

MINUTES OF THE 441ST MEETING OF THE OHIO TURNPIKE COMMISSION

July 20, 1998

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:05 a.m. on July 20, 1998, with members of the staff: G. Alan Plain, Executive Director; Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Robert Arlow, Deputy Executive Director-Operations; Anthony A. DiPietro, Deputy Executive Director-Administration; David Wright, CFO/Comptroller; David Ransbury, Chief Engineer; Robert P. Barnett, Director of Information and Research; and others in attendance.

Present: Senator M. Ben Gaeth, Gary Joseph, Earl W. Williams,
Marilyn R. Baker, Ruth Ann Leever

Absent: Representative Sally Perz

The Chairman said the minutes of the last Commission meeting of June 22, 1998, had been distributed to the Members for their comments and she would accept a motion to adopt them 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. Williams, Mrs. Baker, Mrs. Leever

Nays: None

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

The Chairman said Mr. Williams' birthday was the day of the meeting and she and Mr. Plain's birthdays were the previous week.

The Chairman said the meeting was the 441st meeting of the Commission. She said it was being held at the Commission's Administration Building as provided for in the Commission's Code of Bylaws. She said Representative Perz and Jerry Wray were unable to attend today's meeting. She said that, however, Gary Joseph was at the meeting and was authorized to represent and vote for Mr. Wray.

The Chairman said there were a number of guests at the meeting and she would ask them to identify themselves as follows: Barb Lesko, the Executive Director's secretary; Diane Pring, General Counsel's secretary; Fred McFall, Host Marriott; Tom Travis, Host Marriott Services; Alan Shaffstall, Lake Shore Railway; Jack Siffert, Lake Shore Railway; Greg Gradisek, Lake Shore Railway; Ryan Connors, Connors & Co., Inc.; Marc Chappo, Lake Shore Railway; Representative John Bender, Ohio House of Representatives; Vince Carbone, R. P. Carbone, Inc.; Mike Kurey, Advance Restaurant Concepts; Howard O'Malley, B & T Express, Inc.; Ed Mullinax, Mullinax Ford; Paul Stubbin, Seasongood & Mayer; Vince Chiarucci, Business Consultant; Jim Calpin, PaineWebber; Robert Boylan, Boylan & Associates; Al Bancco, A.G. Edwards; Paul Komlos, McDonald & Company; S. Luca; H. Fior; Matt Borstein, Key Capital; Dennis Wilcox, Climaco law firm; Mike Schipper, HNTB; Cleve Brooks, SBK Brooks; John Penton, KTM; John Feil, Hardee's; Daniel Becham, Huntington; Larry Mullinax, Mullinax Ford; Stu Mendoza and Charlotte Shute,

ORSC; Heather Morrow, NatCity Investments; Claire Moore and Elva Loger, LWVCC; Victor Sewart; Paul Sciria, Sciria & Associates; Mike McIntyre, The (Cleveland) Plain Dealer; Pat Patton, Government Liaison Officer, T. J. Moraco, The (Elyria) Chronicle-Telegram; Eric Erickson, Fifth Third Ohio Company; and Bobby Everhart, URS Greiner.

The Chairman said various reports would then be received and the Commission would act on a number of resolutions, draft copies of which had been previously sent to the Members and updated drafts were also in the Members' folders. She said the resolutions would be explained during the appropriate reports.

The Chairman said that, if there were no questions, the report of the Secretary-Treasurer, Mrs. Baker, would be received.

Mrs. Baker said that the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission on June 22, 1998:

1. Weekly Traffic Statistics
2. Traffic Accident Summary Report for June 1998
3. Traffic and Revenue Report for June 1998
4. Financial Statement for June 1998
5. Draft of Commission Meeting Minutes of June 22, 1998
6. Investment Transactions for June 1998
7. Various News Releases

The Chairman said the report of the Secretary-Treasurer was accepted as offered. She ascertained there would be no report on Budget and Finance. She said the financial report would be received.

Mr. Wright said the Turnpike finished the first six months of the year with very strong traffic patterns. He said passenger car and total traffic posted records in four of those six months. He said passenger car traffic was up 2.8% and total vehicle traffic was up 1.5%. He said the second quarter was also very strong, but the General Motors strike may have kept the Commission from breaking a new commercial vehicle record.

Mr. Wright said further that the Commission was very strong financially. He said Mr. Plain said that the GM strike also affects all truckers that supply the company with components. He said it was a ripple effect on commercial traffic.

The Chairman said the financial report was accepted as offered. She said the report from the Commission's financial advisor would be received.

Mr. Erickson said the preliminary official statement was in the hands of potential investors. He said they could move very quickly on a bond refunding issue. He said they were only 20 basis points (approximately $\frac{1}{4}$ of 1%) away from having a successful transaction.

Mr. Erickson said further that the new money issue would be discussed at the next Commission meeting on August 10. He said Mr. Wright indicated the Commission had sufficient cash in the construction fund to last several months.

The Chairman said the report of the financial advisor was accepted as offered. She said the report on Service Plazas would be received.

Senator Gaeth said he had no report, but he did want to comment on the confusion of traffic at the Service Plazas with two being closed. He said there was confusion with parking and traffic patterns.

Mr. Plain said that the closing of the two Service Plazas has put some strain on the other plazas. He said they had to make sure the open plazas had sufficient staff to cope with the increase in traffic at those locations.

Mr. Arlow said the open plazas had increased their numbers of employees. He said that at the service stations they lowered the cost of full service in order to pump gas at self-serve prices to expedite cars through the plazas. He said they also were looking at getting extra porta johns to accommodate all of the extra traffic at the open plazas. He said that August was the busiest month on the Turnpike and they didn't want people to have to stand in line and wait on restroom facilities.

Mr. Plain said they were already finding lines at the open plazas, particularly at the women's restroom facilities.

Mr. Arlow said the porta johns were trailer units with sinks and other amenities in them. He said they were going to accommodate all of the Turnpike users. He said the construction was underway at Commodore Perry and Erie Islands with the removal of the existing fuel tanks. He said contracts awaited award at the meeting for site work at the two plazas. He said that once they were awarded then the site work could start to take advantage of favorable weather between now and November.

The Chairman asked Mr. Arlow if anything could be done at the open plazas to insure traffic safety. She said she noticed yesterday that trucks were parked in such a manner to partially block passage through the plazas.

Mr. Plain said they were in the process of doing something.

Mr. Arlow said the traffic engineer and his staff were at the plazas relocating some of the parking in front of them and taking more area to accommodate the lines for gasoline pumps. He said they also were relocating some of the trucks and cars in other areas. He said there would be signs set up to alleviate the current congestion.

The Chairman said she was not complaining, but she was concerned.

Mr. Arlow said they were realigning the parking so that there were separate areas for trucks and cars so they didn't have intermingling and safety problems.

Mr. Williams asked if the staff had received a number of complaints from Turnpike users regarding current conditions.

Mr. Arlow said they had received a few complaints on the conditions of the restrooms and to correct them the restaurant operators had hired an outside cleaning service to assist them.

Senator Gaeth said he thought the gasoline prices on the Turnpike were a big advantage. He said gasoline in his hometown was \$1.089 and he was going to buy it on the Turnpike for \$1.029.

The Chairman said the report on Service Plazas was accepted as offered. She said the report on Employee Relations would be received.

Mr. DiPietro said they had scheduled three conferences next month with administrative and supervisory employees. He said it was an information exchange. He said they would be able to find out what was happening in the various areas and share some information on current activities with them. He said they would be happy to report to the Commission on the feedback they received after those conferences.

The Chairman asked if those conferences would be held before the next Commission on August 10.

Mr. DiPietro said he thought they were on August 5th.

The Chairman said the report on Employee Relations was accepted as offered. She said the report of the Executive Director would be received.

Mr. Plain said there were a number of resolutions to be acted on at the day's meeting. He said they dealt directly with the service plazas and also a new building facility near the Administration Building. He said that, as he indicated previously, the service plaza bids were probably the most complex that they ever had on the Turnpike.

Mr. Plain said further that he was pleased to say that they had received new bids for steel and site work at the plazas because the previous bids had been rejected. He said they were in the position to make recommendations for approval of the best bids on those items. He said they saved some money by going back out and soliciting new bids. He said he wanted to thank the staff, particularly Mike Phillips, and the construction management team under Mr. Carbone. He said they did a very good job in analyzing the large number of bids they had received on the projects.

Mr. Plain said further that the first resolution he had was a Resolution Awarding Bid Packages 5A and 13C Relating to the Construction of Great Lakes Travel Center under Contract No. 53-98-01. He said there were various attachments to the resolution that showed who the low bidders were and they were pretty detailed. He said he would read the RESOLVED as follows:

"RESOLVED that the bids of the following bidders for 5A, structural steel, joist, deck and stairs, Commsteel, Inc., Cleveland, Ohio, \$995,000.00, and 13C, install fuel tanks, provide piping and removals, W. G. Lockhart Construction Co., Akron, OH, \$319,000.00 in the total amount of the two bid packages awarded is \$1,314,000.00 in connection with the performance of Contract No. 53-98-01, is, and is by the Commission determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that project No. 53-98-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Plain said further that if the Members had any questions he would try to answer them.

Senator Gaeth said that, since stairs were mentioned, there was obviously more than one elevation. He asked if there would be elevators.

Mr. Plain said the buildings had a basement and they had elevators. He said they also had stairs that were steel with concrete poured into them.

The Chairman asked if the steel would be available when it was needed.

