

MINUTES OF THE 503rd MEETING OF THE OHIO TURNPIKE COMMISSION

May 17, 2004

Pursuant to the bylaws, the Ohio Turnpike Commission met for a regular meeting at the Commission's Administration Building at 10:04 a.m. on May 17, 2004, with members of the staff: Jerry Pursley, Deputy Executive Director; Daniel Castrigano, Chief Engineer; James Steiner, CFO/Comptroller; Noelle Tsevdos, General Counsel; Tim Ujvari, Maintenance Engineer; W. R. Fleischman, Asst. Chief Engineer; Kathleen Weiss, Director of Contracts Administration; Dave Miller, Chief Auditor; Dick Morgan, Director of Information Systems; William Keaton, Telecommunications Manager; Kerry Ferrier, Traffic Engineer; Kevin Golick, Purchasing Manager; Darnay Wright, Asst. Purchasing Agent; Richard Lash, Safety Services Director; Robert Gahr, Asst. Safety Services Director; Fred McFall, Customer Services Manager; Sharon Isaac, Director of Toll Operations; Lauren Dehrmann, Manager, Public Affairs; Crickett Jones, Tracy Cowley and Diane Pring.

The Chairman called the regular meeting to order.

Chairman Noe asked the Assistant Secretary-Treasurer to please call the roll.

Present: Mr. Noe, Mr. Balog, Mr. Dixon, Mr. Regula and Representative Buehrer

Absent: Mr. Darwish and Senator Schuring

The Chairman said the Ohio Department of Transportation's Director, Gordon Proctor, and his representative, Deputy Director Mo Darwish, are not here today, but we do have a quorum. Senator Kirk Schuring was also unable to attend today's meeting.

The Chairman said we have a number of guests here today, so I'd like everyone to introduce themselves: Eric Erickson, Fifth Third Securities; Dan Sokol, Dick Corporation; Tony Yacobucci, HNTB; Mike Burgess, Bobby Everhart, URS Corporation; Brett Neff, R. E. Warner Co.; Dick Boylan, Boylan & Associates; Tony Viola, Hardee's Food Service; Don Glosser, Lichtenstein Consulting; Frank Lamb, Huntington Bank; Doug Talbott, Hurst Government Consulting.; Tim Rinehart, G. Stephens & Associates; Floyd Jeffries, Steve Mayer, Steve DeLong, Jeff Milum, International Union, Operating Engineers.

The Chairman welcomed everyone and said this is the 503rd meeting of the Ohio Turnpike Commission, and we are meeting here in the Commission's headquarters as provided for in the Commission's Code of Bylaws for a regular meeting. Various reports will be received and we will act on several resolutions, draft copies of which have been previously sent to Members and updated drafts are also in the Members' folders. These resolutions will be explained during the appropriate reports.

The Chairman asked for a motion to adopt the Minutes of the April 19, 2004 meeting.

Commissioner Dixon moves and Commissioner Regula seconds. All other members voted in the affirmative. The minutes were adopted.

The Chairman said we'll proceed with the report of the Secretary-Treasurer, Mr. Dixon.

Mr. Dixon said the following items have been sent to the members since the last regularly scheduled meeting of the Commission on April 19, 2004:

1. Minutes of the April 19, 2004 Commission Meeting
2. Traffic & Revenue Report, April, 2004
3. Total Revenue by Month & Year, April, 2004
4. Investment Report, April, 2004
5. Financial Statements, April 30, 2004
6. Various News Releases

The Chairman asked for the Executive Director's report.

Director Suhadolnik said he had three items to report. The staff and I attended the first meeting of the Turnpike Oversight Committee that was held in Columbus on May 11, 2004. It was a good meeting. I believe four of the six members of the legislative body attended. We talked about a number of issues and presented the Committee with statutorily required information. I think they are pleased with our progress.

Secondly, based on the resolution that we adopted at the last Commission meeting, people are interested in the possible closure of the interchange at S.R. 49. We have counters on the interchanges right now so we can get a better feel for the traffic. I think we were asked to obtain a month's worth of data so we have another two weeks to go on that. I'll report back to the Commission next month about that traffic and possibly at that time we may have a public hearing scheduled. One interesting note, since we don't receive any of the gas tax money even though it's only a couple of miles when a vehicle is driving on that couple of miles of the Ohio Turnpike, they are actually contributing to ODOT and the Turnpike receives nothing out of it. I thought it was worth noting.

The third thing, and I think Commission Members were also aware, there has been some concern expressed about why Pennsylvania, New York, Virginia and some of the other states have E-Z Pass and why the Ohio Turnpike does not have E-Z Pass. We are not sure that there is enough commuter traffic or enough repeat traffic that it would be a good business decision for us. However, we want to answer that question specifically. So, at the present time, as we speak, during the month of May we have hired a firm to hang some electronic monitors at several locations along the Ohio Turnpike west of the I-80/76 split, west of the 90/80 merges and farther out west to get some traffic counts to see how many vehicles with E-Z Pass are traveling the Turnpike. I think there are 21 entities that are part of the E-Z Pass System. They will issue a report to us and tell us how many vehicles from Virginia, Pennsylvania, New York and the various entities involved pass by those particular locations. We'll know the traffic counts that go by those particular locations and that will clearly tell us whether it might be a sound business decision for us to take on that technology or not. So, we are doing that at the present time as well. We are looking into things that will help us improve our efficiency and be better for the travelers. But, it may or may not be a technology that we could use. That concludes my report, Mr. Chairman.

The Chairman asked if there were any questions or comments for the Director. If not, Mr. Pursley, our Deputy Executive Director, I believe you have a resolution to present.

