

MINUTES OF THE 377th MEETING OF THE OHIO TURNPIKE COMMISSION

June 15, 1992

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the administration building at the Lordstown General Motors Assembly plant, Lordstown, Ohio, at 11:05 a.m., on June 15, 1992, with key members of the staff; three members of the media, Pauline Thoma, The (Cleveland) Plain Dealer, Joe Bell, WKBN-TV, and Amy Ridinovich, WYTV-TV; 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: Joseph J. Vukovich, Charles R. Pinzone,  
Edwin M. Bergsmark, Umberto P. Fedeli,  
James H. Brennan

Absent: M. Ben Gaeth, Jerry Wray (arrived later)

A motion was made by Mr. Pinzone, seconded by Mr. Bergsmark that the minutes of the meeting of May 11, 1992, which had been examined by the Members, be approved without reading.

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. Bergsmark, Mr. Fedeli,  
Mr. Brennan

Nays: None

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

The Chairman said the meeting was the 377th meeting of the Commission and it was being held at the administration building of the Lordstown General Motors Assembly plant. He said Senator M. Ben Gaeth was unable to attend the day's meeting. He said he thought the meeting could be concluded in a short amount of time because there was another meeting scheduled for the room at noon.

The Chairman said there were several guests at the meeting and he asked the Executive Director, Allan V. Johnson, to introduce them.

Mr. Johnson said he would begin with Mike Corcoran and Dan Ritzler from the I-73/I-75 Task Force, which was looking at a major transportation corridor across Ohio from Toledo to Portsmouth. He said the others in attendance were: Steve Likovich, KPMG Peat, Marwick, the Commission's consultant on the new insurance contract; Bob Jones, in charge of Public Relations at

the Lordstown plant; Pauline Thoma, (Cleveland) Plain Dealer; Joe Bell, WKBN-TV; Amy Ridinovich, WYTV-TV; John Connor, Prescott, Ball and Turbin; Bruce Gabriel, Squire, Sanders & Dempsey, the Commission's labor counsel; Aida Chinloy, Merrill Lynch, New York City; and Ed Presley, Society Bank, the Commission's bank.

Mr. Johnson said further that also present were members of the Commission's regular staff. He said they were: Don Sharp, Director of Operations; Craig Rudolphy, Comptroller; Hank Williams, Commander of District 10, Ohio State Highway Patrol; Pat Patton, Government Liaison Officer; Les Gaines, Minority Business Enterprise Coordinator; Lou Disantis, Director of Administrative Services; Barbara Lesko, Mr. Johnson's secretary; Diane Pring, Mr. McGrath's secretary; Alan Plain, Deputy Executive Director-Chief Engineer; Jim McGrath, General Counsel; Rob Fleischman, resident engineer of Greiner Engineering Inc.-Ohio; and Bob Barnett, Director of Information and Research.

The Chairman said that there were two significant events that occurred since the last Commission meeting on May 11. He said that, first, as most everyone knew, the modified tripartite agreement was approved by all three of the parties involved, the Commission, ODOT and the Federal Highway Administration, and became effective on May 18. He said that, on June 1, the remaining outstanding bonds of the Commission were paid, thereby closing the books on the \$326 million in bonds sold on June 1, 1952, to finance the Turnpike. He said, therefore, for the first time in 40 years the Commission was debt free. He said he was sure that the Commission would probably figure out a way to change that, probably in the not too distant future, but at that time the Commission was standing unindebted.

The Chairman reported also that the primary reason for the meeting was to act on a number of resolutions and to receive committee reports. He said the Members had been mailed drafts of the resolutions and copies were also in the Members' folders. He said the report of the Secretary-Treasurer, Mr. Bergsmark, would be received.

Mr. Bergsmark said that since the last Commission meeting the following items had been distributed to the Members:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during May 1992
- (3) Draft of the Commission Meeting minutes of May 11, 1992
- (4) Traffic Accident Analysis for May 1992
- (5) Traffic and Revenue Report for May 1992
- (6) Financial Statement for May 1992
- (7) Independent Auditors' Compliance Reports
- (8) Copy of the Collective Bargaining Agreement between the Ohio Turnpike Commission and UE Local 791/UTW
- (9) Copy of the Modified Tripartite Agreement

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 chairman of the Committee on Budget and Finance, Mr. Bergsmark, said his report would explain and introduce a resolution before the Commission to satisfy regulations issued by the Internal Revenue Service concerning tax-exempt bonds and notes.