Mr. Plain said it would be available when needed.

Mr. Zomparelli said the structural steel was \$200,000 less than what was previously bid.

Mr. Plain said that was just for one plaza and there was a similar savings at the other plazas. He said that if there were no further questions he would ask for a motion and a second to adopt the resolution.

A Resolution Awarding Bid Packages 5A and 13C Relating to the Construction of Great Lakes Travel Center under Contract No. 53-98-01 was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

RESOLUTION NO. 34-1998

"WHEREAS, pursuant to Resolution No. 22-1998, adopted on May 11, 1998, the Commission rejected all bids received on April 29, 1998, relating to the construction of a *new* Ohio Turnpike Travel Center and service facilities at the premises commonly known as **Great Lakes Service Plaza**, located at Milepost 170.1 in Cuyahoga County;

"WHEREAS, Resolution No. 22-1998, also instructed the Commission's executive director and general counsel to take any and all action necessary to re-advertise for bids for the replacement or renovation, construction of the Great Lakes Travel Center under Contract No. 53-98-01, forthwith;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for three bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Center, said contracts included bid packages for sitework, structural steel and installation of fuel tanks, which project has been identified as Project No. 53-98-01;

"WHEREAS, the Commission has also re-advertised according to law for bids upon contracts for an additional 22 bid packages pertaining to the Great Lakes Travel Center under Contract No. 53-98-01, and said bids are scheduled to be opened on July 22, 1998;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Great Lakes Travel Center was divided into three separate base bid packages identified as items 2A, 5A and 13C and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and architect, GSI Architects, Inc., are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, Independence Excavating, Inc. submitted the lowest and responsible aggregate base bid and alternate S-6 bid for bid package 2A (Sitework, Excavation & Paving) of Contract No. 53-98-01 for a total bid amount of \$2,583,304.50, and said bidder submitted the lowest and responsible combination bid for bid package 2A of Contract No. 53-98-01 (Great Lakes Travel Center) and of Contract No. 53-98-02 (Towpath Travel Center) which combination bid amount reduces the aggregate total base with alternate S-6 bid price for the said two Contracts by \$50,237.50;

"WHEREAS, it is in the best interests of the Commission and recommendation of the Commission's Construction Manager, Chief Engineer and Executive Director to take advantage of the proposed savings in the amount of \$50,237.50 and make a single award in total amount of \$5,359,212.00 by separate resolution to Independence Excavating, Inc. for bid package 2A of Contract No. 53-98-01 and Contract No. 53-98-02;

"WHEREAS, one bidder submitted a base bid and future site delayed alternatives for Bid Package 5A-Steel;

"WHEREAS, three bidders submitted base bids and unit price bids for Bid Package 13C-Install Fuel Tanks, Provide Piping and Removals;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with Contract No. 53-98-01, and the following bidders have been determined by the Commission to be the lowest responsive and responsible bid received:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
5A	Structural Steel, Joist, Deck and Stairs	Commsteel, Inc. Cleveland, OH	995,000.00
13C	Install Fuel Tanks, Provide Piping and Removals	W. G. Lockhart Const. Co. Akron, OH	319,000.00
TOTAL			\$ 1,314,000.00

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, the Commission's executive director and general counsel concur in the construction manager and Chief Engineer's recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidders:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
5A	Structural Steel, Joist, Deck and Stairs	Commsteel, Inc. Cleveland, OH	995,000.00
13C	Install Fuel Tanks, Provide Piping and Removals	W. G. Lockhart Const. Co. Akron, OH	319,000.00
TOTAL			\$ 1,314,000.00

in the total amount of the two bid packages awarded is \$1,314,000.00 in connection with the performance of Contact No. 53-98-01, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Joseph, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 34-1998.

Mr. Plain said the next resolution was a Resolution Awarding Bid Packages 5A and 13C Relating to the Construction of Towpath Travel Center under Contract No. 53-98-02. He said the Towpath Plaza was directly across the road from Great Lakes. He said he would read the RESOLVED as follows:

"RESOLVED that the bids of the following bidders for bid package 5A, structural steel, joist, deck and stairs, Commsteel, Inc. of Cleveland, OH, \$995,000.00, and 13C, install fuel tanks, provide piping and removals, Toltest, Inc., Toledo, OH, \$321,922.00, in the total amount of all bid

packages awarded is \$1,316,922.00 in connection with the performance of Contract No. 53-98-02, is, and is by the Commission determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. No. 53-98-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Zomparelli said that there was one other bid package that wasn't bid out at the same time on Great Lakes/Towpath Travel Centers and that was for the sitework, excavation and paving. He said there was a separate resolution to award that contract.

Mr. Plain said that was the next resolution he would offer.

Mr. Zomparelli said the three bid packages would put the cost for each building at about \$4 million thus far.

A Resolution Awarding Bid Packages 5A and 13 C Relating to the Construction of Towpath Travel Center under Contract No. 53-98-02 was moved for adoption by Mr. Williams, seconded by Mr. Joseph as follows:

RESOLUTION NO. 35-1998

"WHEREAS, pursuant to Resolution No. 23-1998 adopted on May 11, 1998, the Commission rejected all bids received on April 29, 1998, relating to the construction of a *new* Ohio Turnpike Travel Center and service facilities at the premises commonly known as **Towpath** Service Plaza, located at Milepost 170.1 in Cuyahoga County;

"WHEREAS, Resolution No. 23-1998, also instructed the Commission's executive director and general counsel to take any and all action necessary to re-advertise for bids for the replacement or renovation, construction of the Towpath Travel Center under Contract No. 53-98-02, forthwith;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for three bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Center, said contracts included bid packages for sitework, structural steel and installation of fuel tanks, which project has been identified as Project No. 53-98-02;

"WHEREAS, the Commission has also re-advertised according to law for bids upon contracts for an additional 22 bid packages pertaining to the Towpath Travel Center under Contract No. 53-98-02, and said bids are scheduled to be opened on July 22, 1998;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Towpath Travel Center was divided into three separate base bid packages identified as items 2A, 5A and 13C and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and architect, GSI Architects, Inc. are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, Independence Excavating, Inc. submitted the lowest and responsible aggregate base bid and alternate S-6 bid for bid package 2A (Sitework, Excavation & Paving) of Contract No. 53-98-02 for a total bid amount of \$2,826,145.00, and said bidder submitted the lowest and responsible combination bid for bid package 2A of Contract No. 53-98-01 (Great Lakes Travel Center) and of Contract No. 53-98-02 (Towpath Travel Center) which combination bid amount reduces the aggregate total base with alternate S-6 bid price for the said two Contracts by \$50,237.50;

"WHEREAS, it is in the best interests of the Commission and recommendation of the Commission's Construction Manager, Chief Engineer and Executive Director to take advantage of the proposed savings in the amount of \$50,237.50 and make a single award in total amount of \$5,331,000.00 by separate resolution to Independence Excavating, Inc. for bid package 2A of Contract No. 53-98-01 and Contract No. 53-98-02;

"WHEREAS, one bidder submitted a base bid and future site delayed alternatives for Bid Package 5A-Steel;

"WHEREAS, three bidders submitted base bids and unit price bids for Bid Package 13C-Install Fuel Tanks, Provide Piping and Removals;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with Contract No. 53-98-02, and the following bidders have been determined by the Commission to be the lowest responsive and responsible bid received:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
5A	Structural Steel, Joist, Deck and Stairs	Commsteel, Inc. Cleveland, OH	995,000.00
13C	Install Fuel Tanks, Provide Piping and Removals	Toltest, Inc. Toledo, OH	321,922.00
TOTAL			\$1,316,922.00

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, the Commission's executive director and general counsel concur in the construction manager and Chief Engineer's recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidders:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
5A	Structural Steel, Joist, Deck and Stairs	Commsteel, Inc. Cleveland, OH	995,000.00
13C	Install Fuel Tanks, Provide Piping and Removals	Toltest, Inc. Toledo, OH	321,922.00
TOTAL			\$1,316,922.00

in the total amount of all bid packages awarded is \$1,316,922.00 in connection with the performance of Contact No. 53-98-02, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mr. Williams, Mr. Joseph, Mrs. Baker, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 35-1998.