Mr. Pursley said I have one resolution to discuss this morning. That resolution authorizes the Executive Director to enter into a contract with ADW, Inc. for cleaning and janitorial services at Middle Ridge and Vermilion Valley Service Plazas. RFPs were sent to fifty plus firms that expressed an interest in performing janitorial and cleaning services for the Ohio Turnpike Commission at various locations. Six companies presented proposals to the RFP. An evaluation committee consisting of myself, Customer Service Manager, Fred McFall; and Division Service Plaza Manager, Dan Miller, evaluated the proposals based on the respondent's understanding of the capability to perform the scope of services; the quality and experience of the personnel to be assigned to perform

under that contract, past performance of the respondent on the comparable agreements and additional factors that may have a substantial impact on the performance by the respondents. Based upon those criteria, ADW, Inc. was awarded the highest technical score. That technical score was then divided by the cost proposal to arrive at the cost performance index for which ADW, Inc. received the highest index score also. This will be for a two-year contract starting June 15, 2004. The total amount of the contract for the first two (2) years to both plazas is \$1,036,560.00. That contract will also allow for extensions of not more than five (5) successive one-year terms. I'll ask General Counsel to read the Resolved paragraphs.

General Counsel read the Resolved paragraph as follows:

"RESOLVED that the bid submitted by **Any Domestic Works, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which utilizes the following price proposal:

<u>Service Plaza</u>	<u>Monthly Fee</u>	<u>Hourly Rate</u>	<u>Annual Fee</u>	<u>2-Year Fee</u>
Middle Ridge	\$21,595.00	\$9.70	\$259,140.00	\$518,280.00
Vermilion Valley	\$21,595.00	\$9.70	\$259,140.00	<u>\$518,280.00</u>
Total Bid				\$1,036,560.00

is, and is by the Commission determined to be, the **best** of all proposals received for the performance of Contract TRM 8D-5 and is accepted; and

"FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to execute Contract TRM 8D-5 [Middle Ridge and Vermilion Valley] Service Plazas which provides for an initial term of **two (2) years commencing June 15, 2004**, and further provides the option to extend the contract for no more than five (5), one (1) year periods, with **Any Domestic Works, Inc., d/b/a A.D.W., Inc.** in the form heretofore prescribed by the Commission pursuant to the aforesaid RFP, and to take any and all action necessary or proper to carry out the terms of said RFP and said contract; and

"FURTHER RESOLVED that the Commission directs the return to all other respondents their proposal guaranties, as submitted with their proposals, as soon as said contract is executed."

The Chairman asked, is there a motion?

Commissioner Balog moves and Commissioner Regula seconds.

The Chairman asked if there were any questions.

Commissioner Balog said I see you received a memo specifically about this contract. I read the memo and noticed there were six proposals submitted, but at the public opening of the proposals, five were read aloud and one was not. As it turned out, the one that was not read aloud that day was, in fact, the company that we are proposing to award – ADW Inc. My question would be, are we comfortable and sure that from a legal standpoint we can go ahead and accept it and award the contract. The second question is, are we 100% sure that when the proposal came in it was timely, etc.?

General Counsel stated that I can confirm that as mentioned in the memo issued by Kathleen Weiss, Director of Contracts Administration, we did verify that the proposal submitted by ADW, Inc. was timely received and proper in all respects. It was an error on our part in not reading it aloud although it was included in the pile of proposals that were at the bid opening. I think Darnay Wright

of our Purchasing Department is here and can confirm that the proposal was submitted in a timely manner.

Darnay Wright, Assistant Purchasing Agent, said the company, ADW, Inc.'s bid was brought to the Purchasing Department in a timely manner. It was stamped by me personally. What happens is that since my office is closest to the elevator, they take the elevator up and bring the bid to me. If they walk up, they see the ladies in the other office, but I do remember the gentleman personally coming into my office, handing me the bid, I time-stamped it, initialed it and put it in the bid box and from that point on it is opened by the purchasing agent and brought to the bid opening and normally read aloud.

Commissioner Balog said I appreciate your comments. Since we anticipate approving the bid and that one was the proposal which was not read, we are a little uncomfortable. I really appreciate your comments. Thank you.

General Counsel said just to sum it up, the bid itself was proper; it was our internal error in not reading it at the bid opening. It was just a mistake. It was shuffled in with someone else's proposal.

Commissioner Balog said I feel comfortable with hearing from the person who said I personally received it, and I remember it came in in a timely manner. Thank you very much.

The Chairman asked the Assistant Secretary-Treasurer to call the roll.

The "Resolution Awarding Contract TRM 8D-5 for Cleaning and Janitorial Services at the Commission's Middle Ridge and Vermilion Valley Service Plazas" was moved for adoption as follows:

RESOLUTION NO. 22-2004

"WHEREAS, on April 6, 2004, the Commission issued its Request for Proposals (RFP) to furnish cleaning and janitorial services at the Commission's **Middle Ridge and Vermilion Valley Service Plazas** for an initial term of two (2) years, which may be extended for not more than five (5) successive one-year periods; and

"WHEREAS, copies of the Commission's RFP were mailed to fifty (50) firms expressing an interest in providing the requested cleaning and janitorial services to the Commission for both of the aforesaid service plazas; and

"WHEREAS, six (6) companies presented proposals to furnish cleaning and janitorial services at the Commission's Middle Ridge and Vermilion Valley Service Plazas, which were duly opened on April 23, 2004, as provided in said published notice; and

"WHEREAS, an evaluation committee comprised of the deputy executive director, the customer service manager and the division service plaza manager reviewed the proposals and submitted a recommendation to the Commission's executive director; and

"WHEREAS, the evaluation committee gave due and full consideration to the proposals received, the respondents' qualifications and abilities to perform the contract; and

"WHEREAS, the executive director has made his recommendation to the Commission predicated on the evaluation committee's recommendation; and

"WHEREAS, all of the aforesaid proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

"WHEREAS, the Commission has determined that the proposal submitted by **Any Domestic Works, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which included the following price proposal:

<u>Service Plaza</u>	<u>Monthly Fee</u>	<u>Hourly Rate</u>	<u>Annual Fee</u>	<u>2-Year Fee</u>
Middle Ridge	\$21,595.00	\$9.70	\$259,140.00	\$518,280.00
Vermillion Valley	\$21,595.00	\$9.70	\$259,140.00	<u>\$518,280.00</u>
Total Bid				\$1,036,560.00

is the **best** of all proposals received in response to the advertisement of said contract; and

"WHEREAS, the Commission has been advised by its director of contracts administration that said RFP conforms to the requirements of all applicable statutes and to the terms and conditions set forth in the legal notice and the RFP, and that A.D.W., Inc. has provided a proposal guaranty and evidence of its ability to provide all other required bonds and insurance as set forth in the RFP, and that the Commission may legally accept said proposal from A.D.W., Inc.; and

"WHEREAS, the executive director and the director of contracts administration and the other members of the Commission's staff are satisfied with the capacity and ability of said respondent to perform its obligations pursuant to its proposal.

