies of that notice were mailed to the Members. He said the committee would begin formal negotiation sessions in approximately 30 days for a new contract beginning January 1, 1986.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He ascertained there would be no reports from the Assistant Director of Transportation or the Committee on Safety. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, said the Members had before them a resolution authorizing the Executive Director to take action concerning award of contracts FTP 43-85-18 and FTP 43-85-19. He said those contracts had to do with bridge deck repairs and resurfacing of Turnpike bridges over Interstate Routes 271 and 76. He said the Commission's staff had advertised for bids on the contracts and they exceeded the \$250,000 limit the Commission had given the Executive Director under the bylaws. He said the staff needed some additional time to evaluate the bids so he wasn't prepared to make a recommendation on which the Commission could act at the meeting. He said the resolution would give the Executive Director authority to act on the contracts either to award them or reject the bids, if necessary, subsequent to the meeting. He said that with that explanation, he recommended that the resolution be adopted.

The Executive Director said further that he would read the resolved portions of the resolution as follows:

"NOW, THEREFORE, BE IT

RESOLVED that with respect to the award of Contracts FTP 43-85-18 and FTP 43-85-19 if, in the opinions of the executive director, the deputy executive director-chief engineer and 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 deputy executive director-chief engineer and 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, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

A resolution authorizing the Executive Director to take action concerning award of Contracts FTP 43-85-18 and FTP 43-85-19 was moved for adoption by Mr. Pinzone, seconded by Mrs. Cooke as follows:

RESOLUTION NO. 12-1985

"WHEREAS, the Commission has advertised for bids for a contract for bridge deck repairs and resurfacing of Turnpike bridge structures over I-271 at Milepost 175.3 in Summit County, Ohio, which contract is designated Contract FTP 43-85-18 and has advertised for bids and has received bids for a contract for deck repairs and resurfacing of Turnpike bridge structures over I-76 at Milepost 219.5 and the ramp bridge at Milepost 219.0, both located in Mahoning County, Ohio, which contract is designated FTP 43-85-19;

"WHEREAS, it is imperative that the work to be performed under these contracts be commenced as soon as possible so as to take advantage of the remaining construction season;

"WHEREAS, it is estimated that the cost of the aforesaid contracts will exceed the \$250,000 limit of authorization heretofore granted by the Commission to the executive director with respect to the awarding of such contracts;

"WHEREAS, the Commission desires to delegate to the executive director authority to make award of these contracts for the performance of the work 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 Contracts FTP 43-85-18 and FTP 43-85-19 if, in the opinions of the executive director, the deputy executive director-chief engineer and 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 deputy executive director-chief engineer and 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, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

"FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

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

Ayes: Mr. Pinzone, Mrs. Cooke, Mr. Brown, Mr. Schneider,
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. 12-1985.

The Executive Director said also that as the Chairman already stated, the 30th anniversary of the opening of the entire Turnpike would occur on October 1st. He said the Commission's staff had been trying to come up with some appropriate means of commemorating that event. He said he could not report on the commemoration at the meeting, but he would be discussing it with the Members within a short time. He said he thought the anniversary should be noted in some reasonable way.

The Executive Director said also that as the Members were aware he and General Counsel, James C. McGrath, had been authorized and directed to solicit bids for the operation of the Commission's service plaza restaurants, based on bidding documents approved by the Commission on June 7, 1985. He said bids were opened on July 9, 1985, and General Counsel would advise the Commission on the legal aspects of the bids and awards. He said he believed it was appropriate for him to summarize and to suggest awards to the Members.

The Executive Director said further that bids were solicited on four contracts, each containing four restaurants. He said the contracts were set up in that manner in an effort to obtain bids for all the restaurants, and also to encourage a mix of concepts so as to afford Turnpike travellers a variety of choices. He said the bids were solicited on the basis of percentage of gross sales, and also on minimum, annual guarantees for each contract. He said the Turnpike Act, which governed in that case, provided that contracts be made with the bidders determined by the Commission to be best received in consideration of the public interest. He said bids were submitted for all contracts, and he previously had furnished the Members with a tabulation of the bidders, bid percentages, annual guarantees, and also a tabulation of all the possible contract combinations that would cover all 16 restaurants.