Mr. Plain said further that the next resolution he had to offer was a Resolution Awarding Bid Package 2A (*Sitework, Excavation and Paving*) Relating to the Construction of Great Lakes Travel Center under Contract No. 53-98-01 and Towpath Travel Center under Contract No. 53-98-02. He said he would read the RESOLVED as follows:

"RESOLVED that the bids of the following bidders on bid package 2A, sitework, excavation and paving for the Great Lakes Travel Center, Independence Excavating, Inc. of Independence, OH, and 2A, sitework, excavation and paving for the Towpath Travel Center, Independence Excavating, Inc. of Independence, OH in the total amount of the two bid package 2A awarded, plus alternate S-6, is \$5,359,212.00 in connection with the performance of Contract No. 53-98-01 and Contract No. 53-98-02, is, and is by the Commission, determined to be the lowest responsive and responsible bids received for the performance of each bid package 2A and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-01 and 53-98-02 are designated System Projects under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Bid Package 2A (*Sitework, Excavation and Paving*) Relating to the Construction of Great Lakes Travel Center under Contract No. 53-98-01 and Towpath Travel Center under Contract No. 53-98-02 was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

RESOLUTION NO. 36-1998

"WHEREAS, pursuant to Resolution No. 22-1998 and No. 23-1998 adopted on May 11, 1998, the Commission rejected all bids received on April 29, 1998, relating to the construction of a *new* Ohio Turnpike Travel Center and service facilities at the premises commonly known as **Great Lakes Service Plaza and Towpath Service Plaza**, located at Milepost 170.1 in Cuyahoga County;

"WHEREAS, Resolution No. 22-1998 and 23-1998 also instructed the Commission's executive director and general counsel to take any and all action necessary to re-advertise for bids for the replacement or renovation, construction of the Great Lakes Travel Center under Contract No. 53-98-01, and the Towpath Service Plaza under Contract 53-98-02, forthwith;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for three bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Centers, said contracts included bid packages for sitework, structural steel and installation of fuel tanks, which project has been identified as Project No. 53-98-01 and Project No. 53-98-02;

"WHEREAS, the Commission has also re-advertised according to law for bids upon contracts for an additional 22 bid packages pertaining to the Great Lakes Travel Center under Contract No. 53-98-01, and Towpath Travel Center under Contract No. 53-98-02, and said bids are scheduled to be opened on July 22, 1998;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Great Lakes Travel Center and Towpath Travel Center were divided into three separate base bid packages identified as items 2A, 5A and 13C and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and architect, GSI Architects, Inc. are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, bids for the three bid packages for the performance of said contracts were received on July 9, 1998, and the award for Bid Packages 5A (structural steel) and 13C (installation of fuel tanks) will be accomplished by separate resolutions;

"WHEREAS, four bids for the performance of Bid Package 2A (Sitework) were received with bidders bidding on the base bid and alternate S-6 (addition of 4-1/4 inches of asphalt paving overlay for the Employee Parking Lot);

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, Independence Excavating, Inc. submitted the lowest and responsible combination base bid and alternate S-6 bid for bid package 2A (Sitework, Excavation & Paving) of Contract No. 53-98-01 (Great Lakes Travel Center) and of Contract 53-98-02 (Towpath Travel Center) which combination bid amount reduces the aggregate total base with alternate S-6 bid price for the said two Contracts by \$50,237.40;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with Contract No. 53-98-01 and Contract No. 53-98-02, and the following bidder has been determined by the Commission to be the lowest responsive and responsible bid received:

Bid Package	Description	Bidder's Name	Amount
2A	Sitework, Excavation & Paving for Contract No. 53-98-01 (Great Lakes Travel Center)	Independence Excavating, Inc. Independence, OH	
2A	Sitework, Excavation & Paving for Contract No. 53-98-02 (Towpath Travel Center)	Independence Excavating, Inc. Independence, OH	
Combination Base Bid:			\$5,331,000.00
plus Alternate S-6			<u>28,212.00</u>
Total Award Amount			\$5,359,212.00

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, the Commission's executive director and general counsel concur in the construction manager and Chief Engineer's recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidders:

Bid Package	Description	Bidder's Name	Amount
2A	Sitework, Excavation & Paving for Contract No. 53-98-01 (Great Lakes Travel Center)	Independence Excavating, Inc. Independence, OH	
2A	Sitework, Excavation & Paving for Contract No. 53-98-02 (Towpath Travel Center)	Independence Excavating, Inc. Independence, OH	
Combination Base Bid:			\$5,331,000.00
plus Alternate S-6			<u>28,212.00</u>
Total Award Amount			\$5,359,212.00

in the total amount of the two bid package 2A awarded is \$5,359,212.00 in connection with the performance of Contract No. 53-98-01 and Contract No. 53-98-02, is and is by the Commission, determined to be the lowest responsive and responsible bids received for the performance of each bid package 2A and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-01 and 53-98-02 are designated System Projects under the Commission's 1994 Master Trust Agreement."

Mr. Williams said he thought it was really great that the Commission rebid on those bid packages and came up with tremendous savings and it was well done.

The Chairman asked Mr. Carbone if that fell under his expertise. She asked if he was satisfied with the savings.

Mr. Carbone said he was very satisfied. He said that when the bids were rejected two months ago they were disheartened, but everything turned out all right. He said he talked to the steel supplier as recently as Friday and he had a tentative order so the steel was not going to be a problem. He said they saved approximately \$400,000 on bidding the two plazas together.

Mr. Carbone said further that contractors had the option of bidding on each plaza separately or in combination. He said the combined bid of Independence Excavating saved an additional \$50,000 on top of their bid. He said that just the rebidding saved close to half a million dollars. He said they were significant dollars and the construction schedule was not jeopardized.

Mr. Plain said he wanted to add that the bid package had an alternate S-6 and that was to add 4½ inches of asphalt paving overlay for the employee parking lot and he wanted to make sure that everyone was aware of that.

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Joseph, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 36-1998.

Mr. Plain said further that the next resolution he had was a Resolution Awarding Bid Packages 2A, 2B, 15A, 16A and the Rejection of Bid Package 14A (the elevators) Relating to the Construction of Erie Islands Travel Center under Contract No. 53-98-03. He said he would read the RESOLVED as follows:

"RESOLVED that the bids of the following bidders on bid package 2A, sitework, excavation and paving, Independence Excavating, Inc., Independence, OH, \$3,010,658.70, 2B, fences, gates, guardrail, Able Contracting Group, Inc., Eastlake, OH, \$115,000.00, 15A, plumbing, Armstrong Mechanical Services, Inc., Perrysburg, OH, \$495,000.00, and 16B, generator, Ohio Engine Power, Broadview Heights, OH, \$61,673.00 for a total bid amount of \$3,682,331.70. Also included was

alternate S-6 for the 4 ½ inches of asphalt overlay for the employee parking lot. Total amount of bid packages awarded is \$3,682,331.70 in connection with the performance of Contract No. 53-98-03, is, and is by the Commission determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form hereto 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, and

"FURTHER RESOLVED the Commission concurs in the above-mentioned rejection recommendation of the following Bid Package 14A (elevators) and that the bid packages with alternates, if any, and combination bids submitted in response to Contract 53-98-03 are hereby rejected;

"RESOLVED that the executive director and the general counsel hereby are authorized and directed to take any and all action necessary to purchase elevators (Bid Package 14A) under a negotiated Extra Work Order contract with one of the previously established contracts for Erie Islands Travel Center in connection with the replacement and new construction of the Erie Islands Travel Center under Contract No. 53-98-03, forthwith.

"FURTHER RESOLVED that Project No. 53-98-03 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Plain said further that he believed the problem with 14A was the manufacturers did not want to bid it out or pay for the bonding necessary. He said they were willing to quote other contractors to go ahead and do the installations. He said they would try to negotiate a contract with the other people under the general contractor to get the installation of the elevator. He said they did not have the proper bid guarantees.

A Resolution Awarding Bid Packages (2A, 2B, 15A, 16B) and Rejecting Bid Package (14A) Relating to the Construction of Erie Islands Travel Center under Contract No. 53-98-03 was moved for adoption by Mr. Williams, seconded by Mr. Joseph as follows:

RESOLUTION NO. 37-1998

"WHEREAS, pursuant to Resolution No. 20-1998 adopted on May 11, 1998, the Commission awarded nineteen contracts for certain bid packages relating to the construction of a *new* Ohio Turnpike Travel Center and service facilities at the premises commonly known as **Erie Islands Service Plaza**, located at Milepost 100.0 in Sandusky County,

"WHEREAS, Resolution No. 20-1998, also rejected five bid packages on May 11, 1998, and instructed the Commission's executive director and general counsel to take any and all action necessary to re-advertise certain bid packages which were rejected and for bid package 15A (plumbing) for which no bids were received on April 29, 1998;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for six bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Center said contracts included bid packages for sitework, fence, gates and site screens; porcelain and ceramic tile; elevators; plumbing and generators, which project has been identified as **Project No. 53-98-03**;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids

for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Erie Islands Travel Center was divided into six separate base bid packages identified as items 2A, 2B, 9D, 14A, 15A and 16B and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and architect, GSI Architects, Inc. are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, bids for the six bid packages for the performance of said contracts were received on July 9, 1998;

"WHEREAS, Marble Restoration, Inc. submitted the lowest and responsible base bid for Bid Package 9D (porcelain & ceramic tile) of Contract 53-98-03 for a total bid amount of \$246,000.00, and said bidder submitted the lowest and responsible combination bid for each Bid Package 9D of Contract No. 53-98-03 (Erie Islands Travel Center) and Contract 53-98-04 (Commodore Perry Travel Center) with the combination bid amount of \$510,000.00 resulting in a savings of \$2,000.00;

"WHEREAS, it is in the best interests of the Commission and the recommendation of the Commission's construction manager, Chief Engineer and Executive Director to take advantage of the proposed savings in the amount of \$2,000.00 and make a single award in the total amount of \$510,000.00 by separate resolution to Marble Restoration, Inc. for Bid Package 9D of Contract No. 53-98-03 and Contract No. 53-98-04;

"WHEREAS, the following number of bidders submitted bids for Contract No. 53-98-03:

<u>Number of Bidders</u>	<u>Bid Package</u>	<u>Description</u>
Two	2A	Sitework, Excavation & Paving
One	2B	Fence, Gates and Site Screens
Two	9D	Porcelain and Ceramic Tile
One	14A	Elevators
Four	15A	Plumbing
Three	16B	Furnish Generator