Mr. Bergsmark said further that under the IRS regulations, if tax-exempt notes or bonds are issued after March 2, 1992, and the proceeds thereof are intended, in whole or in part, to reimburse prior capital expenditures, unless a "Declaration of Official Intent" is issued prior to making the expenditures, the reimbursement proceeds will not be considered "spent" for those expenditures and, therefore, will remain subject to federal tax regulation which may include arbitrage yield restrictions, rebate or payment of alternative penalties.

Mr. Bergsmark said further that at the present time the Commission had under contract or soon to be under contract, ten capital improvement projects amounting to more than \$31 million, including the interchanges at S.R. 49 and the Lordstown GM plant, three maintenance buildings and three mainline road resurfacing projects.

Mr. Bergsmark said further that if the Commission elected in the future to issue bond anticipation notes or bonds for any of the aforesaid projects, it may be prudent to reimburse any payments that are required to be made before the notes or bonds are issued to the Capital Improvement Fund. He said the resolution before the Commission authorized the execution of the Declaration of Official Intent to preserve the Commission's option to reimburse capital expenditures for those projects from tax-exempt note or bond proceeds. He said that that did not bind the Commission to the issuance of bond anticipation notes or a bond issue but kept the Commission's options open and available for such a reimbursement without adverse tax consequences.

Mr. Bergsmark said the resolution was entitled, "Resolution Authorizing Declarations of Official Intent with Respect to Reimbursements from Note and Bond Proceeds of Temporary Advances Made from Capital Expenditures, and Related Matters," and he would dispense with reading it and move hereby that it be adopted.

(At this point in the meeting, Mr. Wray entered the room.)

The Chairman said he welcomed Mr. Wray to the meeting.

Mr. Bergsmark said he believed that the Commission's in-house, as well as its outside counsel, had jointly prepared the resolution.

General Counsel, Mr. McGrath, said that had been done and he enthusiastically endorsed the resolution.

Mr. Bergsmark said that adopting the resolution did not mean the Commission would be issuing \$31 million in bonds, but it gave the Commission the option or means of issuing bonds in the future and conform with the tax laws.

Mr. Brennan said the adopting resolution did not mean that the Commission would be issuing new bonds.

A resolution authorizing declarations of official intent with respect to reimbursements from note and bond proceeds of temporary advances made from capital expenditures, and related matters was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone, as follows:

RESOLUTION NO. 21-1992

"WHEREAS, Treasury Regulations Section 1.103-18 prescribes conditions under which proceeds of bonds, notes or other obligations (Bonds) will be deemed 'spent' for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986 (Code) when used to reimburse advances made for capital expenditures paid before the issuance of such obligations, so that upon reimbursement the proceeds so used will not further be subject to requirements or restrictions under those sections of the Code; and

"WHEREAS, certain provisions of those Regulations require that there be a Declaration of Official Intent preceding a capital expenditure expected to be reimbursed from proceeds of such obligations, and that the reimbursement through allocation on the books or records occur within the later of one year after the day the expenditure is paid or one year after the day the property is placed in service; and

"WHEREAS, the Commission wishes to take steps for compliance with those Regulations;

"NOW, THEREFORE, BE IT RESOLVED BY THE OHIO TURNPIKE COMMISSION AS FOLLOWS:

"Section 1. Definitions. The following definitions apply to the terms used herein:

"'Authorized Officer' means the Chairman of the Commission or any person designated for the purpose by the Chairman.

"'Bonds' means and includes bonds, notes and other obligations included in the meaning of 'bonds' under Section 150 of the Code.

"'Declaration of Official Intent' means a declaration of intent, in the manner contemplated in the Reimbursement Regulations, that expenditures are reasonably expected to be reimbursed from the proceeds of Reimbursement Bonds to be issued after the expenditure is paid.

"'Public Record' means 'public record' as defined in Section 149.43 of the Revised Code.