The Executive Director said it would be extremely lengthy, unnecessary and impractical to review all the information covered in evaluating the bids. He said that, rather, he proposed to recommend to the Members that awards be made to those bidders who provided the best combination or variety of concepts, and who also satisfied the Commission's goals concerning minority business enterprise participation in the contracts. He said he

suggested that Contract TR-6-A be awarded to Hardee's Food Systems, Inc., and that Contracts TR-6-B, TR-6-C, and TR-6-D be awarded to Marriott Corporation.

The Executive Director said further that resolutions had been drafted for each of the four contracts, which essentially were identical, with the names of the contractors left blank. He said he would read one of the draft resolutions for the record, and then recommend to the Members that the resolutions be adopted.

"WHEREAS, pursuant to Resolution No. 7-1985 of the Commission, the executive director and general counsel were authorized to re-advertise and solicit for bids for a contract or contracts for the operation of the Commission's sixteen restaurants along the route of Ohio Turnpike Project No. 1, bearing the general designation of Restaurant Contract TR-6, and to cause advertisement for said contract to be published;

WHEREAS, Contract TR-6-A requests proposals for the operation of the restaurants located at the following service plazas: 1N Indian Meadow and 1S Tiffin River in Williams County; and 3N Blue Heron and 3S Wyandot in Sandusky County;

WHEREAS, such advertisement has been duly published, and there are before this meeting forms of contract documents, to wit: Forms of Proposal, Affidavit, Bid Bond, Questionnaire, Notice to Bidders, and Contract, including exhibits;

WHEREAS, proposals were submitted by three bidders and have been 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 and general counsel, and by the Commission's Service Plaza Committee; and

WHEREAS, the Commission has given due and full consideration to the bids received and to the qualifications and abilities of the several bidders to perform the contract for which they submitted their respective bids;

NOW, THEREFORE, BE IT

RESOLVED that all actions heretofore taken by the executive director and the general counsel, or either of them, with reference to said contract be, and the same hereby are, ratified, approved and confirmed;

FURTHER RESOLVED that the bid of _____ for Contract TR-6-A is determined to be the best bid in consideration of the public interest of all the bids received for the operation of the restaurants included in Contract TR-6-A; and

FURTHER RESOLVED that the executive director hereby is authorized to execute a contract with said successful bidder 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 said bid and said contract."

The Executive Director said further that, again, there were four resolutions covering the four contracts. He said the one he had read was for Contract TR-6-A, and the others were similar. He said there might be different numbers as far as the number of bidders on the other contracts, but, essentially they were all the same. He said he offered them to the Commission.

The Chairman said he would accept a motion to adopt the resolutions pursuant to the report read by the Executive Director without reiterating each contract. He said that, in summary, it would be TR-6-A to Hardee's, TR-6-B to Marriott, TR-6-C to Marriott, and TR-6-D to Marriott.

All the resolutions for Contracts TR-6-A, TR-6-B, TR-6-C, and TR-6-D were moved for adoption by Mr. Pinzone, seconded by Mr. Brown.

The Chairman said the Executive Director had indicated that General Counsel might have a comment concerning the bids and contract awards.

General Counsel, Mr. McGrath, said that he had reviewed all bids, including Hardee's and Marriott's, and they all were legally acceptable.

The Chairman asked if there were any questions or comments.

Mr. Schneider said the study of the bids had been based on a percentage of gross revenues and a minimum, annual guarantee. He said he wanted to know if the Commission had any experience with receiving minimum rents rather than the percentage due on any of the restaurant contracts then in existence.

The Executive Director said the current contracts didn't provide for any minimum rent, so the Commission didn't have any experience in that type of contract arrangement. He said the current contracts were based only on percentages.