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with Contract No. 53-98-03, and the following bidders have been determined by the Commission to be the lowest responsive and responsible bid received:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
2A	Sitework, Excavation & Paving * (Alt. S-6)	Independence Excavating, Inc. Independence, OH	2,997,553.75 <u>13,104.95</u> * Total: 3,010,658.70
2B	Fences, Gates, Guardrail	Able Contracting Grp., Inc. Eastlake, OH	115,000.00
15A	Plumbing	Armstrong Mechanical Services, Inc. Perrysburg, OH	495,000.00
16B	Generator	Ohio Engine Power Broadview Hts., OH	61,673.00
TOTAL BID AMOUNTS			\$ 3,682,331.70

** (Alt. S-6: to add 4-1/4 inches of asphalt paving overlay for the Employee Parking Lot)*

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, under the terms and conditions of the bidding documents for Contract 53-98-03, the Commission has reserved the right to reject any and all bids; and

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer and they recommend that all base bid packages and alternates, if any, and combination bids submitted for Contract No. 53-98-03 be rejected and further directed the Commission to re-advertise forthwith;

"WHEREAS, the Commission's staff and its Executive Director recommend that the only bid for the following bid package, and alternates, if any, be rejected and recommends that the Commission purchase elevators under a negotiated Extra Work Order contract with one of the previously established contracts for Erie Islands Travel Center:

<u>Bid Package</u>	<u>Description</u>
14A	Elevators

"WHEREAS, the Commission's executive director and general counsel concur in said review group's recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidders:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
2A	Sitework, Excavation & Paving * (Alt. S-6)	Independence Excavating, Inc. Independence, OH	2,997,553.75 <u>13,104.95</u> * Total: 3,010,658.70
2B	Fences, Gates, Guardrail	Able Contracting Grp., Inc. Eastlake, OH	115,000.00
15A	Plumbing	Armstrong Mechanical Services, Inc. Perrysburg, OH	495,000.00
16B	Generator	Ohio Engine Power Broadview Hts., OH	61,673.00
TOTAL BID AMOUNTS			\$ 3,682,331.70

** (Alt. S-6: to add 4-1/4 inches of asphalt paving overlay
for the Employee Parking Lot)*

in the total amount of all bid packages awarded is \$3,682,331.70 in connection with the performance of Contract No. 53-98-03, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED the Commission concurs in the above-mentioned rejection recommendation of the following:

<u>Bid Package</u>	<u>Description</u>
14A	Elevators

and that the bid packages with alternates, if any, and combination bids submitted in response to Contract 53-98-03 are hereby rejected;

"RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to purchase elevators (Bid Package 14A) under a negotiated Extra Work Order contract with one of the previously established contracts for Erie

Islands Travel Center in connection with the replacement and new construction of the **Erie Islands Travel Center** under **Contract No. 53-98-03**, forthwith.

"FURTHER RESOLVED that Project No. 53-98-03 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Zomparelli said that for those pair of service plazas the resolutions were set up in the same way. He said there was a separate resolution for most of the work at the Commodore Perry and Erie Islands Travel Centers and a third resolution for the combination bid for the porcelain and tile. He said all three resolutions would add up to about \$3.9 million or a little bit more for Erie Islands and \$3.4 million for Commodore Perry.

The Chairman asked if the bids were under estimate.

Mr. Zomparelli said the bids were within the estimate and the construction manager was as pleased as the staff was. He said the work in the short time frame had been tremendous.

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

Ayes: Mr. Williams, Mr. Joseph, Mrs. Baker, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 37-1998.

Mr. Plain said further that the next resolution was a Resolution Awarding Bid Package 2A, 2B, 15A, 16B and Rejecting Bid Package 14A Relating to the Construction of Commodore Perry Travel Center under Contract No. 53-98-04. He said it was similar to the last resolution. He said he would read the RESOLVEDS as follows:

"RESOLVED that the bids of the following bidders for 2A, sitework, excavation & paving (alt. S-6), S. E. Johnson Companies, Inc., Maumee, OH, \$2,488,428.25, 2B, fences, gates and guardrail, Able Contracting Group, Inc., Eastlake, OH, \$112,000.00, plumbing, Armstrong Mechanical Services, Inc., Perrysburg, OH, \$495,000.00, and 16B, generator, Williams Detroit Diesel-Allison, Brunswick, OH, \$36,499.00 in the total amount of all bid packages awarded is \$3,133,927.25, in connection with the performance of Contract No. 53-98-04, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED the Commission concurs in the above-mentioned rejection recommendation of the following: bid package 14A, elevators, and that the bid packages with alternates, if any, and combination bids submitted in response to Contract 53-98-04 are hereby rejected;

"RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to purchase elevators (Bid Package 14) under a negotiated Extra Work Order contract with one of the previously established contracts for Commodore Perry Travel Center in connection with the replacement and new construction of the Commodore Perry Travel Center under Contract No. 53-98-04, forthwith

"FURTHER RESOLVED that Project No. 53-98-04 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mrs. Baker said she noticed on the bid package that the generator was listed at \$38,000, while the listed price for the generator at Erie Islands was \$61,673.00. She asked if they were different size generators or was there some other reason why the prices were different.

Mr. Ransbury said they were different size generators. He said a larger generator was needed at Erie Islands to run the sewage treatment plant for both centers and that was why there was a difference in prices.

A Resolution Awarding Bid Packages 2A, 2B, 15A, 16B and Rejecting Bid Package 14A Relating to the Construction of Commodore Perry Travel Center under Contract No. 53-98-04 was moved for adoption by Mr. Joseph, seconded by Mr. Williams as follows:

RESOLUTION NO. 38-1998

"WHEREAS, pursuant to Resolution No. 21-1998 adopted on May 11, 1998, the Commission awarded nineteen contracts for certain bid packages relating to the construction of a *new* Ohio Turnpike Travel Center and service facilities at the premises commonly known as **Commodore Perry Service Plaza**, located at Milepost 100.0 in Sandusky County,

"WHEREAS, Resolution No. 21-1998, also rejected five bid packages on May 11, 1998, and instructed the Commission's executive director and general counsel to take any and all action necessary to re-advertise certain bid packages which were rejected and for bid package 15A (plumbing) for which no bids were received on April 29, 1998;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for six bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Center said contracts included bid packages for sitework, fence, gates and site screens; porcelain and ceramic tile; elevators; plumbing and generators, which project has been identified as **Project No. 53-98-04**;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Commodore Perry Travel Center was divided into six separate base bid packages identified as items 2A, 2B, 9D, 14A, 15A and 16B and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and

architect, GSI Architects, Inc. are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, bids for the six bid packages for the performance of said contracts were received on July 8, 1998;

"WHEREAS, Marble Restoration, Inc. submitted the lowest and responsible base bid for Bid Package 9D (porcelain & ceramic tile) of Contract 53-98-04 for a total bid amount of \$266,000.00, and said bidder submitted the lowest and responsible combination bid for each Bid Package 9D of Contract No. 53-98-03 (Erie Islands Travel Center) and Contract 53-98-04 (Commodore Perry Travel Center) with the combination bid amount of \$510,000.00 resulting in a savings of \$2,000.00;

"WHEREAS, it is in the best interests of the Commission and the recommendation of the Commission's construction manager, Chief Engineer and Executive Director to take advantage of the proposed savings in the amount of \$2,000.00 and make a single award in the total amount of \$510,000.00 by separate resolution to Marble Restoration, Inc. for Bid Package 9D of Contract No. 53-98-03 and Contract No. 53-98-04;

"WHEREAS, the following number of bidders submitted bids for Contract No. 53-98-04:

<u>Number of Bidders</u>	<u>Bid Package</u>	<u>Description</u>
Two	2A	Sitework, Excavation & Paving
One	2B	Fence, Gates and Site Screens
Two	9D	Porcelain and Ceramic Tile
One	14A	Elevators
Three	15A	Plumbing
Three	16B	Furnish Generator

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with Contract No. 53-98-04, and the following bidders have been determined by the Commission to be the lowest responsive and responsible bid received:

Bid Package	Description	Bidder's Name	Amount
2A	Sitework, Excavation & Paving * (Alt. S-6)	S. E. Johnson Companies, Inc. Maumee, OH	2,463,718.25 <u>24,710.00</u> * Total: 2,488,428.25
2B	Fences, Gates, Guardrail	Able Contracting Grp., Inc. Eastlake, OH	112,000.00
15A	Plumbing	Armstrong Mechanical Services, Inc. Perrysburg, OH	495,000.00
16B	Generator	Williams Detroit Diesel-Allison Brunswick, OH	38,499.00
TOTAL			\$3,133,927.25

** (Alt. S-6: to add 4-1/4 inches of asphalt paving overlay for the Employee Parking Lot)*

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, under the terms and conditions of the bidding documents for Contract 53-98-04, the Commission has reserved the right to reject any and all bids; and

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer and they recommended that all base bid packages and alternates, if any, and combination bids submitted for Contract No. 53-98-04 be rejected and further directed the Commission to re-advertise forthwith;

"WHEREAS, the Commission's staff and its Executive Director recommend that the only bid for the following bid package, and alternates, if any, be rejected and recommends that the Commission purchase elevators under a negotiated Extra Work Order contract with one of the previously established contracts for Commodore Perry Travel Center:

Bid Package	Description
14A	Elevators

"WHEREAS, the Commission's executive director and general counsel concur in said review group's recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidders:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
2A	Sitework, Excavation & Paving * (Alt. S-6)	S. E. Johnson Companies, Inc. Maumee, OH	2,463,718.25 <u>24,710.00</u> * Total: 2,488,428.25
2B	Fences, Gates, Guardrail	Able Contracting Grp., Inc. Eastlake, OH	112,000.00
15A	Plumbing	Armstrong Mechanical Services, Inc. Perrysburg, OH	495,000.00
16B	Generator	Williams Detroit Diesel-Allison Brunswick, OH	38,499.00
TOTAL			\$3,133,927.25

* (Alt. S-6: to add 4-1/4 inches of asphalt paving overlay
for the Employee Parking Lot)

in the total amount of all bid packages awarded is \$3,133,927.25, in connection with the performance of Contract No. 53-98-04, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED the Commission concurs in the above-mentioned rejection recommendation of the following:

<u>Bid Package</u>	<u>Description</u>
14A	Elevators

and that the bid packages with alternates, if any, and combination bids submitted in response to Contract 53-98-04 are hereby rejected;

"RESOLVED that the executive director and general counsel hereby are authorized and directed to take any and all action necessary to purchase elevators (Bid Package 14A) under a negotiated Extra Work Order contract with one of the previously established contracts for

Commodore Perry Travel Center in connection with the replacement and new construction of the **Commodore Perry Travel Center** under **Contract No. 53-98-04**, forthwith.