"'Reimbursement' or 'reimburse' means the restoration to the Commission of money temporarily advanced from its other funds and spent for capital expenditures (including any issuance costs) before the issuance of the Reimbursement Bonds. 'Reimbursement' or 'reimburse' does not include the refunding or retiring of Bonds previously issued and sold to, or borrowings from, unrelated entities (entities not in the same 'controlled group,' within the meaning of the Reimbursement Regulations).

"'Reimbursement Bonds' means any issue of Bonds all or part of the proceeds of which are to be used for reimbursement of capital expenditures paid before issuance of the Bonds.

"'Reimbursement Regulations' means Treasury Regulations Section 1.103-18 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as at the time applicable, prescribing conditions under which the proceeds of Reimbursement Bonds when allocated or applied to a reimbursement will be treated as 'spent' for all or any purposes of Section 103 and 141 to 150 of the Code.

"Section 2. Authorization and Requirement of Declarations of Official Intent: Each Authorized Officer is authorized to prepare and sign, and include in the Public Records, Declarations of Official Intent with respect to capital expenditures (including any costs of issuance of the Reimbursement Bonds) to be made from money temporarily available and which are reasonably expected to be reimbursed (in accordance with applicable Commission authorizations, policies and practices) from the proceeds of Reimbursement Bonds, to make appropriate reimbursement and timely allocations from the proceeds of the Reimbursement Bonds to reimburse such prior capital expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations to satisfy the requirements for proceeds used for reimbursement to be treated as 'spent' for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for expenditures (other than 'preliminary expenditures' within the meaning of Treasury Regulations Section 1.103-18(i)(2)(ii) that are to be reimbursed subsequently from proceeds of Reimbursement Bonds unless a Declaration of Official Intent with respect thereto is first made.

"Section 3. Public Inspection of Declarations. Each Declaration of Official Intent shall be treated as a Public Record and made available for reasonable public inspection not later than 30 days after the date of the Declaration of Official Intent, and shall be available for reasonable public inspection continuously during normal business hours on every business day to and including the date of issuance of the Reimbursement Bonds."

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Wray,  
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 21-1992.

The Chairman ascertained there would be no report from the Committee on Audit/Legal. He said the report of the Committee on Service Plazas would be received.

Mr. Johnson said that on behalf of Senator Gaeth, the chairman of the Committee on Service Plazas, he would give the Committee report. He said the Commission had a contract for operation of the Turnpike's service stations at the 16 service plazas with BP Oil Company. He said that contract was bid and awarded in late 1990 with an initial expiration date of June 1, 1992, to coincide with that bond payoff date. He said the contract had options to extend for one or more two-year periods upon request.

Mr. Johnson said further that BP Oil had requested to extend that contract for two, two-year periods, but, at the same time, they also requested that there be adjustments to recognize a requirement that came up later in 1992. He said federal clean air standards which becomes effective in November requires that BP Oil provide oxygenated fuel at six of the 16 service stations during certain time periods of the year. He said BP Oil also asked for a change in the method of calculating the prices that they were permitted to charge for fuel because of problems with the method contained in the current contract, which was tied to an outside fuel survey.

Mr. Johnson said further that the staff had negotiated with BP Oil to amend the necessary parts of the contract and prepared a resolution to extend the contract for just two years, rather than the four that was requested. He said the resolution was entitled a "Resolution Extending Contract SS-9-A Between the Commission and BP Oil Company for the Operation of the Sixteen

Service Stations on the Ohio Turnpike." He said he would read the resolved as follows:

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby adopts and approves the Supplemental Agreement between the Commission and BP Oil Company for Contract SS-9-A and hereby authorizes and directs the chairman and/or executive director to enter into such agreement on behalf of the Commission in substantially the same form as that presented to the Commission and further authorizes the executive director and general counsel to take any and all additional actions necessary to carry out the provisions of this Supplemental Agreement."

Mr. Johnson said he recommended that the resolution be adopted.