"NOW, THEREFORE, BE IT

"RESOLVED that the bid submitted by **Any Domestic Works, Inc., d/b/a A.D.W., Inc.** of Parma, Ohio, which utilizes the following price proposal:

<u>Service Plaza</u>	<u>Monthly Fee</u>	<u>Hourly Rate</u>	<u>Annual Fee</u>	<u>2-Year Fee</u>
Middle Ridge	\$21,595.00	\$9.70	\$259,140.00	\$518,280.00
Vermillion Valley	\$21,595.00	\$9.70	\$259,140.00	<u>\$518,280.00</u>
Total Bid				\$1,036,560.00

is, and is by the Commission determined to be, the **best** of all proposals received for the performance of Contract TRM 8D-5 and is accepted; and

"FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to execute Contract TRM 8D-5 [Middle Ridge and Vermillion Valley] Service Plazas which provides for an initial term of **two (2) years commencing June 15, 2004**, and further provides the option to extend the contract for no more than five (5), one (1) year periods, with **Any Domestic Works, Inc., d/b/a A.D.W., Inc.** in the form heretofore prescribed by the Commission pursuant to the aforesaid RFP, and to take any and all action necessary or proper to carry out the terms of said RFP and said contract; and

"FURTHER RESOLVED that the Commission directs the return to all other respondents their proposal guaranties, as submitted with their proposals, as soon as said contract is executed."

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 22-2004.

Commissioner Balog asked if this contract relates to the cleaning at one of the new plazas, and we are responsible for the general cleaning, correct? I was with Chris Redfern, the Minority Leader of the House, the other day and he made a comment that there is a substantial notable difference in the quality of cleaning at the facilities where the Operator has the maintenance responsibility at the old plazas versus the new plazas where there is a separate cleaning contractor. I think Fallen Timbers is one of the old facilities.

Director Suhadolnik said that is one of the older facilities and cleaning is performed by the Operator.

Commissioner Balog said Mr. Redfern said he had visited Fallen Timbers a few times and it was like night and day – it's dirty.

Director Suhadolnik responded and said it's kind of a double whammy that we face on these. It's nothing I had to do with, but folks like Dan Castrigano and Fred McFall, who were here before me, determined that was a better system and actually it has worked out better. We control the cleaning contract and then we bill the Operators for a portion of that cost since there is some common area. First, when we control it, we are sure a better job is being done. Second, because there are older facilities, many of the Operators know they are not going to be there forever because we eventually will tear those facilities down and build new. We try to be firm with the Operators to be sure they are fulfilling their obligations, but they know eventually those facilities will be gone. It's not the best situation to be in. We are aware of it and try to keep the facilities in repair and cleaned and serviced properly.

Commissioner Dixon said I was glad my colleague brought up the question about the bid opening that I was going to ask. I seem to be the voice of dissent often. I have one question to ask. Is part of the process opening and reading of the bids?

General Counsel said yes, it is part of the process.

Commissioner Dixon said, so the person who is submitting a bid, if I was to miss part of the process, would my bid be thrown out?

General Counsel said it would depend upon the circumstances. In this situation we had a case where the bid submitted by the bidder was absolutely and 100% proper. They timely submitted it and it met all requirements. It was our omission and what we did, in fairness to all the bidders, was to notify all the bidders after the fact of the omission.

Commissioner Dixon said okay. I believe the bid was proper, and I don't think by any stretch of the imagination should this bidder be penalized for our mistake – an oversight – people make mistakes every day, but again, unfortunately for us the one that was not opened was the one that won. It just looks - if I'm one of the other bidders, I'm going to question it. Do you expect any problems from any of the other bidders?

General Counsel said I have reviewed the bid and talked to members of the Purchasing Department to confirm that it was timely and proper in all respects. It was timely stamped.

Darnay Wright said it was properly time-stamped; there was no doubt about that. As far as this happening, my former boss, Dan Fiktus, who just retired a month ago, this was something that rarely happens, but it did happen to him on occasion as well during his 30-year tenure.

Commissioner Dixon said I'm not trying to place any blame on anyone. I'm just trying to find out what our exposure is. That's all. I make mistakes every day much bigger than this.

General Counsel said without going into great detail, I am comfortable that we have done the proper thing in accepting the bid because it was timely received and complied with all the requirements.

Commissioner Dixon said thank you.

The Chairman thanked Mr. Pursley for his report and said it was good dialogue. Dan, you have a few things for us to consider?

Dan Castrigano, Chief Engineer said he has three construction resolutions this morning. The first resolution is to award Contract Nos. 40-04-01 and 40-04-02. This contract is for painting twelve structures on the Ohio Turnpike. The bids were opened on April 1, 2004. It was set in two contracts. Bidders could submit a bid on one or both contracts. We received bids from six companies for performance of the work. The apparent low bid in response to Contract No. 40-04-01 was submitted by Vimas Painting Company, Campbell, Ohio in the amount of \$457,050. The apparent low bid in response to Contract No. 40-04-02 was Americoat Painting Co. in the amount of \$573,175.00. All the bid amounts were below the total estimated costs.