"FURTHER RESOLVED that Project No. 53-98-04 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mr. Joseph, Mr. Williams, Mrs. Baker, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 38-1998.

Mr. Plain said further that the next resolution was a Resolution Awarding Bid Package 9D- Porcelain and Ceramic Tile Relating to the Construction of Erie Islands Travel Center Pursuant to Contact No. 53-99-03 and Commodore Perry Travel Center Pursuant to Contract No. 53-98-04. He said he would read the RESOLVED as follows:

"RESOLVED that the bids of the following bidder: 9D, porcelain & ceramic tile for Contract No. 53-98-03 (Erie Islands Travel Center) and 9D, porcelain & ceramic tile for Contract No. 53-98-04 (Commodore Perry Travel Center), Marble Restoration, Inc., Toledo, OH in the total amount of combination Bid Package 9D awarded is \$510,000.00, in connection with the performance of Contract No. 53-98-03 and Contract No. 53-98-04, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-03 and Project No. 53-98-04 are designated System Projects under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Bid Package 9D -- Porcelain and Ceramic Tile Relating to the Construction of Erie Islands Travel Center Pursuant to Contract No. 53-98-03 and Commodore Perry Travel Center Pursuant to Contract No. 53-98-04 was moved for adoption by Mrs. Baker, seconded by Mr. Joseph as follows:

RESOLUTION NO. 39-1998

"WHEREAS, pursuant to Resolution No. 20-1998 and 21-1998 adopted on May 11, 1998, the Commission awarded nineteen contracts for certain bid packages relating to the construction of two *new* Ohio Turnpike Travel Centers and service facilities at the premises commonly known as **Erie Islands** and **Commodore Perry** Service Plazas, respectively, located at Milepost 100.0 in Sandusky County,

"WHEREAS, Resolution No. 20-1998 and 21-1998 also rejected five of the bid packages on May 11, 1998, and instructed the Commission's executive director and general

counsel to take any and all action necessary to re-advertise the bid packages which were rejected and bid package 15A (plumbing) for which no bids were received on April 29, 1998;

"WHEREAS, the Commission has duly re-advertised according to law for bids upon contracts for six bid packages pertaining to the construction of a *new* Ohio Turnpike Travel Center said contracts included bid packages for sitework, fence, gates and site screens; porcelain and ceramic tile; elevators; plumbing and generators, which projects have been identified as **Project No. 53-98-03 (Erie Islands)** and **Project No. 53-98-04 (Commodore Perry)**;

"WHEREAS, pursuant to Resolution No. 58-1997, the Commission authorized its executive director and general counsel to take any and all action necessary to advertise for bids for the renovation or replacement, construction of any or all of the Commission's service plaza facilities, which resolution provided that no more than two (2) pairs will be under construction during a one-year period, and that the service plaza facility will be closed while it is under reconstruction;

"WHEREAS, the Commission's form of proposal for the renovation or replacement, construction of the Erie Islands and Commodore Perry Travel Centers were divided into six separate base bid packages identified as items 2A, 2B, 9D, 14A, 15A and 16B and also gave prospective bidders the option to submit alternative bid combinations;

"WHEREAS, no bids were requested at this time for bid package 2C (landscaping) as the Commission's staff and construction manager, R. P. Carbone Construction Co., and architect, GSI Architects, Inc. are currently preparing and reviewing all plans and documents necessary to take action to bid these items, if necessary;

"WHEREAS, bids for the six bid packages for the performance of said contracts were received on July 9, 1998, and the award of Bid Packages 2A (Sitework, Excavating & Paving); 2B (Fences, Gates, Guardrail); 15A (Plumbing) and 16B (Generator) will be accomplished by separate resolutions;

"WHEREAS, two bidders submitted bids for the performance of Bid Package 9D (Porcelain and Ceramic Tile) for the Erie Islands and Commodore Perry Travel Centers;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's construction manager and the Commission's Chief Engineer, and they have submitted a recommendation concerning such analyses and their recommendation is 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 to anticipate compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, Marble Restoration, Inc. of Toledo, Ohio submitted the lowest and responsible bid combination bid for Bid Package 9D (Porcelain and Ceramic Tile) of Contract No. 53-98-03 (Erie Islands Travel Center) and of Contract No. 53-98-04 (Commodore Perry Travel Center) which combination bid amount reduces the aggregate total base bid price for the said two contracts by \$2,000.00;

"WHEREAS, all bids for said contracts were solicited on the basis of the terms and conditions and specifications stated in the bid invitation and bid documents in connection with

Contract No. 53-98-03 and Contract No. 53-98-04, and the following bidder has been determined by the Commission to be the lowest responsive and responsible bid received:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
9D	Porcelain & Ceramic Tile for Contract No. 53-98-03 (Erie Islands Travel Center)	Marble Restoration, Inc. Toledo, OH	
9D	Porcelain & Ceramic Tile for Contract No. 53-98-04 (Commodore Perry Travel Center)	Marble Restoration, Inc. Toledo, OH	

Total Combination Base Bid Amount..... **\$510,000.00**

"WHEREAS, the Commission has been advised by its general counsel that said bids and bid packages conform to the requirements of Section 5537.07, 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 all the bidders listed above for awards of contracts;

"WHEREAS, the Commission's executive director and general counsel concur in the construction manager and Chief Engineer's recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the bids of the following bidder:

<u>Bid Package</u>	<u>Description</u>	<u>Bidder's Name</u>	<u>Amount</u>
9D	Porcelain & Ceramic Tile for Contract No. 53-98-03 (Erie Islands Travel Center)	Marble Restoration, Inc. Toledo, OH	
9D	Porcelain & Ceramic Tile for Contract No. 53-98-04 (Commodore Perry Travel Center)	Marble Restoration, Inc. Toledo, OH	

Total Combination Base Bid Amount..... **\$510,000.00**

in the total amount of combination Bid Package 9D awarded is \$510,000.00, in connection with the performance of Contract No. 53-98-03 and Contract No. 53-98-04, is and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said bid packages and contracts, and is accepted, and that the chairperson 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, and

"FURTHER RESOLVED that Project No. 53-98-03 and Project No. 53-98-04 are designated System Projects under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Baker, Mr. Joseph, Mr. Williams, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 39-1998.

Mr. Plain said further that the next resolution was a Resolution Awarding Contract No. 46-98-01 for applying retro-reflective polyester pavement markings across the entire Turnpike. He said there were two bidders on the contract -- Oglesby Construction, Inc. of Norwalk, Ohio, the low bidder, and Chemi-Trol Chemical Co. of Gibsonburg, Ohio.

Mr. Plain said further that the bid tab was attached on the last page and the low bid was below the engineer's estimate of the cost to do the project. He said the lane line striping was something that was routinely done. He said he would read the RESOLVED as follows:

"RESOLVED that the bid of Oglesby Construction, Inc. of Norwalk, Ohio, in the amount of \$997,932.00 for the performance of Contract No. 46-98-01 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairperson 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 bidder of its 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 Resolution Awarding Contract No. 46-98-01 was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

RESOLUTION NO. 40-1998

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the furnishing of labor and materials for applying uniformly retro-reflective polyester pavement markings on the Ohio Turnpike mainline roadway, toll plaza ramps, service plazas and the acceleration and deceleration gore markings, which project has been designated Contract No. 46-98-01;

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

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission, and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders, and compliance with the Commission's Minority

Business Enterprise Program will be met since the low bidder is certified 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 Oglesby Construction, Inc. of Norwalk, Ohio, in the amount of \$997,932.00 for the performance of Contract No. 46-98-01 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, 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 Oglesby Construction, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of **Oglesby Construction, Inc.** of Norwalk, Ohio, in the amount of \$997,932.00 for the performance of Contract No. 46-98-01 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 chairperson 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 bidder of its 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 present responded to roll call. The vote was as follows:

Ayes: Mrs. Baker, Mr. Williams, Mr. Joseph, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 40-1998.

Mr. Plain said further that the final resolution he had was a Resolution Awarding Contract No. 48-98-01 for constructing a satellite office/communication building a short distance east of the Commission's Administration Building. He said five bidders who submitted bids in response to an invitation. He said the low bid was below the estimated cost.

Mr. Plain said the building would house the Commission's communication equipment and the Ohio State Highway Patrol. He said it would free up some additional office space in the Administration Building to alleviate crowded conditions. He said he would read the RESOLVED as follows:

"RESOLVED that the bid of RFC Contracting, Inc. of Berea, Ohio, in the total bid amount of \$1,588,000.00 for the performance of Contract No. 48-98-01 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 chairperson 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."