A resolution extending contract SS-9-A between the Commission and BP Oil Company for the operation of the sixteen service stations on the Ohio Turnpike was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 22-1992

"WHEREAS, pursuant to Resolution 10-1990, adopted August 16, 1990, the Commission awarded Contract SS-9-A to BP Oil Company of Cleveland, Ohio for the operation of the sixteen service stations on the Ohio Turnpike;

"WHEREAS, Contract SS-9-A provides for an original term from October 1, 1990, to midnight June 1, 1992, and also provides that the Commission may extend the term of the contract for one or more two-year periods provided the Operator notifies the Commission of its desire to obtain such an extension;

"WHEREAS, on November 27, 1991, BP Oil Company requested an extension of Contract SS-9-A for two, additional, two-year periods and further requested modification of the formula which controls the price charged for motor vehicle fuel sold at Turnpike stations;

"WHEREAS, the 1990 amendments to the Federal Clean Air Act and the implementation thereof by the Environmental Protection Agency requires the sale of oxygenated gasoline only at service stations located in Cuyahoga, Lorain and Portage Counties for a four-month period, i.e., November through February beginning in November 1992;

"WHEREAS, in addition, changes in the reporting procedure by major oil companies have created doubt as to the accuracy of the Ohio Dealer Buying Price for Cleveland, Ohio, as

published by Lundberg Surveys, Inc., which publication is the basis for determining the price of motor vehicle fuel under Contract SS-9-A;

"WHEREAS, the Commission advised BP Oil Company that, because of these circumstances, it could not act on the extension request until these issues were resolved;

"WHEREAS, negotiations have taken place between BP Oil Company and the Commission concerning the extension and modification of Contract SS-9-A and a draft Supplemental Agreement is before the Commission. This Supplemental Agreement provides for an extension of the contract until June 1, 1994, and replaces the pricing formula in the present contract with a procedure by which service stations located in the area of each Turnpike interchange will be surveyed on a weekly basis, and the average price of motor vehicle fuel resulting from such survey will be the price charged at the Turnpike stations;

"WHEREAS, the Commission's Committee on Service Plazas, as well as the Commission's executive director and general counsel have recommended to the Commission that the Commission approve the Supplemental Agreement modifying Contract SS-9-A and extending such contract to June 1, 1994;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby adopts and approves the Supplemental Agreement between the Commission and BP Oil Company for Contract SS-9-A and hereby authorizes and directs the chairman and/or executive director to enter into such agreement on behalf of the Commission in substantially the same form as that presented to the Commission and further authorizes the executive director and general counsel to take any and all additional actions necessary to carry out the provisions of this Supplemental Agreement."

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Wray,  
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 22-1992.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He ascertained there would be no report from the Director of Transportation. He said the report of the Committee Employee Relations would be received.



The chairman of the Committee on Employee Relations, Mr. Fedeli, said the Committee report would be given by Mr. Disantis.

Mr. Disantis said his report would cover the process the Committee had gone through in obtaining new health insurance coverage for the Commission's employees. He said there were seven proposals for furnishing the insurance. He said a pre-bid meeting was held among the Commission's consultants, General Counsel, and the insurance companies. He said the Commission's consultant and representative of the Committee on Employee Relations reviewed and analyzed the proposals and additional information received. He said that, as a result of that process, it was determined that the response of Blue Cross and Blue Shield of Northeast Ohio offered to provide the requested coverage at a total annual liability to the Commission which was substantially lower than that presented by all the others. He said a financial summary of all the proposals was attached to a copy of that report in the Members' folders. He said that although Blue Cross and Blue Shield had the network in place to provide the required services, a service review interview and meetings to introduce its personnel who would deal directly with the staff would be scheduled. He said, therefore, it was recommended that the award of a contract to provide the required coverage be made to Blue Cross and Blue Shield of Northeast Ohio.

Mr. Disantis said further that Steve Likovich, the Commission's consultant from KPMG Peat, Marwick, was available at the meeting to answer any questions the Members might have concerning the insurance coverage. He said he thought the summary attached to the aforementioned report was quite thorough.

Mr. Bergsmark said he thought the Committee had done an excellent job on the new insurance program, which would result in a savings of about \$1 1/2 million over the then current coverage.

Mr. Disantis said the savings would probably be more than that amount because the projection for the current carrier extended only to the end of 1992, and the Commission could expect an increase over 1992. He said the new proposals covered the period from then until July 31, 1992. He said the projected savings were even greater than what was indicated on the summary sheet.