These contracts were originally scheduled to be awarded at our April Commission Meeting. However, shortly after opening the bids we became aware that the Ohio Department of Transportation (ODOT) was re-writing their bridge painting specifications due to problems that arose with their bridge painting program. So we decided to take a step back, review our procedures and contracts just to make sure we were on solid ground. As a result of that we did several things before deciding to move on today. First, on April 27th, representatives from the Commission met with ODOT representatives to get the general scope and idea of what their situation was. We also reviewed ODOT's new specifications along with our current specifications. That review was done in-house and also by the Commission's painting consultant. The third thing we did was HNTB, our general engineering consultant, inspected 21 bridges that were painted in 2002 and 2003. As a result of this, we determined that we have very good, technically sound bridge painting specifications. We have proposed no changes to our bridge painting specifications so as a result of that, we are proposing to move forward with these two painting contracts today.

In addition to the painting contractors, I also recommend assigning World Testing, Inc. of Steubenville, Ohio to perform the inspection on Contract No. 40-04-01 and KTA Tator, Inc. of Pittsburgh, Pennsylvania to perform the inspection on Contract No. 40-04-02. Would the General Counsel please read the Resolved.

General Counsel read the Resolved as follows:

"RESOLVED that the bid of **Vimas Painting Company, Inc.** of Campbell, Ohio in the amount of **\$457,050.00** for the performance of **Contract No. 40-04-01** and the bid of **Americoat Painting Co., Inc.** of Campbell, Ohio in the amount of **\$573,175.00** for the performance of **Contract No. 40-04-02** are determined by the Commission to be the lowest responsive and responsible bids received for the performance of said contracts, and are accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a contract with each 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 contracts; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **World International Testing, Inc.** of Steubenville, Ohio to Contract No. 40-04-01 and **KTA Tator, Inc.** of Pittsburgh, Pennsylvania to Contract No. 40-04-02 for the purpose of performing construction inspection. Such assignment shall be in accordance with the 2003-2004 general engineering services agreements between the Ohio Turnpike Commission and World International Testing, Inc. and KTA Tator, Inc.; and

"FURTHER RESOLVED that Project No. 40-04-01 and 40-04-02 are designated System Projects under the Commission's 1994 Master Trust Agreement."

The Chairman asked, is there a motion?

Commissioner Dixon moves and Commissioner Balog seconds.

The Chairman asked, are there any questions?

Representative Buehrer asked, are these periodic paintings or do we do them on an as-needed basis?

Mr. Castrigano replied these structures are on a painting program. The coatings should last between 20-30 years on the structures. All 600 structures are on a recurrent program.

Chairman Noe asked, how does something come in 40% less than our estimates? Are we that bad at estimating or do these people need the work? That's one of the larger differences I've seen in a long time as far as pricing goes. Any explanation, Dan?

Mr. Castrigano said one of the main reasons this came in so much lower than the estimated cost is that at the time these bids were opened, ODOT was not performing any bridge painting. They had delayed their program. They have since decided to begin again. I believe, as a matter of fact, they have a contract coming out in June. I believe that's one of the reasons they were lower. Plus, there is a lot of competition. We had some contractors coming in from out of state on this bid.

Chairman Noe said, as I looked at one I saw they were a lot higher and then I noticed everyone was below the estimate on at least the first one. I'm glad we're saving the money. It just seemed like a huge difference in price.

Commissioner Balog said I see one of the consultants is a company out of Pittsburgh and the other is from Ohio. What's the concept of having a company doing inspection services out of Pittsburgh?

Mr. Castrigano said KTA Tator's headquarters are in Pittsburgh, Pennsylvania, and they have branch offices in Ohio.

Commissioner Balog said thanks and asked, have any of these companies had any problems with ODOT that you know of? We delayed it because of the issue with ODOT.

Mr. Castrigano said none that I am aware of.

The Chairman asked the Assistant Secretary-Treasurer to call the roll.

The "Resolution Awarding Contract No. 40-04-01 and Contract No. 40-04-02" was moved for adoption as follows:

RESOLUTION NO. 23-2004

"WHEREAS, the Commission advertised according to law for bids upon a contract(s) for bridge repainting to the following bridges:

<u>Bridge Description</u>	<u>Milepost</u>	<u>County</u>	<u>Project No.</u>
S.R. 590	85.5	Sandusky	40-04-01
Fought Road	86.6	Sandusky	40-04-01
River Road	93.0	Sandusky	40-04-01
Werth Road	93.5	Sandusky	40-04-01
River Road	120.1	Erie	40-04-01
Chapin Road	123.1	Erie	40-04-01
Maddock Road	149.8	Lorain	40-04-02
Conrail Bridge (end spans only)	157.2	Cuyahoga	40-04-02
Big Creek Parkway	161.0	Cuyahoga	40-04-02
U.S. 42 (Pearl Road)	161.1	Cuyahoga	40-04-02
Old Ramp Bridge over Ohio Turnpike	161.5	Cuyahoga	40-04-02
Webster Road	162.9	Cuyahoga	40-04-02

"WHEREAS, the Commission received bids from six (6) companies for the performance of said contracts, and bidders were given the option to submit a single bid for one (1) contract or a combination bid for both contracts; and

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer and the director of contracts administration and they have submitted reports concerning such analysis, which reports are before the Commission, and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis; and

"WHEREAS, all bids for said contracts were solicited on the basis of the same terms and conditions and the same specifications; and

"WHEREAS, the bid of Vimas Painting Company, Inc. of Campbell, Ohio in the amount of \$457,050.00 for the performance of Contract No. 40-04-01 has been determined by the Commission to be the lowest responsive and responsible bid received; and

"WHEREAS, the bid of Americoat Painting Co., Inc. of Campbell, Ohio in the amount of \$573,175.00 for the performance of Contract No. 40-04-02 has been determined by the Commission to be the lowest responsive and responsible bid received; and

"WHEREAS, the Commission has been advised by its director of contracts administration that both bids 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 both Vimas Painting Company, Inc. and Americoat Painting Company, Inc.