Senator Gaeth asked if the satellite building would be attached to the Administration Building.

Mr. Plain said it would be east of the Administration Building and there would be a canopy to connect the two buildings.

Mr. Williams asked if it was the low bid.

Mr. Plain said it was the low bid. He said the low bid was total bid price \$1,569,000.00 with the alternate of \$19,000.00.

The Chairman said the company had not done work for the Commission before and asked Mr. Plain if he had a problem with that.

Mr. Plain said the staff checked them out and they had done a lot of building locally and developments in Olmsted Falls and Berea. He said they constructed quite a few commercial buildings and it was nice to have a local firm do work for the Commission once in a while.

A Resolution Awarding Contract No. 48-98-01 was moved for adoption by Mr. Williams, seconded by Mr. Joseph as follows:

RESOLUTION NO. 41-1998

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the construction of the Commission's satellite office/communication building located at Milepost 159.4 in Cuyahoga County, which project has been designated Contract No. 48-98-01;

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

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission, and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"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 RFC Contracting, Inc. of Berea, Ohio, in the base bid amount of \$1,569,000.00 plus \$19,000.00 (alternate bid G-1 to provide a skylight in the vestibule) for a total bid in the amount of \$1,588,000.00 for the performance of Contract No. 48-98-01 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, 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 RFC Contracting, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of **RFC Contracting, Inc.** of Berea, Ohio, in the total bid amount of \$1,588,000.00 for the performance of Contract No. 48-98-01 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 chairperson 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 present responded to roll call. The vote was as follows:

Ayes: Mr. Williams, Mr. Joseph, Mrs. Baker, Mrs. Leever

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 41-1998.

Mr. Plain said that completed the resolutions, but he still had a couple of other items to discuss. He said he would like to talk about the State Route 58 interchange update. He said he would ask General Counsel also to jump in and assist him since he had been handling some of the negotiations. He said they had been working to get an agreement worked out between the Commission and the Lake Shore Railway Association.

Mr. Plain said further Mr. Zomparelli and he had been in various meetings including those with some of the investment groups and people interested in moving the interchange project forward as soon as possible. He said the Commission had received a resolution from the Lorain County Commissioners that he would call a generic resolution because they were asking the Commission to move as quickly as possible. He said the Commission had been trying to do that all along.

Mr. Plain said further that was about all the resolution said was that they wanted the Commission to build the interchange as quickly as possible. He said the Commission also had a letter from State Representative John Bender, who was at that day's meeting, asking the Commission to execute an agreement with Lake Shore. He said a similar letter was received from State Representative Dan Metelsky.

Mr. Plain said further two other letters were received from Marc Chappo and Richard P. Lamont from the Lake Shore Railway. He said they also had a letter from Frank DeTillio with the Lorain Chamber of Commerce asking the Commission to support the moving forward of the State Route 58 interchange.

Mr. Plain said further he had a letter from Citizens for Economic Growth requesting that the Commission back a plan A and he would distribute copies of that letter to the Members. He said various other groups had expressed an urgency to move forward with the interchange.

Mr. Plain said further that the staff had been working toward getting an agreement with Lake Shore and moving forward with the interchange. He said he would let Mr. Zomparelli respond. He said there had been a lot of coverage in the new media. He said the Commission had taken some shots from public officials that he was not very happy with in Lorain County and they had been at that thing for a very, very long time.

Mr. Plain said further that it had been about 5 years and it was not the Commission that had been holding things up. He said they had been trying to work with everyone on the interchange and that was the Commission's goal. He said the Commission had tried to reach a deadline to have an agreement at that meeting so action could take be taken on it. He said he would ask Mr. Zomparelli to fill in some of the other details and then maybe get into a general discussion of where the Commission would like to go.

Mr. Zomparelli said that Mr. Plain and he had been working with Marc Chappo of Lake Shore and their attorney to reach an agreement to relocate the planned interchange at SR 58. He said that together with that agreement was a proposed permit for the portion of the right-of-way that would be on Turnpike property where the rail line would be located.

Mr. Zomparelli said further that he had a conversation with Alan Klodell, Assistant Attorney General for the Ohio Rail Development Commission and Bill Tompas, their Comptroller, and they brought him up to date on where that Commission stood at that point. He said they had received a copy of the Turnpike's offer and agreement from Lake Shore's attorney. He said they pointed out a couple of things they were not comfortable with.

Mr. Zomparelli said further that the Commission had asked that Lake Shore pay for extra engineering costs and construction costs that would be incurred in the relocation of the SR 58 interchange. He said he was informed that the Ohio Rail Development Commission would be unable to make a loan or forward prepayment money before expenses were actually incurred. He said the Commission had taken the position that once they had an offer and an agreement that was ultimately signed by the Commission and Lake Shore then those costs had been incurred.

Mr. Zomparelli said further that having an agreement in hand, with the approval and instruction of the Commission, Mr. Plain would advise our engineers to redesign the location and the staff would start working toward putting together construction and bid documents and ultimately award the contracts. He said that without the agreement the staff would not recommend the project go forward.

Mr. Zomparelli said further the rail line was Lake Shore's project and their difficulty was a lack of funding and they had gone to the Ohio Rail Development Commission to provide the funds for them to go forward. He said Mr. Klodell informed him that a resolution passed by that Commission would also have to be either amended or rejected with a new resolution passed. He said that was because the existing language on the resolution which provided a \$1.8 million loan to Lake Shore had a contingency that the Lorain County Commissioners would provide a security guarantee on the loan.

Mr. Zomparelli said further that he knew the Ohio Rail Development Commission was meeting this Thursday at 9:00 a.m. He said they told him it probably would not be on the written agenda, but it would be on the final agenda before the meeting and they would have to discuss the matter. He said that, obviously, they were waiting to see what the Turnpike Commission did and there was no guarantee that they were going to make the loan.

Mr. Zomparelli said further they also told him that there was a shortfall on the collateral and that somehow it would have to be made up by Lake Shore. He said he informed Mr. Klodell, Marc Chappo and Lake Shore's attorney that how Lake Shore funded their project was up to them, but the Turnpike Commission was not in a position to be involved in those negotiations. He said the Turnpike Commission had made the offer to Lake Shore provided that if the contingencies and conditions and terms in the agreement were met. But, an agreement has not been signed.

Mr. Zomparelli said further that he was a little bit uncomfortable at that point because of all the talk of commercial activity and providing possible freight to USS/Kobe Steel. He said it had been his impression beginning back in 1995 when he started with the Turnpike Commission that the railroad would provide passenger rail service and be a non-profit entity. He said that maybe there might be some revenue-raising feature, but not necessarily the extent of commercial activity now talked about.

Mr. Zomparelli said further that he thought it would be something the Turnpike Commission would have to give important consideration to since there were other rail carriers in the state and the Turnpike's major customers are trucks that provided over 60% of its revenue. He said those were factors the Turnpike Commission needed to decide.

Mr. Zomparelli said further that throughout the process Mr. Plain and he had acted as if there wasn't going to be any problem and they still tried to work with Marc Chappo and the Lake Shore Railway Association to reach an agreement. He said that if the terms of the agreement were not met then Lake Shore Railway would be in default and if the Turnpike Commission had the money in hand then they would be in no worse position.

Mr. Zomparelli said further Mr. Klodell also informed that there was one major stumbling block that Lake Shore needed to meet before they would make a loan and that was to have a solid option to purchase the additional land which would be necessary. He said Lake Shore could not get the loan from the Ohio Rail Development Commission because they did not have the option to buy the land.

Mr. Zomparelli said further that Mr. Plain and he had tried to allow Lake Shore sufficient time to provide the additional land for the relocated interchange. He said he noticed that in attendance at the day's meeting were representatives from the Consolidated Investment Group, who would have to sell the land to Lake Shore. He said he had explained to both parties at an earlier meeting that the Turnpike Commission's eminent domain or appropriation authority was only limited to the property needed for the interchange.

Mr. Zomparelli said further that the additional property required for relocation of the interchange had to be purchased by Lake Shore from the Consolidated Investment Group. He said the Turnpike Commission could not force Lake Shore to buy the land or force Consolidated to sell the land. He said that agreement was something that had to be worked out mutually.

Mr. Zomparelli said further that he understood that at least two offers had been made and the first was obviously rejected. He said he didn't know if the second offer made by Lake Shore had been received by Consolidated or whether or not it would be accepted.

Mr. Zomparelli said further that all those things seemed to need to take place and he almost felt that it was irreconcilable because of the lack of funding. He said that if Lake Shore had the money they would be in a position to sign an agreement with the Turnpike Commission. He said the Ohio Rail Development Commission said that if Lake Shore was in a position to own the additional land then the Commission would be in a position to consider making a loan.

Mr. Zomparelli said further the Turnpike Commission felt that they were not part of any program and they had allowed 5 years for measures to be taken by all parties to have their project go forward. He said what he thought Mr. Plain and he were concerned about at that point was the risk of losing another construction season if an agreement has not been reached very soon. He said they had to allow enough time to allow the engineers, if they were to go to relocation, to complete the relocation design and to start to put bid packages together.

Mr. Plain said that the Commission had tried to maintain that the interchange was a county issue. He said that leadership really should be coming from the county on exactly what they wanted. He said he didn't like the Turnpike Commission being placed in a position where everybody's pointing fingers at it and saying it was stopping this or helping that or whatever. He said he thought a decision on the interchange was something that should have been done at the local level long ago.