Mr. Wray asked how the savings were achieved.

Mr. Disantis said the coverage changed from a first dollar or what might be called a Cadillac plan, which was really unheard of in the industry any more, to a preferred provider plan, which was far more common. He said it still gave very fine coverage and protection to the employees.

Mr. Bergsmark said he assumed Blue Cross and Blue Shield was financially stable and would be in business for the next two years.

The Chairman said it was his opinion that the company was quite stable.

A resolution authorizing and directing the Executive Director to take immediate action concerning award of a contract for group insurance covering Commission employees was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 23-1992

"WHEREAS, the Commission issued a Request for Proposals for the furnishing of group insurance including group life, accidental death and dismemberment, sickness and accident, medical, prescription drug, dental and vision coverage;

"WHEREAS, responses to the Request for Proposals were submitted on June 2, 1992, by seven insurance companies, and such responses have been reviewed and analyzed by the Commission's consultant, KPMG Peat Marwick and members of the Committee on Employee Relations;

"WHEREAS, the response of Blue Cross & Blue Shield of Ohio ('Blue Cross') results in the lowest level of total annual liability for the Commission, and it is the recommendation of the Commission's consultant, as well as the Commission's Committee on Employee Relations, that the contract be awarded to Blue Cross;

"WHEREAS, time has not permitted the Commission to hold an interview with the representatives of Blue Cross in order to further evaluate and analyze the ability of Blue Cross to comply with the service procedures and related items concerning the group insurance contract, beyond the information contained in its proposal;

"WHEREAS, the Commission's Collective Bargaining Agreement requires that the group insurance be in force by August 1, 1992, and to meet that deadline the contract for group insurance must be awarded no later than June 23, 1992, prior to the next regular meeting of the Commission which is not scheduled until July 1992;

"NOW, THEREFORE BE IT

"RESOLVED that the executive director is hereby authorized and directed to award a contract or contracts for the Commission's group insurance to Blue Cross and to take any other action necessary in the matter provided Blue Cross satisfactorily completes the interview and service review process to be conducted by the Commission's consultant and staff; and

"FURTHER RESOLVED that the executive director is to keep the Commission advised of his actions on their behalf in this matter."

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Wray,  
Mr. Brennan

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution adopted with all Members, except Mr. Fedeli, voting in the affirmative. The resolution was identified as No. 23-1992.

The 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. Pinzone, said Captain Williams had a report to give for the Committee.

Captain Williams said he wanted to report on a ten-vehicle collision which took place on the Turnpike at 5:40 a.m. on June 6 at the Stony Ridge-Toledo (No. 5) Interchange. He said one person was killed and ten others were injured in the accidents.

Captain Williams said further the accidents occurred because traffic was traveling faster than their headlights could provide illumination due to the existing fog conditions. He said that, apparently, the fog conditions were such that they were denser in certain areas, particularly around Exit 5, with visibility at about 500 feet.

Captain Williams said the incident began when a motorist apparently pulled over on the berm near Exit 5. He said another vehicle then struck the rear end of a vehicle in front of it which in turn hit the vehicle on the berm. He said that it was a three-vehicle accident.

Captain Williams said further that the scene was stabilized with one of those vehicles remaining in the passing lane. He said another vehicle came into the area, hit the vehicle that was stopped and then a chain reaction occurred with a van and boat. He said several other vehicles were involved for a total of six vehicles. He said the last vehicle coming into that scene was a Consolidated Freightways double trailer unit.

Capt. Williams said further that the scene stabilized one more time, but then a pickup truck stopped and another one didn't, resulting in a two-vehicle collision.

The Chairman said that there were actually three accidents.

Captain Williams said the Chairman was correct. He said there was a three-vehicle accident, a six-vehicle accident, and a two-vehicle accident. He said it took the Patrol's investigators quite a bit of time to re-establish the sequence of events.

The Chairman said it was rather fortunate that the accidents were not a good deal worse.

Captain Williams said they probably would have been if they had happened later in the day when traffic was heavier.

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

The Executive Director, Mr. Johnson, said his report would consist of introducing three resolutions awarding contracts. He said the resolutions were in the Members' folders, along with backup information including summaries of the tabulations of the bidders on each of the three contracts, as well as the staff and consultant recommendations.