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of **Vimas Painting Company, Inc.** of Campbell, Ohio in the amount of **\$457,050.00** for the performance of **Contract No. 40-04-01** and the bid of **Americoat Painting Co., Inc.** of Campbell, Ohio in the amount of **\$573,175.00** for the performance of **Contract No. 40-04-02** are determined by the Commission to be the lowest responsive and responsible bids received for the performance of said contracts, and are accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a contract with each 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 contracts; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **World International Testing, Inc.** of Steubenville, Ohio to Contract No. 40-04-01 and **KTA Tator, Inc.** of Pittsburgh, Pennsylvania to Contract No. 40-04-02 for the purpose of performing construction inspection. Such assignment shall be in accordance with the 2003-2004 general engineering services agreements between the Ohio Turnpike Commission and World International Testing, Inc. and KTA Tator, Inc.; and

"FURTHER RESOLVED that Project No. 40-04-01 and 40-04-02 are designated System Projects under the Commission's 1994 Master Trust Agreement."

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 23-2004.

Mr. Castrigano said the second resolution I have to present is a resolution awarding Contract No. 55-02-01. This is for the reconstruction of our Toll Plaza No. 71 located in Wood County, Ohio. You may recall at our April 19, 2004 Commission Meeting, we rejected the bids for this contract. It was subsequently re-advertised and re-opened. We received bids from five bidders for performance of the work. This project was split into four (4) separate contracts. For Bid Package 1, which was site work, the apparent low bidder was Kokosing Construction Company in the amount of \$13,977,706.66. The apparent low bids in response to Bid Packages No. 2 and 3 for the HVAC/Mechanical and Plumbing were from Warner Mechanical Corporation in the amounts of \$232,444.00 and \$99,444.00. The apparent low bid in response to Bid Package No. 4, electrical, was from Vaughn Industries in the amount of \$523,473.24. The total contract award is \$14,833,067.91. The total amount bid is approximately 7.1% below the engineer's estimate and all these bidders have or are currently performing satisfactorily for the Commission.

I'd like to also note that if you take the total amount bid and compare it to the total amount bid for the bids we received on April 19th, our total cost is approximately \$304,000 less than last month's bids. As far as inspection and testing, URS Corporation of Akron, Ohio has previously been assigned the construction management in an agreement dated September 13, 2000, and we are proposing to assign TTL Associates, Inc. of Toledo, Ohio for the purposes of performing material testing. If General Counsel would please read the Resolved.

General Counsel read the Resolved as follows:

"RESOLVED that the above-mentioned bids in the total amount of \$14,833,067.91, for the performance of Contract No. 55-02-01, are determined by the Commission to be the lowest responsive and responsible bids received for the performance of said contract, and are accepted, and that the chairperson and executive director, or either of them, hereby is authorized: 1) to execute a contract with each of the three (3) successful bidders 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 contracts; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **URS Corporation** of Akron, Ohio, to Project 55-02-01 for the purpose of performing construction management services. Such assignment shall be in accordance with Phase III of the agreement dated September 13, 2000 and a construction management agreement specific to Project No. 55-02-01 between the Ohio Turnpike Commission and URS Corporation; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **TTL Associates, Inc.** of Toledo, Ohio, to Project 55-02-01 for the purpose of performing materials testing. Such assignment shall be in accordance with the 2003-2004 engineering services agreement and a letter agreement specific to Project No. 55-02-01 between the Ohio Turnpike Commission and TTL Associates, Inc.; and

"FURTHER RESOLVED that Project No. 55-02-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Commissioner Dixon moves and Commissioner Regula seconds.

The Chairman asked if there was any discussion.

Representative Buehrer asked, what is this project's schedule for completion?

Mr. Castrigano said this project will be completed probably at the end of 2005.

Representative Buehrer said, as someone who uses this particular exit frequently, it's long overdue. I got off yesterday and the line both off and on was long and deep. I think this is a good move for the Commission.

Chairman Noe said I made the mistake of getting off on that exit on Thanksgiving weekend. It was a 3 to 4 mile backup.

Mr. Castrigano said I'd like to add we are still on track to get this project concluded prior to the opening of the new bridge over the Maumee River. We are expecting when that bridge is completed, the traffic will also increase at Exit 71.

Chairman Noe said one question that needs to be asked, the apparent low bidder last month was E. S. Wagner Co. and obviously Kokosing is the low bidder this month. Have we got any concerns about that at all? Have we heard from Wagner?

General Counsel replied no, not as far as I am aware of.

Director Suhadolnik wanted to comment that we had a lot of difficulty in acquiring some of the land we needed to improve the interchange. While we still believe the project will be completed on time, we would have started sooner if we did not encounter the difficulty in acquiring that land. That really delayed the start of the project, which was beyond our control. There was an active business there, and we had to acquire it. We were not dragging our feet.

Chairman Noe said we had two eminent domains also.

Representative Buehrer said that interchange is constructed a little different than some of the others. It is tight there so I understand what you're saying.

Chairman Noe said not for long, it will change soon, right?

Commissioner Balog said I see on the plumbing bid that is in excess of 10% of the estimated cost. The others are all slightly underneath and are relatively close overall. We don't have any problem, General Counsel?

General Counsel replied no, because the overall combined bid is less than the projected cost.

The Chairman asked Assistant Secretary-Treasurer to call the roll.