Mr. Plain said further that it was something that was going to benefit the county and officials should have been participants by putting up something financially. He said the Turnpike Commission had been depicted as the heavies in this situation and he didn't want it put in that situation again. He said the Turnpike Commission was not trying to kill any projects, but it just wanted to get on with an interchange it considered necessary and needed.

Mr. Plain said further that, as Mr. Zomparelli stated earlier, there were a lot of factors that had to be put together. He said the Commission had hoped all those things would be in hand today so the staff could make a recommendation for approval and the interchange could go forward. He said the Commission didn't have everything that was needed at that point.

Mr. Plain said they knew it was going to take anywhere from 3 to 6 months to develop plans to accommodate the railroad. He said they had not let the consultant start with those plans not knowing whether it was going to go or not or whether they were even going to need them. He said they didn't want to spend additional funds for something that may or may not take place.

Mr. Plain said further that to get it done they were at a point now where nothing could be started this year unless it was the original plan and the earliest they were looking at was sometime next spring. He said that could be done if everything went right with an agreement being worked out and a permit obtained. He said an unknown was a decision on the loan from the Ohio Rail Development Commission. He said he just wanted to get everything out on the table for the Turnpike Commission Members to consider.

The Chairman said there was nothing for the Commission to consider today, absolutely nothing. She said that was the position they were in and they should not be criticized for not aggressively trying to complete the interchange. She said the Turnpike Commission could not complete it because they could not begin it.

Mr. Plain said they had some comments made by people he thought didn't know what they were talking about. He said he had seen some articles wherein a prosecutor or whoever made some detrimental comments that warranted a public apology. He said the comments in essence said that whatever the Commission said had to be taken with a grain of salt.

Mr. Plain said further that he thought that was a slam against the Commission and its patience and the staff's patience. He said they have been working on the interchange diligently and expended a great deal of time and he resented that type of thing in the news media.

Mr. Plain said further the local official cited in the article should be looking for ways to finance the project or come out against it. He said it was a local issue and not a Turnpike issue. He said the Commission wanted to get on with the Turnpike interchange and do Turnpike business.

Representative Bender said he wanted to thank the Turnpike Commission for its patience, indulgence and understanding. He said he and Representative Metelsky, at least he should speak for himself, and Representative Metelsky's letter spoke for him. He said they saw a lot of advantages in keeping that corridor in tact both for tourism and economic development. He said USS/Kobe had expressed willingness in the past to use that railroad.

Representative Bender said further that he and Representative Metelsky were on the Transportation and Public Safety Committee, where Representative Metelsky was the ranking member. He said they sat through the hearings about CSX, Norfolk Southern buying out Conrail. He said he didn't know if the people in that room realized it or not, but the joint resolution that was passed by the House and Senate was a negative resolution. He said he knew it upset the railroads.

Representative Bender said further the resolution stated that the sell-out of the railroads would only be approved if ADCD conditions were met. He said he could get copies of the resolution for the Turnpike Commission Members. He said that resolution went on to the national circuit transportation board. He said he saw those two, heavy weight railroads doing all they could to knock out the small roads.

Representative Bender said he knew State Route 58 investors were impatient and wanted to get on with their development. He said he appreciated that, but he would say to them what they were talking about was a project that would benefit Lorain County well into the next century. He said that was what he was arguing for and he thought Representative Metelsky's letter alluded to.

Representative Bender said he thanked the Turnpike Commission for its forbearance and he was there to say he was sticking with the Lake Shore Railroad Association. He said he thought it was a project that will help Lorain County in the long run. He said Lake Shore had received two offers for financial assistance and possibly more. He said he thanked Mr. Plain and Mr. Patton for their cooperation.

Mr. Joseph said he was just uncertain where the Commission was right now with the interchange.

The Chairman said the Commission was in the same place.

Mr. Joseph asked if the Commission was going to wait for a local agreement to finance relocation of the interchange.

The Chairman said the Commission had been waiting for an agreement to happen for five years.

Mr. Zomparelli said there were three entities involved in the situation and the Turnpike Commission was one of the three. He said the Turnpike Commission pretty much said to Lake Shore to get their business in order and come to them when they were ready. He said he thought that was part of the difficulty. He said that in the Turnpike Commission's proposal they tried to allow for a contingency for completion of the project knowing that they needed to be reasonable.

Mr. Zomparelli said further that he thought both parties believed that the project would have to be started within 5 years and the Lake Shore Railway project completed within 10 years. He said that was a long way to go and the Commission understood that.

Mr. Zomparelli said further that he didn't know if anyone from Consolidated Investment Group could say whether the latest offer was accepted or rejected. He said he didn't want to put them on the spot because he didn't know how long they had it. He said he didn't know if they had a chance to look at it.

Mr. Zomparelli said further that it certainly would have been easier from the Turnpike Commission's standpoint if the property issue had been ironed out. He said that in a meeting last week he stated his displeasure that talks had not been done all along. He said he didn't think the Commission should be in a position of waiting for one thing to happen at a time. He said he thought

a lot of things, such as the loan and the purchase of property, could have been worked on simultaneously.

Mr. Zomparelli said further that right now the Ohio Rail Development Commission had a loan commitment that originally expired in February and had been extended to August. He said they had not made the loan, but if all the conditions were met they would make the loan. He said, however, that was an assumption and he didn't think the Commission could rely on an assumption.

Mr. Zomparelli said further that in the past 5 years the Commission has made some progress in working out an agreement with Lake Shore. He said that if everything in the agreement were to work, it would be a good project. He said he was not going to be naïve to think and tell the Commission that there still were not going to be some stumbling blocks.

Mr. Zomparelli said further that there were still some issues of insurance that they were going to have to address to make sure that the Lake Shore was adequately insured since the rail line would run along side a toll plaza and it would be at an interchange location. He said it was not as if it was going along side a right-of-way in the middle between interchanges. He said it was a place where employees were going to be working and cars were going to be stopped to pay tolls. He said he didn't know what to tell the Commission.

Mr. Zomparelli said further that for the Turnpike Commission there were two issues. He said one was an agreement on how the Turnpike Commission would go forward with the relocation. He said the Commission wanted to be made whole for the relocation and have the funds in advance before telling the engineers to redesign the interchange and before they could even consider making an award on the contracts.

Mr. Zomparelli said further that the agreement would have an exhibit, which was a permit to use right-of-way of the rail line. He said there was also the issue about operations of when the Lake Shore project would start and when it would be finished. He said those things had to be worked out concurrently.

Mr. Zomparelli said further he was unsure if the Ohio Rail Development Commission was going to vote on a loan to Lake Shore at its next meeting. He said there was a contingency that the loan would be guaranteed by Lorain County. He said the county said no, so the original resolution was invalid. He said the loan commitment offer extended to August, but without the Ohio Rail Development Commission approving it, then it was not worth anything.

Mr. Williams asked where the necessary action had to come from.

Mr. Zomparelli said it was a circle. He said the action had to come from Lake Shore Railway Association. He said it was their project. He said they had to propose something to the Turnpike Commission regarding relocating the interchange. He said that since they are not in the financial position to offer to the Turnpike Commission the funding for redesigning the interchange they had to obtain a loan from the Ohio Rail Development Commission. He said that Rail Development was not going to make the loan unless Lake Shore met certain conditions.

Mr. Zomparelli said that, therefore, Lake Shore was in a predicament. He said they wanted to go forward with the project, but they didn't have the funding to do it. He said the Turnpike Commission had delayed the project for 5 years. He said the right-of-way acquisitions have increased in price over those years and construction costs also have risen.

The Chairman asked what was the window of opportunity for construction for next season.

Mr. Plain said he thought that if the Turnpike Commission got an agreement within the next month they would start next spring.

The Chairman said the Commission had been in that position before.

Mr. Plain said that even if they didn't have anything and the Commission decided to go with the other plan without the railroad then the work on the interchange could start next spring. He said that if the Commission waited a couple of months it would have to start later.

Mr. Williams asked that at that stage of the game wouldn't it be expedient for the Commission, since it had been holding up building the interchange for some five years, to just arbitrarily set a date that action ought to be taken. He said that if that date was not met then the Commission would go with the original plan. He said something had to be done because it could go on and on. He said there needed to be a cut off date and maybe if Lake Shore could see the Commission's position in that direction a conclusion on the issue could be achieved.

Mr. Zomparelli said he thought it would really be a good recommendation to the Commission that a date be set and then they could have an idea where Lake Shore was going to stand. He said he thought the staff would like some guidance on how to proceed from the Commission. He said the next Commission meeting was on August 10.

Mrs. Baker said she agreed with Mr. Williams and she thought Mr. Plain could give the Commission a recommendation as to what date they might perhaps select.

Mr. Plain said the next Commission meeting was August 10 and he thought that if the issue was resolved by then they could give the engineers the go ahead on relocation plans, should that be the direction taken. He said they would provide construction plans and specifications and it would probably be a spring project. He said they could have the plans probably by the latest in January, with bids taken and construction started in March.

Mr. Zomparelli said it was difficult to set a deadline. He said representatives of all the parties were at that day's meeting. He said the Commission tried to accommodate all of them and it was in the middle. He said the Commission took the stance that it was neutral all along. He said he suggested a date in the beginning of August at least a week before the next Commission meeting. He said that would be August 3 and by then the Turnpike Commission should know what the Ohio Rail Development Commission had done.