The Executive Director said further that the first resolution was a resolution awarding contract CIP 55-92-03, which was a contract for constructing the toll plazas at the split interchanges at the Lordstown General Motors complex. He said there were four bids on that contract. He said he would dispense with the Whereases, but read the Resolved, as follows:

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of a A. P. O'Horo Company of Youngstown, Ohio in the amount of \$2,332,779.50, for the performance of Contract CIP 55-92-03, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said he recommended the resolution be adopted.

A resolution awarding contract CIP 55-92-03 was moved for adoption by Mr. Fedeli, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 24-1992

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for construction of toll plazas,

utility buildings, toll booths, canopies and service and access roads for Interchange 14A and 14B located in Trumbull County which contract has been designated CIP 55-92-03 and is commonly referred to as the Lordstown Interchange;

"WHEREAS, four bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of A. P. O'Horo Company of Youngstown, Ohio, in the amount of \$2,332,779.50, for the performance of Contract CIP 55-92-03 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by A. P. O'Horo Company of Youngstown, Ohio;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of A. P. O'Horo Company of Youngstown, Ohio in the amount of \$2,332,779.50, for the performance of Contract CIP 55-92-03, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, 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 responded to roll call. The vote was as follows:

Ayes: Mr. Fedeli, Mr. Bergsmark, Mr. Wray,  
Mr. Pinzone, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 24-1992.

The Executive Director said the next resolution was a resolution awarding contract CIP 56-92-02, which was a contract to expand and renovate the Kunkle Maintenance Building. He said the Kunkle Maintenance Building was the first one east of the Indiana state line at about milepost 15. He said there were five bids on that contract and the tabulations and all of the other backup information was in the Members' folders. He said he would dispense with the Whereases and read the Resolved as follows:

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Rudolph/Libbe, Inc. of Walbridge, Ohio, in the amount of \$1,749,000.00, for the performance of Contract CIP 56-92-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said he recommended that the resolution be adopted.

A resolution awarding contract CIP 56-92-01 was moved for adoption by Mr. Pinzone, seconded by Mr. Fedeli as follows:

RESOLUTION NO. 25-1992

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the addition and renovation of the Kunkle Maintenance Building, Milepost 16.0 in Williams County, Ohio;

"WHEREAS, five bids for the performance of said contract were received;

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

the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Rudolph/Libbe, Inc. of Walbridge, Ohio, in the amount of \$1,749,000.00, for the performance of Contract CIP 55-92-01 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by Rudolph/Libbe, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Rudolph/Libbe, Inc. of Walbridge, Ohio, in the amount of \$1,749,000.00, for the performance of Contract CIP 56-92-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, 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 responded to roll call. The vote was as follows:

Ayes:	Mr. Pinzone, Mr. Fedeli, Mr. Wray, Mr. Brennan
Nays:	None
Abstain:	Mr. Bergsmark

The Chairman declared the resolution stood adopted with all Members, except Mr. Bergsmark, voting in the the affirmative. The resolution was identified as No. 25-1992.

The Executive Director said the third resolution was a resolution awarding contract CIP 56-92-03, which was a contract to renovate and enlarge the Commission's Canfield Maintenance Building. He said the Canfield Maintenance Building was the eighth and last such structure on the Turnpike in Mahoning County.

The Executive Director said further that there were six bidders on the contract. He said the bid tabulations and staff recommendations were in the Members' folders. He said he would, again, dispense with the Whereases and read the Resolved as follows:

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Joseph Lach Construction Co., Inc. of Avon, Ohio, in the amount of \$1,719,000.00, for the performance of Contract CIP 56-92-03, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said he recommended the resolution be adopted.

The Chairman said he noticed that the staff's estimate of the project's cost was about \$100,000 higher than the actual bid. He said the estimates on the two previous contracts were much closer to the winning bids. He asked if there was a particular reason for the winning bid for the Canfield project being so much lower than the estimate.

Mr. Plain said the low bid had to do with the depressed economic climate in Mahoning and Trumbull counties.