The "Resolution Awarding Contract No. 55-02-01 was moved for adoption as follows:

RESOLUTION NO. 24-2004

"WHEREAS, as directed, pursuant to Resolution No. 19-2004 adopted on April 19, 2004, under which previous bids for **Contract No. 55-02-01** were rejected, the Commission re-advertised according to law for bids upon a contract for reconstruction of Ohio Turnpike Exit 71 toll plaza and ramps ("*Stony Ridge/Toledo*") located at Milepost 71.7 in Wood County, Ohio; and

"WHEREAS, the subject project was divided into bid packages representing the four (4) trades: Bid Package 1 (site work/general trades/roadway); Bid Package 2 (HVAC/mechanical); Bid Package 3 (plumbing); and Bid Package 4 (electrical); and

"WHEREAS, the Commission did not re-advertise a combination bid package; and

"WHEREAS, the Commission received bids from five (5) bidders for the performance of said contract or contracts; and

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer and the director of contracts administration, and both have submitted a report concerning such analysis and their reports are before the Commission; and

"WHEREAS, the Commission's executive director has made his recommendation to the Commission predicated upon such analysis; and

"WHEREAS, all bids for said contracts were solicited on the basis of the same terms and conditions and the same specifications, and the following bids for the performance of Contract No. 55-02-01 have been determined by the Commission to be the lowest responsive and responsible bids received; and

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
1 - Site Work/Gen. Trades/Roadway	Kokosing Const. Co.	\$13,977,706.67
2 - HVAC/Mechanical	Warner Mechanical Corp.	232,444.00
3 - Plumbing	Warner Mechanical Corp.	99,444.00
4 - Electrical	Vaughn Industries	<u>523,473.24</u>
	Total Awards	\$14,833,067.91

"WHEREAS, the Commission has been advised by its director of contracts administration that said bids conform to the requirements of Section 5537.07, Section 9.312 and Sections 153.50 through 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by each company.

"NOW, THEREFORE, BE IT

"RESOLVED that the above-mentioned bids in the total amount of **\$14,833,067.91**, for the performance of Contract No. 55-02-01, are determined by the Commission to be the lowest responsive and responsible bids received for the performance of said contract, and are accepted, and that the chairperson and executive director, or either of them, hereby is authorized: 1) to execute a contract with each of the three (3) successful bidders 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 contracts; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **URS Corporation** of Akron, Ohio, to Project 55-02-01 for the purpose of performing construction management services. Such assignment shall be in accordance with Phase III of the agreement dated September 13, 2000 and a construction management agreement specific to Project No. 55-02-01 between the Ohio Turnpike Commission and URS Corporation; and

"FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **TTL Associates, Inc.** of Toledo, Ohio, to Project 55-02-01 for the purpose of performing materials testing. Such assignment shall be in accordance with the 2003-2004 engineering services agreement and a letter agreement specific to Project No. 55-02-01 between the Ohio Turnpike Commission and TTL Associates, Inc.; and

"FURTHER RESOLVED that Project No. 55-02-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 24-2004.

Mr. Castrigano said the third resolution I have this morning is a resolution to increase the Executive Director's authority regarding the disposal of leachate wastewater under Contract No. 3951. I'm sure you are aware that the Ohio Turnpike Commission is currently under orders from OEPA to contain and dispose of leachate wastewater resulting from embankment construction at our modified Toll Plaza No. 173 connecting the Ohio Turnpike with I-77.

To comply with these orders, on September 11, 2003, the Executive Director awarded a contract to AKE Laboratory, Inc. of Bedford, Ohio for removal and disposal of the slag leachate wastewater. The original contract had an estimate of 1.2 million gallons for a total estimated cost of \$94,800.00. As a result of the actual precipitation conditions, we encountered additional surface water run-off that leached through the embankment material. As a result of this, we are proposing to increase the total amount of the contract to \$200,000.00. This contract would then continue through September 11, 2004. Would the General Counsel please read the Resolved.

General Counsel read the Resolved as follows:

"RESOLVED that the executive director is granted authority to increase Contract No. 3951 awarded to **AKE Laboratory, Inc.** of Bedford, Ohio to the amount of Two Hundred Thousand (\$200,000.00) dollars, pursuant to the same terms and conditions of Contract No. 3951 as awarded on September 11, 2003."

The Chairman asked, is there a motion to approve?

Commissioner Balog moves and Commissioner Dixon seconds.

The Chairman asked if there was any discussion.

Commissioner Balog said when you're dealing with leachate, the largest expenditure is probably the transportation. I assume the treatment -- I think it's like \$.07 a gallon or something like that nature. Do we anticipate that this will continue for a long period of time? If the answer is yes, have we investigated potential of some type of force main or pump to tie us into a sanitary?

Mr. Castrigano said hopefully the answer to that question is no. As a matter of fact, this week, in compliance with the orders from the OEPA, we are attempting a sodium peroxide treatment of the embankment material. We hope that will take care of it for us. Tying into a force main would be a long term, higher cost solution in the event that the peroxide doesn't work and other things didn't work also.

Commissioner Balog said we are involved in a similar situation in private industry and by far the biggest expense is trucking. If you can get into a force main and have it disposed of at a treatment facility directly through a sanitary sewer, I assume its slag water that's basically what they are doing.

Mr. Castrigano said that's correct. That's what it is.

Commissioner said thank you. When do you think you'll have some results on the peroxide treatment?

Mr. Castrigano said if I can defer to Tim Ujvari. Tim is our maintenance engineer. Tim, are they going to do that this week?

Mr. Ujvari said we hope that within a month we'll have some test data and find out whether the peroxide treatment is going to help the situation.

The "Resolution to Increase the Executive Director's Authority Regarding the Disposal of Leachate Wastewater under Contract No. 3951" was moved for adoption as follows:

RESOLUTION NO. 25-2004

"WHEREAS, on September 11, 2003, the executive director awarded a contract to **AKE Laboratory, Inc.** of Bedford, Ohio for furnishing removal, disposal and testing of slag leachate wastewater from three (3) retention locations at Commission Toll Plaza No. 173 ("Cleveland") located in Summit County under Contract No. 3951; and

"WHEREAS, the original estimated contract quantity of 1,200,000 gallons or \$94,800.00 was based on the historic average of leachate wastewater collected at the above-mentioned sites, which is based primarily on the amount of precipitation at those sites; and

"WHEREAS, the Commission's maintenance engineer has recently advised the director of contracts administration that the surface water runoff received during the past several months has resulted in the collection of leachate wastewater that has exceeded the estimated contract quantity; and