Mr. Schneider said he was concerned with one item, and he would like some answers that would satisfy him on it. He said the percentages of gross sales offered by all the bidders seemed to be basically in line. He said the bids on the TR-6-A contract were the lowest proposed of the four contracts, but the minimum, annual guarantee on the Hardee's bid for TR-6-A was out of range of the other bidders. He said it was only \$350,000, whereas Marriott's would be \$573,000. He said that he would hope, of course, that the minimum guarantees wouldn't mean anything because the Commission probably would be receiving more money on the basis of the

percentages. He said the low Hardee's guarantee did concern him and he wondered if there were any answers to it.

The Executive Director said he didn't know why Hardee's guarantee was so low. He said that Mr. Schneider was correct when he said the percentages of gross sales were reviewed, and that was one of the deciding factors in the award of TR-6-A. He said his suggestion also was based on the overall picture, rather than just the minimum, annual guarantee. He said it included what he had mentioned with regard to MBE participation and the general mix of all the restaurants along the entire road.

Mrs. Cooke said she wanted to go on record as saying that Hardee's bid calls for spending about \$2,000,000 less on restaurant renovations than the other bidders.

The Executive Director asked Mrs. Cooke if she wanted him to respond.

Mrs. Cooke said she did not, but wanted to mention it for the record.

The Chairman asked if there were any further questions.

Mr. Schneider asked if the Commission was operating under one motion for awarding all four contracts.

The Chairman said that for the purpose of the previously read resolution, the Commission would adopt one motion with the understanding that there ultimately would be memorialized four resolutions which reflected the motion. He said that the alternative would be to act on the individual resolutions.

The Chairman said further that the motion and second were that the Commission adopt one resolution, accepting the report of the Executive Director, which would be memorialized in four, separate resolutions in the future.

Mr. Schneider asked Mrs. Cooke if she wanted separate votes on each resolution.

Mrs. Cooke said she did.

Mr. Schneider requested that the motion be separated into its parts and each contract voted separately.

The Chairman said it was up to the maker of the motion.

Mr. Pinzone said it was up to the person who offered the second to the motion.

Mr. Brown said he would withdraw his second if the Members wanted to vote separately.

Mr. Pinzone said he would withdraw his motion for adoption for the same reason.

The Chairman said the resolutions would be acted on one at a time. He said the resolution for Contract TR-6-A already had been read by the Executive Director and the recommendation had been to make the award to Hardee's.

A resolution awarding Contract TR-6-A was moved for adoption by Mr. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 13-1985

"WHEREAS, pursuant to Resolution No. 7-1985 of the Commission, the executive director and general counsel were authorized to re-advertise and solicit for bids for a contract or contracts for the operation of the Commission's sixteen restaurants along the route of Ohio Turnpike Project No. 1, bearing the general designation of Restaurant Contract TR-6, and to cause advertisement for said contract to be published;

"WHEREAS, Contract TR-6-A requests proposals for the operation of the restaurants located at the following service plazas: 1N Indian Meadow and 1S Tiffin River in Williams County; and 3N Blue Heron and 3S Wyandot in Sandusky County;

"WHEREAS, such advertisement has been duly published, and there are before this meeting forms of contract documents, to wit: Forms of Proposal, Affidavit, Bid Bond, Questionnaire, Notice to Bidders, and Contract, including exhibits;

"WHEREAS, proposals were submitted by three bidders and have been 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 and general counsel, and by the Commission's Service Plaza Committee; and

"WHEREAS, the Commission has given due and full consideration to the bids received and to the qualifications and abilities of the several bidders to perform the contract for which they submitted their respective bids;

"NOW, THEREFORE, BE IT

"RESOLVED that all actions heretofore taken by the executive director and the general counsel, or either of them, with reference to said contract be, and the same hereby are, ratified, approved and confirmed;

"FURTHER RESOLVED that the bid of Hardee's Food Systems, Inc., Specialty Food Service Division of Rocky Mount, North Carolina for Contract TR-6-A is determined to be the best bid in consideration

of the public interest of all the bids received for the operation of the restaurants included in Contract TR-6-A; and

"FURTHER RESOLVED that the executive director hereby is authorized to execute a contract with said successful bidder 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 said bid and 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. Pinzone, Mr. Brown, Mr. Rogers

Nays: Mrs. Cooke, Mr. Schneider

The Chairman declared the resolution stood adopted with all Members present, with the exceptions of Mrs. Cooke and Mr. Schneider, voting in the affirmative. The resolution was identified as No. 13-1985.