A resolution awarding contract CIP 56-92-03 was moved for adoption by Mr. Fedeli, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 26-1992

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the addition and renovation of the Canfield Maintenance Building, Milepost 228.1 in Mahoning County, Ohio;



"WHEREAS, six bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Joseph Lach Construction Co., Inc. of Avon, Ohio, in the amount of \$1,719,000.00, for the performance of Contract CIP 55-92-03 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by Joseph Lach Construction Co., Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Joseph Lach Construction Co., Inc. of Avon, Ohio, in the amount of \$1,719,000.00, for the performance of Contract CIP 56-92-03, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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; (2) to direct the return to the other bidders of their bid security, when appropriate, 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 responded to roll call. The vote was as follows:

Ayes: Mr. Fedeli, Mr. Pinzone, Mr. Wray,  
Mr. Bergsmark, Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 26-1992.

The Executive Director said he would ask Mr. Plain to report on the status of the current construction projects. He said there were three mainline resurfacing projects and the construction work for the building of the interchange portions of the Lordstown split interchange. He said the Members and staff would go out after the meeting to observe the construction work at the Lordstown interchange.

The Chairman said he would like to see what work was going on at the new interchange.

Mr. Plain said all the Turnpike construction projects for 1992 were on schedule except R2, the mainline resurfacing project between the Sandusky-Norwalk (#7) Interchange and the Fremont-Port Clinton (#6) Interchange. He said that one of the resurfacing projects would be completed by the end of June, while the other two would be suspended at that time and resume after the Labor Day holiday period. He said that work on the R3 project near the Lorain County West (8A) had previously been set to resume after Labor Day due to its long length of 12 miles. He said that, if the R2 project were not suspended at the end of June, the contractor would have been paving until July 20 and massive traffic backups would take place.

The Chairman asked how many years had it been the Commission's practice to end all mainline construction for the months of July and August.

The Executive Director said that policy had been in effect for the past five or six years.

The Chairman said the report of the Executive Director was accepted as offered. He ascertained there would be no report from General Counsel. He said the report of the consulting engineers would be received.

Mr. Fleischman said he wished to report that the consulting engineers' annual inspection had been completed. He said the bridge inspection reports that were required to be furnished to the Ohio Department of Transportation would be submitted to the Commission's staff the week following the meeting, and they would then be forwarded to ODOT.

The Chairman said the report of the consulting engineers was accepted as offered. He said he would like to mention the fact that the Commission was mindful that the non-bargaining unit employees had not had a salary adjustment for some time and the Members were reviewing that situation and would be recommending some action on that in the not too distant future.

The Chairman said he noted that the next Commission meeting had been scheduled for July 20, which would be five weeks from the June meeting date.

The Executive Director said he had suggested July 20, one week later than the Commission ordinarily would meet, in order to give the staff time to finish the plans, advertise and open bids on several important projects, including construction of the actual interchange with Ohio Route 49. He said a contract had been awarded and work begun on relocating the Westgate Toll Plaza. He said there also were several important bridge projects.

The Executive Director said further that looking at the calendar beyond the July meeting date, some of the second Mondays in the months ahead fell on holidays. He said that was the case in October where the second Monday was Columbus Day. He said that looking beyond the July 20 meeting, he would suggest that there be a meeting on August 31 instead of September 14, which would be a little too long between meetings. He said the Commission would then return the regular schedule of second Mondays, which would be November 9 and December 14.

The Chairman said that would mean not having a meeting in September, which was all right with him. He said the date for the remaining meetings in 1992 appeared to be acceptable to all the Members, but they were tentative and could be changed.

The Chairman said also that the July 20 Commission meeting should be held somewhere on the western end of the Turnpike since the Commission had come to the eastern end of the road for the meeting at Lordstown. He said it should be in Senator Gaeth's district near the work on the new Turnpike interchange with State Route 49. He asked the Executive Director to investigate the possibility of holding the July meeting in the area of the Wauseon (No. 3) Interchange, possibly at the nearby Smith's restaurant.

There being no further business to come before the Commission, a motion was made by Mr. Bergsmark, seconded by Mr. Pinzone, that the meeting adjourn until the next meeting on July 20.

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Wray,  
Mr. Fedeli, Mr. Brennan

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:50 a.m.

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



Edwin M. Bergmark, Secretary-Treasurer