"WHEREAS, the Commission's maintenance engineer has recommended that the subject contract amount be increased to a revised contract amount in the amount of Two Hundred Thousand (\$200,000.00) dollars, which is an increase of approximately 1,300,000 gallons from the original estimated quantity; and

"WHEREAS, pursuant to the Commission's bylaws, additional purchases procured beyond 10% of the original purchasing authority granted by the Commission to the executive

director require Commission approval unless, among other exceptions, the increase is a result of "circumstances that would create a life, safety or health-threatening situation;" and

"WHEREAS, although this scenario could be viewed as one that could create a "life, safety or health-threatening situation," the executive director feels there is sufficient time to apprise the Commissioners of the anticipated need to exceed his contracting authority to the above-mentioned revised contract amount; and

"WHEREAS, the Commission desires to delegate authority to the executive director to take action on behalf of the Commission to increase Contract No. 3951 awarded to AKE Laboratory, Inc. of Bedford, Ohio to the amount of Two Hundred Thousand (\$200,000.00) dollars, pursuant to the same terms and conditions of Contract No. 3951 as awarded on September 11, 2003.

"NOW, THEREFORE, BE IT

"RESOLVED that the executive director is granted authority to increase Contract No. 3951 awarded to **AKE Laboratory, Inc.** of Bedford, Ohio to the amount of Two Hundred Thousand (\$200,000.00) dollars, pursuant to the same terms and conditions of Contract No. 3951 as awarded on September 11, 2003."

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 25-2004.

Mr. Castrigano continued and said there are two items I placed in your folders. I included a Construction Update. I won't go through that, but we are still on schedule to have all the resurfacing zones removed prior to Memorial Day weekend. Work is proceeding on schedule at both our Blue Heron and Wyandot Service Plazas and the new S.R. 58 interchange in Lorain County. The final item I have this morning, also included in your folders, is a Construction Contract Summary dated May 17, 2004. You may recall that on March 17, 2003, the Bylaws were revised, specifically Section I, including the authority of the Executive Director. It states in that section that all Change Orders or Extra Work Orders on contracts shall be reported to the Commission upon the completion of the construction project. I included on this chart the nine contracts that have been completed since the revision to the Bylaws. There is a summary sheet and also detailed memoranda for each contract detailing all the Extra Work Orders and Change Orders. Bottom line -- it is good news; our total award amount for the nine contracts that were completed was approximately \$11.7 million. The completed, final, in-place amounts for those nine contracts is approximately \$11 million or a savings of about \$700,000. That completes my report, Mr. Chairman, unless there are any questions.

Chairman Noe said good job, as usual, Dan. Now Jim Steiner, our CFO can tell us where all that money went.

Jim Steiner said both our passenger car traffic and commercial traffic volumes exceeded the all-time records for the month of April and also the first four months of the year. 3.2 million passenger cars traveled the Turnpike in April exceeding the previous all-time record for the month set last year by 6.1%.

Seven hundred ninety-seven thousand (797,000) commercial vehicles traveled the Turnpike in April exceeding last year's total by 7.1% and exceeding the all-time record for the month set in 2002 by 5.1%. Total passenger car traffic volume for the first four months of 2004 totaled 11.5 million cars exceeding the previous record set last year by 6.2%. Commercial traffic totaled 3.0 million vehicles, exceeding last year's total by 6.4% and exceeding the previous record volume reached in 2000 by 0.2%.

Total traffic volume for the first four months of the year totaled 14.5 million vehicles exceeding the previous record set last year by 6.3%. That completes my report, Mr. Chairman. I'd be happy to answer any questions.

The Chairman asked if there were any questions or comments for Mr. Steiner. If not, thank you. Noelle, do you have a report?

Ms. Tsevdos said no report.

The Chairman asked Mr. Erickson for his report.

Mr. Erickson said I want to report that Standard & Poor's is coming in this week to review the credit of the Turnpike, and I wanted to remind everyone that the Turnpike is currently at AA rating by Standard & Poor's. We certainly have a good story to tell them so I don't think the rating is in any danger. We just want to update them and give them a tour of some of the new service facilities and some of the new travel facilities.

The Chairman said that's good. Let's keep it at AA or better. Mr. Yacobucci, do you have any report?

Mr. Yacobucci said we have completed about 75% of the inspections for the bridges and culverts. We still have Swanton and Elmore to complete. We anticipate completing those facilities within the next two-three weeks. Facility inspection, roadway inspection and sign supports will occur in June. Reports will be received by July 31, 2004. Any questions?

The Chairman asked Mr. Frank Lamb if he has a report.

Mr. Lamb said no report, Mr. Chairman.

The Chairman asked if there was anything else for the Commission before we adjourn to our June 21st meeting.

Representative Buehrer said I'd like to make a comment before we adjourn. I want to bring the Commission's attention to something that was brought to my attention in the last couple weeks. It's my understanding that several of my constituents asked to come and address the Board this morning and was denied that opportunity. Personally, as I look around this table, and see the senior members sitting here on this Board, with the exception of Dan, I'm not sure what the policy of the Board is as to who may address us and when. Maybe that's something we ought to take a look at. But, I would say that having now reflected and heard from many people in our neck of the woods regarding the proposed S.R. 49 closing, this Commission better be prepared to listen to the constituents and people who are concerned about this issue because there's a goodly number of them.

My mailbox is filling quickly and perhaps yours is as well. The Turnpike has become a major conduit of economic development for this State. It's something we can be proud of – where this roadway is going and what it has meant to our state. To me personally, I can't imagine why the Turnpike would choose to cut off this conduit of development for an important segment of northwest Ohio. But I believe that debate is something for another day. My point today is that this Commission better be ready to exercise its duties as a public body to hear from the public on this matter and carefully consider all the factors before making the decision. Thank you, Mr. Chairman.

Chairman Noe said, Steve, I think that's well said. Let me just go back to the last meeting. Some things that happened were miscommunications and misunderstandings. I think after our last meeting, people out in our neck of the woods, because I'm in that neck of the woods too, were under

the impression that a decision had already been made, that we were closing S.R. 49, it was already a done-deal.