The Chairman said further that the next resolution was TR-6-B to be awarded to Marriott.

A resolution awarding Contract TR-6-B was moved for adoption by Mr. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 14-1985

"WHEREAS, pursuant to Resolution No. 7-1985 of the Commission, the executive director and general counsel were authorized to re-advertise and solicit for bids for a contract or contracts for the operation of the Commission's sixteen restaurants along the route of Ohio Turnpike Project No. 1, bearing the general designation of Restaurant Contract TR-6, and to cause advertisement for said contract to be published;

"WHEREAS, Contract TR-6-B requests proposals for the operation of the restaurants located at the following service plazas: 2N Oak Openings and 2S Fallen Timbers in Lucas County; and 4N Erie Islands and 4S Commodore Perry in Sandusky County;

"WHEREAS, such advertisement has been duly published, and there are before this meeting forms of contract documents, to wit: Forms of Proposal, Affidavit, Bid Bond, Questionnaire, Notice to Bidders, and Contract, including exhibits;

"WHEREAS, proposals were submitted by two bidders and have been 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 and general counsel, and by the Commission's Service Plaza Committee; and

"WHEREAS, the Commission has given due and full consideration to the bids received and to the qualifications and abilities of the several bidders to perform the contract for which they submitted their respective bids;

"NOW, THEREFORE, BE IT

"RESOLVED that all actions heretofore taken by the executive director and the general counsel, or either of them, with reference to said contract be, and the same hereby are, ratified, approved and confirmed;

"FURTHER RESOLVED that the bid of Marriott Corporation of Washington, D. C., for Contract TR-6-B is determined to be the best bid in consideration of the public interest of all the bids received for the operation of the restaurants included in Contract TR-6-B; and

"FURTHER RESOLVED that the executive director hereby is authorized to execute a contract with said successful bidder 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 said bid and 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. Pinzone, Mr. Brown, Mrs. Cooke, Mr. Schneider,
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. 14-1985.

The Chairman said further that the next resolution was TR-6-C to be awarded to Marriott.

A resolution awarding Contract TR-6-C was moved for adoption by Mr. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 15-1985

"WHEREAS, pursuant to Resolution No. 7-1985 of the Commission, the executive director and general counsel were authorized to re-advertise and solicit for bids for a contract or contracts for the operation of the Commission's sixteen restaurants along the route of Ohio Turnpike Project No. 1, bearing the general designation of Restaurant Contract TR-6, and to cause advertisement for said contract to be published;

"WHEREAS, Contract TR-6-C requests proposals for the operation of the restaurants located at the following service plazas:

5N Middle Ridge and 5S Vermilion Valley in Lorain County; and
7N Portage and 7S Brady's Leap in Portage County;

"WHEREAS, such advertisement has been duly published, and there are before this meeting forms of contract documents, to wit: Forms of Proposal, Affidavit, Bid Bond, Questionnaire, Notice to Bidders, and Contract, including exhibits;

"WHEREAS, proposals were submitted by four bidders and have been 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 and general counsel, and by the Commission's Service Plaza Committee; and

"WHEREAS, the Commission has given due and full consideration to the bids received and to the qualifications and abilities of the several bidders to perform the contract for which they submitted their respective bids;

"NOW, THEREFORE, BE IT

"RESOLVED that all actions heretofore taken by the executive director and the general counsel, or either of them, with reference to said contract be, and the same hereby are, ratified, approved and confirmed;

"FURTHER RESOLVED that the bid of Marriott Corporation of Washington, D. C., for Contract TR-6-C is determined to be the best bid in consideration of the public interest of all the bids received for the operation of the restaurants included in Contract TR-6-C; and

"FURTHER RESOLVED that the executive director hereby is authorized to execute a contract with said successful bidder 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 said bid and 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. Pinzone, Mr. Brown, Mr. Schneider, Mr. Rogers

Nays: Mrs. Cooke

The Chairman declared the resolution stood adopted with all Members present, with the exception of Mrs. Cooke, voting in the affirmative. The resolution was identified as No. 15-1985.