Mr. Zomparelli said that would give the Turnpike Commission a couple of days. He said they did not have an agreement that both parties had ratified. He said they didn't want to be in a position where they had to try to negotiate an agreement an hour before the next Commission meeting.

Mr. Plain said they would like to have the agreement including the former permit and everything wrapped up by August 3.

Mr. Zomparelli said that the Turnpike Commission was working under the assumption that Lake Shore was going to be in a position to ultimately agree and sign an agreement and meet the terms provided in the agreement. He said that if the funding is not available then Lake Shore had a decision to make. He said the Commission wanted the money in advance before it went forward.

Mr. Joseph asked what the Commission would do if an agreement could not be worked out.

Mr. Zomparelli said the Commission would go forward with the original plan.

Mr. Plain said he thought the Commission had stated that that was what it would like to do. He said they had to set a deadline. He said they had a series of tentative deadlines all along, but they kept coming and going. He said the staff kept working with Lake Shore through those periods.

Mr. Plain said further that he thought they were close to having some type of agreement worked out along with the type of permit. He said there were some final things they had to do, but the staff would continue to meet as often as necessary to secure the agreement and the permit. He said the question was whether or not Lake Shore would have adequate funding.

Mr. Zomparelli said Lake Shore had to reach an agreement with the Consolidated Investment Group on purchase of the extra property needed to relocate the interchange. He said he thought Lake Shore should have a purchase agreement signed or an option to purchase and give it to Mr. Plain or him to show evidence of the transaction before the Commission could even sign an agreement.

Mr. Zomparelli said further that there was no point entering into an agreement that the Commission didn't think the other side would ever be able to comply with. He said the Commission didn't want to spend money for them if they should default on the agreement.

Mr. Zomparelli said further they had a specific price from the engineers for the redesign work. He said he didn't know how long they were going to keep holding that price since it had been some time. He said the staff didn't want to keep going back to renegotiate.

Mr. Plain said the staff beat them down on the original price.

Mr. Zomparelli said the Commission had done everything they could to help the relocation and coexistence situation. He said he thought it was time to make a decision and he would recommend to the Commission that it move forward.

Mr. Plain said that would give the Members some time to think about it until the next Commission meeting.

The Chairman said there were a lot of other people at the meeting representing other factions in the situation and perhaps some of them might want to comment.

Marc Chappo, Executive Vice President of Lake Shore, said he also would like to thank the Turnpike Commission because it had been a long 5 years. He said they had many interruptions because the agreement had not been easy. He said Lake Shore started with something that they gave the Commission in April that they thought was the final agreement.

Mr. Chappo said Mr. Zomparelli had a bunch of concerns and they had been trying to reconcile those differences since that time. He said that the latest agreement came Thursday with a permit on Friday morning. He said that was literally how they have tried to work to get everything done for that day's Turnpike Commission meeting.

Mr. Chappo said further they realized they fell a little short. He said he thought there were things that could be worked out in days, not weeks. He said he looked for that to happen. He said he thought the August 3 deadline was reasonable and the August 10 vote also was reasonable. He said they were doing everything they could do to make it happen.

Mr. Chappo said further he wanted to correct one thing Mr. Zomparelli said and that was that Lorain County did not support the railroad and relocating the interchange.

Mr. Zomparelli said he said they did support both.

Mr. Chappo said he was sorry he misinterpreted what was said. He said Lake Shore also planned to work with the Ohio Rail Development Commission on Thursday.

Ed Mullinax said he wanted to thank the Turnpike Commission and they probably had the best highway in the country. He said the Commission had done a great job. He said that what was puzzling was that the only funding he had heard about was government funding. He asked if it was going to be a government railroad. He said he didn't think they needed a government railroad.

Steve Luca from Consolidated Investors Group said he, too, questioned the feasibility of the project. He said the various parties involved kept going back and forth pointing fingers that it was a local issue and so forth. He said they met with Lorain County Commissioners and their resolution was to support the most expeditious plan. He said that, in their opinion, the most expeditious plan was Plan A, without the rail line and relocation of the interchange.

Mr. Luca said further they wondered as to the feasibility of building a railroad with government funds. He said they initially were told that the railroad was going to be a scenic type railroad and now they were being told that there was economic development connected with it. He said they were told of negotiations with USS/Kobe Steel and Lake Shore would be competing with another railroad.

Mr. Luca said further that he wanted to believe that there were several railroads in the area that were not being used at that point in time. He said he wondered if the funding of the project would be a complete waste of taxpayers' money.

Mr. Luca said further they received the first offer for the purchase of their property on July 14, which was the past Thursday. He said they were in confidential negotiations on it and they rejected the offer on the next day, July 15. He said that morning he found on his desk a fax containing a second offer that he said was inadequate.

Mr. Luca said further that, without disclosing a dollar amount, the reason the offers were inadequate was their property had a limited amount of frontage and by the development of that particular plan by Lake Shore they would lose approximately 75% of that frontage. He said the loss of the frontage would be very detrimental to the development of that property. He said the devaluation process alone of the acreage would be a very great concern to his group.

Mr. Luca said further that they continued to negotiate in good faith with Lake Shore. He said he didn't know if they would be able to negotiate within the window of time necessary.

Mr. Luca said further he felt that Lake Shore should have some good faith relationships with Consolidated. He said that it appeared that every time they approached a member of Lake Shore there was a screen of security around the project that no one could penetrate. He said he didn't believe anyone in the room really understood what was going on. He said they were gentlemen at Consolidated Investors Group and they had dealt in a lot of confidential matters in the past.

Mr. Luca said further that they wanted to be brought up to date and they did not want to destroy anything that would be good for the county or state in regard to what Lake Shore might put together. He said he thought they should be privy to what was going on.

Mr. Luca said the scenario changed on a day-to-day basis. He said it went from a tourist group that would haul passengers to a group that was now going to compete with other rail lines that brought goods and services to other companies, i.e. economic development. He said his group

was very concerned about that. He said they wanted to be good neighbors, but they had their limitations.

Mr. Luca said further that Mr. Plain indicated he had some frustration with comments made by Lake Shore and his group also did not like those comments either. He said they wanted to work in a gentlemanly fashion and in a professional fashion to get the item resolved. He said that he expected that if they asked some questions from Lake Shore they would receive reasonable answers. He said they didn't like insults like why didn't we check the public records.

Mr. Luca said that if the project was going to be accomplished by those concerned then they ought to work together.

Lorain County Commissioner Betty Blair said she wanted to thank the Turnpike Commission for its forbearance on the issue. She said she had spoken with Mr. Plain about the project several times. She said the Lorain County Commissioners had passed a generic resolution on the issue. She said that various individuals came before the Lorain County Commissioners and asked for their support on moving the project forward.

Mrs. Blair said the Commissioners agreed to do that, but they did not define any plan. She said the Lorain County Commissioners appreciated the Turnpike Commission very much.

The Chairman said she thought it was necessary to take the time to discuss this issue in public and hear from various people. She said she thought it important and she certainly didn't mind the time.

A motion to establish an August 3rd deadline for receiving all the required materials and information from the Lake Shore Railway Association regarding relocation of a State Route 58 interchange to coexist with a rail line was moved for adoption by Mr. Williams, seconded by Mrs. Baker.

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

Ayes: Mr. Williams, Mrs. Baker, Mr. Joseph, Mrs. Leever

Nays: None

The Chairman declared the motion stood adopted.

The Chairman said the report of the Executive Director was accepted as offered. She said the report of the Deputy Executive Director-Operations would be received.

Mr. Arlow said he was happy to report that the 16 Turnpike construction projects that were underway were on time and on budget at that time. He said they were third lane projects, 11 bridge, 4 major and 7 overhead bridges, and two interchanges. He said everything pointed to being done in early fall as the schedule dictated.

Mr. Arlow said further that of the two resurfacing projects for the year one was completed and the other would resume after Labor Day. He said the resurfacing projects with their bi-directional traffic zones were ended in late June so there would be two lanes open in each direction for the busiest summer months of July and August.

Mr. Arlow said further that work has started at the Erie Island/Commodore Perry Service Plazas where the existing structures will be demolished and replaced with more modern travel centers.

The Chairman said that Mr. Arlow's report was accepted as offered. She ascertained there would be no report from the trustee. She said the report of Captain Ash would be received.

Captain Ash said he would like to say that for the first six months of the year there were no fatal accidents on the Turnpike. He said he thought it was the first time in the history of the Ohio Turnpike or any other toll road in the country where such a record has been established. He said Turnpike crashes were down 20% and the Ohio State Highway Patrol's assists to patrons were up 10%.

Captain Ash said further that with the increases in traffic they were doing something right. He said a lot of the credit went to Mr. Plain and his staff, who worked with the Patrol daily to do whatever they could to make the Turnpike a safe highway. He said he would like to thank the Commission for its ongoing support.

The Chairman said the Commission thanked the Patrol for all its hard work. She said the Commission should be proud of the safety record.

The Chairman ascertained there would be no report from the consulting engineers or General Counsel.

There being no further business before the Commission, a motion was made by Mrs. Baker, seconded by Mr. Joseph that the meeting adjourn until August 10.

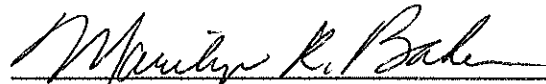
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mrs. Baker, Mr. Joseph, Mr. Williams, Mrs. Leever

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:45 a.m.

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


Marilyn R. Baker, Secretary-Treasurer