Chairman Noe said, I was out there twice speaking on other things and got cornered by it obviously. It was made very clear at our last meeting that there would be at least one public meeting, if not an all-day hearing, one or two places within the district where everybody would have plenty of time to come and speak on the issue. Four or five options were presented by the Executive Director, i.e., to leave it as it is; shut it off completely; shut off one way; shut off the other way; or modify it by putting some sort of toll collecting device when they get on and off. Those were all "options" that we talked about at the meeting as something we would consider at the hearing. I, too, am getting a lot of calls and hearing a lot of concerns. I am also getting calls from this side of it -- east of S.R. 49. Those folks would like to see us do some sort of modification in regards to the truck traffic, even though they may not have had the increase of truck traffic where people are "avoiding the Turnpike" for whatever reasons -- whether it's the tolls or overweight or whatever it is. That's why I think Commissioner Regula said it eloquently at the last meeting, that we're going to do some studies right now to see what the traffic is, how much are trucks, how much are passenger cars, and where some of these trucks are going. I can assure you that everybody will be heard, and it will have a healthy debate no matter what the outcome is -- even if it stays the same. I think a good healthy debate has been needed for a long, long time. I will tell you that I've been on the Commission for a little over a year, and I think the most complaints I have received in my area where I live, which is a little bit east of you, concerns all the trucks on Central Avenue and Route 2 that are avoiding the Turnpike. Everybody says its tolls when, in fact, when you look at commercial traffic increasing, obviously tolls are not the deterrent. There must be other reasons. So we need to look at all of it, and I think that's fair. One last comment I want to make on the public comment, because we always invite public comment if they want to have letters sent, that type of thing. To open up these meetings to public comment on a regular basis I think is a very dangerous precedent. We don't allow it at the Board of Regents either, but we allow anyone to have time at committee meetings or to give us in writing what's going on. Gary and I have talked about that, and I think it's a precedent that's dangerous. I assured every one of the people that called me about coming for public comment that: (a) they are welcome to come and listen; and (b) they are welcome to come and discuss it at any time or give us anything in writing to put on the record. We would be more than happy to do that also. I don't want a meeting to become a filibuster meeting as soon as we open it up to the public. I think you understand, Steve, it's no different from what you do in the House or they do in the Senate. As soon as you allow that type of public comment, you can end up with a mess. We're trying to do this in an orderly and efficient manner. I can assure you that no decisions will be made by this Board unless we are 100% certain that it's the right thing to do in all cases. Obviously, we are getting the same calls you are, and we will take them very seriously.

Representative Buehrer said he'd like to respond to your comments by commending the Executive Director who has kept me informed of the decision to hold public meetings. I do agree with you that it's better to have these meetings in people's backyards than have them drive over to Berea -- not that this isn't a lovely trip over here. I think we will get much better feedback if we go out into the field in that region. I do agree with you that it's not just where the 49 exit sits, it's a regional thing we have to look at. From my perspective, we want to see more commercial traffic on every single road, whether it's the Turnpike, Central Avenue or Route 20, because that means Ohio is growing and our economy is rebounding. It's a good problem that we have to deal with. I hope we don't take a shortsighted solution to it.

Chairman Noe said we'll work with our OSHP, who are very able and capable in enforcement, and try to make sure we don't have people tearing up our state highways. I'm sure Director Proctor and Deputy Director Darwish would agree with that tact to go that route, too.

Director Suhadolnik commented that he has been receiving letters and in responding to them he talked to at least one County Commissioner in that area. He also talked to a farmer/veterinarian,

who actually admitted that he wants the interchange open because he is fairly close. However, he also admitted that the trucks on Route 20 create a safety problem. He actually has been run off the road a couple of times as have some of his neighbors. I feel the way to fix that is to improve Route 20. However, if you make it a superhighway, then our competitive advantage is really gone for the Turnpike because if it's up to interstate standards (four lanes, two in each direction) why wouldn't you take the non-tollroad? That's part of the problem. It's a dilemma that we face and, as I indicated earlier in the meeting, if you think about it, people who are traveling that one or two miles are actually paying fuel tax so ODOT is benefiting as trucks travel that two miles and get off the interchange. ODOT is benefiting and the Ohio Turnpike is not. It's kind of ironic if you think about it. We also had OSHP out there last year and they stopped 107 vehicles, primarily trucks, for a number of reasons such as taillights, etc. There were 33 vehicles that they had probable cause to weigh and 30 of the 33 vehicles were overweight. I can get you a copy of that report. So, we know overweight vehicles are really detrimental to that road and that is a concern of ours, too. We are trying to look at all points of view. I don't think there is an easy solution, but we thought it was worth the debate. If you read some of the newspaper articles which we mailed to you, the one from Bryan - they took the picture and you could see the trucks lining up and barreling down the road. It's a fact of life. We do want more traffic getting onto the Turnpike and less on those parallel routes. We want them to go to the businesses, but we don't want them dodging us on the parallel routes. I just wanted to make those comments, and I appreciate your time.

Representative Buehrer said certainly today is not the day for debate. It certainly will be a critical issue. The small farmer who has 2,500 dairy cows depends upon the Turnpike, but also depends upon Route 20 to move his milk to the Turnpike and other places that it is going. So you are absolutely right, as I travel that region we always get calls about trucks - why are they so heavy? Why are they running up and down? At the same time, we are still a group of people, rugged individuals from that part of the state, who think the Turnpike should have been a free road ten years ago. Some of the tension we are sensing are those people who think they ought to be able to get on anywhere they want today. We still have some of that lingering issue certainly in my region and I would guess in other parts of the State, too.

Chairman Noe said anything else for the good of the order? May I have a motion to adjourn?

Commissioner Balog moves and Commissioner Dixon seconds.

The Chairman said please call the roll.

All Members voted in the affirmative to adjourn. Time of adjournment was 10:54 a.m.

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



George F. Dixon, Secretary-Treasurer