The Chairman said further that the final contract for operation of Turnpike restaurants was Contract TR-6-D going to Marriott.

A resolution awarding Contract TR-6-D was moved for adoption by Mr. Pinzone, seconded by Mr. Brown as follows:

RESOLUTION NO. 16-1985

"WHEREAS, pursuant to Resolution No. 7-1985 of the Commission, the executive director and general counsel were authorized to re-advertise and solicit for bids for a contract or contracts for the operation of the Commission's sixteen restaurants along the route of Ohio Turnpike Project No. 1, bearing the general designation of Restaurant Contract TR-6, and to cause advertisement for said contract to be published;

"WHEREAS, Contract TR-6-D requests proposals for the operation of the restaurants located at the following service plazas: 6N Great Lakes and 6S Towpath in Cuyahoga County; and 8N Mahoning Valley and 8S Glacier Hills in Mahoning County;

"WHEREAS, such advertisement has been duly published, and there are before this meeting forms of contract documents, to wit: Forms of Proposal, Affidavit, Bid Bond, Questionnaire, Notice to Bidders, and Contract, including exhibits;

"WHEREAS, proposals were submitted by four bidders and have been 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 and general counsel, and by the Commission's Service Plaza Committee; and

"WHEREAS, the Commission has given due and full consideration to the bids received and to the qualifications and abilities of the several bidders to perform the contract for which they submitted their respective bids;

"NOW, THEREFORE, BE IT

"RESOLVED that all actions heretofore taken by the executive director and the general counsel, or either of them, with reference to said contract be, and the same hereby are, ratified, approved and confirmed;

"FURTHER RESOLVED that the bid of Marriott Corporation of Washington, D. C., for Contract TR-6-D is determined to be the best bid in consideration of the public interest of all the bids received for the operation of the restaurants included in Contract TR-6-D; and

"FURTHER RESOLVED that the executive director hereby is authorized to execute a contract with said successful bidder 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 said bid and said contract."

The Chairman asked if there were any questions or comments.

Mr. Brown asked the Executive Director which of the bidders had minority business enterprise participation in their responses.

The Executive Director said only Marriott and Hardee's.

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

Ayes: Mr. Pinzone, Mr. Brown, Mrs. Cooke, Mr. Schneider,
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. 16-1985.

The Chairman asked the Executive Director if he had anything further to say.

The Executive Director said he wanted to express his gratitude and thanks to the Commission, staff and everyone else for their expressions of sympathy to him on the death of his mother. He said he deeply appreciated it.

The Chairman said the report of the Executive Director was accepted as offered. He said that having taken on the adoption of the resolutions concerning the service plaza restaurants, he ascertained there would be no further report from the Committee on Service Plazas. He also ascertained there would be no report from General Counsel or the consulting engineers. He asked if a representative of the trustee were present.

The Executive Director said a representative of the trustee called him just before the meeting started and apologized for not being able to attend. He said the representative said everything was safe and sound, and that the Commission's money was okay.

The Chairman ascertained there would be no report from the Director of Information and Research.

The Chairman said the next Commission meeting would be held sometime in November. He said an exact time and location of the meeting would be determined after consultation with the Members.

There being no further business to come before the Commission, a motion was made by Mrs. Cooke, seconded by Mr. Schneider that the meeting adjourn, subject to call of the Chairman.

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

Ayes: Mrs. Cooke, Mr. Schneider, Mr. Brown, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 4:28 p.m.

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



Charles R. Pinzone, Secretary-Treasurer